



## PLANNING COMMITTEE

Thursday 18 June 2020 at 7.30 pm

Place: Remote Meeting

**PLEASE NOTE:** this will be a 'virtual meeting'.

The link to the meeting is: <https://attendee.gotowebinar.com/rt/2170160383135959054>

Webinar ID: 602-152-475

**Telephone (listen-only): 020 3713 5022, Telephone Access code: 494-053-142**

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 Alex Coley  
Councillor Neil Dallen  
Councillor David Gulland  
Councillor Previn Jagutpal  
Councillor Colin Keane

Councillor Jan Mason  
Councillor Steven McCormick  
Councillor Lucie McIntyre  
Councillor Debbie Monksfield  
Councillor Peter O'Donovan  
Councillor Clive Smitheram

Yours sincerely

A handwritten signature in dark ink, appearing to read "K. Beldan".

Chief Executive

For further information, please contact Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk).

## Public information

### Information & Assistance:

#### **Please note that this meeting will be a 'virtual meeting'**

This meeting will be held online and is open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection.

You may register to attend the webinar at any time using the link on the first page of this agenda. The webinar will begin at the time stated on the agenda.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for the Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at [Democraticservices@epsom-ewell.gov.uk](mailto:Democraticservices@epsom-ewell.gov.uk).

#### **Exclusion of the Press and the Public**

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. Should any such matters arise during the course of discussion of the above items or should the Chairman agree to discuss any other such matters on the grounds of urgency, the Committee will wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

#### **Public speaking**

Public speaking in support or objection to planning applications is permitted at meetings of our Planning Committee. As this meeting of the Committee will be held online, **you must register in advance if you wish to speak.**

To register to speak at this Planning Committee meeting, please contact Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk), tel: 01372 732000 in advance of the deadline for registration, which is given below.

We will ask you to submit a written statement that can be read out at the meeting in the event of any technical issues during the meeting. The statement must be of no more than 3 minutes in length when read aloud.

If a number of people wish to speak on a particular application, public speaking will normally be allocated in order of registration. If you fail submit your written statement, then your place may be allocated to those on speakers waiting list. Further information is available by contacting Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk), tel: 01372 732000.

**Deadline for public speaking registration: Noon, 15 June 2020.**

## **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 7 - 14)**

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 13 May 2020 (attached) and authorise the Chairman to sign them.

### **3. 29 FULFORD ROAD, WEST EWELL, KT19 9QZ (Pages 15 - 18)**

Widening of existing vehicular access crossover (involving drop kerb) (Application for a certificate of Lawfulness for a Proposed Development).

### **4. 22-24 DORKING ROAD, EPSOM, KT18 7LX (Pages 19 - 46)**

Demolition of existing houses and erection of a part two, part three storey building with rooms in the roof and basement providing 20 flats. Basement parking for cars and cycles. Bins stores and associated hard and soft landscaping including new boundary walls and railings.

### **5. LANGLEY BOTTOM FARM, LANGLEY VALE ROAD, EPSOM, SURREY, KT18 6AP (Pages 47 - 54)**

Discharge the Section 106 agreement relating to the properties at Langley Bottom Farm (ref. EPS/94/0732).

### **6. NESBOT, 91 REIGATE ROAD, EWELL, SURREY, KT17 3DS (Pages 55 - 68)**

Application to vary Condition 5 (parking on Site) of Planning Application ref: 15/01299/FUL, to allow the temporary use of the car park by Epsom Hospital trust staff.

**7. EWELL COURT HOUSE, LAKEHURST ROAD, EWELL, SURREY, KT19 0EB**  
(Pages 69 - 74)

The application proposes to rebuild part of the central freestanding wall of Ewell Court House Grotto. The proposal would reuse all saveable materials, carefully rebuilding with lime mortar to match the existing, to make the failing elements sound and capable of continuing to fulfil their intended functions. The proposal would preserve and enhance the character and appearance of the Grade II Listed Building.

**8. EWELL COURT HOUSE, LAKEHURST ROAD, EWELL, SURREY, KT19 0EB**  
(Pages 75 - 82)

The application proposes to rebuild part of the central freestanding wall of Ewell Court House Grotto. The proposal would reuse all saveable materials, carefully rebuilding with lime mortar to match the existing, to make the failing elements sound and capable of continuing to fulfil their intended functions. The proposal would preserve and enhance the character and appearance of the Grade II Listed Building.

**9. LONGMEAD DEPOT, BLENHEIM ROAD, EPSOM, KT19 9DL** (Pages 83 - 88)

This application seeks permission for internal and external alterations to an industrial unit, which is currently occupied by a specialist vehicle maintenance company, which services and maintains the Council's vehicles.

**10. MONTHLY APPEAL AND HOUSING NUMBERS REPORT** (Pages 89 - 90)

The Planning Service has received the following Appeal decisions from 1 May to 18 June 2020.

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**Minutes of the Meeting of the PLANNING COMMITTEE held on 13 May 2020**

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**PRESENT -**

Councillor Clive Woodbridge (Chair); Councillor Monica Coleman (Vice-Chair); Councillors Nigel Collin, Neil Dallen, Previn Jagutpal, Colin Keane, Jan Mason, Steven McCormick, Lucie McIntyre, Debbie Monksfield, Peter O'Donovan, David Reeve and Humphrey Reynolds

Absent:

Officers present: Amardip Healy (Chief Legal Officer), Viv Evans (Interim Head of Planning), Steven Lewis (Planning Development Manager), John Robinson (Senior Planner), Danny Surowiak (Principal Solicitor), Sarah Keeble (Democratic Services Officer) and Tim Richardson (Committee Administrator)

**73 DECLARATIONS OF INTEREST**

No declarations of interest were made on items on this agenda.

**74 MINUTES OF THE PREVIOUS MEETING**

The Minutes of the previous meeting of the Planning Committee held on 12 March 2020 were agreed as a true record and signed by the Chair.

**75 FORMER EPSOM POST OFFICE 74 HIGH STREET EPSOM KT19 8BE (19/01397/REM)**

**Description**

The Committee received a report seeking variation to Condition 2 (approved drawings), Condition 3 (External materials), Condition 9 (Roof Details) and Condition 10 (CTMP) of planning permission 17/01868/FUL.

This application was brought before the Planning Committee as it had been called in by Town Ward Councillor, Councillor Neil Dallen.

The Committee noted that there was an update report on this item, which had been published as a supplement to the agenda prior to the meeting. The Planning Officer highlighted that the update report included changes to Conditions 2 and 4 of agenda item 4 (19/01667/LBA), and that subsequent to the publication of the update report it was recommended that condition 2 and 3 of agenda item 3 (19/01397/REM) be similarly amended to provide consistency of conditions for both applications.

### Recommendation

An amendment to the recommendations of the report was moved. The proposed amendment placed an additional condition on the application which required that blinds be fitted to the glazed roof and closed between 20.00 hours and the closure of the establishment.

Following consideration, this amendment was agreed and is detailed as condition 14 of the decision below.

### Decision

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

#### Condition(s):

- (1) The development hereby permitted shall be commenced within 3 years from the 6 June 2019, the date of the originally approved application 17/01868/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 strict accordance with the approved drawings:

3722 03 (08) A Proposed Sections

3722 03 (03) B Proposed Demolitions & Alterations Sheet 1 of 2

3722 03 (04) B Proposed Demolitions & Alterations Sheet 2 of 2

3722 03 (7) C Proposed Elevations

3722 03 (01) D Proposed floor plan

3722.03(10) Conservatory Detail

3722.03(11) A Proposed HVAC Roof Plan Sheet 1 of 2

3722.03(12) A Proposed HVAC Roof Plan Sheet 2 of 2

3722 (03) 13A Proposed External Elevations (HVAC)

3722 03 (14) Bin Store Detail

3722 03 (15) A Proposed External Finishes

3722.03(13)B Proposed HVAC External Elevations \_ Layout

3722.03(15)B Proposed External Finishes \_Layout

**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 external materials to be used in the development hereby permitted shall be in accordance with those shown on drawing 3722.03(15) B Proposed External Finishes and the samples submitted on 24.10.19.

**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, DM9 and DM10 of the Development Management Policies 2015.**

- (4) The premises shall only be open for customers between the following hours:

08:00 hrs – 23:00hrs Mondays – Thursday and Sunday and Bank

Holidays and 08:00 hrs – 24:00 hrs Fridays and Saturdays.

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

- (5) The retractable roof and rear sliding doors to the rear conservatory extension shall not be opened between 20:00hrs – 08:00hrs Monday-Sunday.

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

- (6) The outdoor garden area and smoking area shall not be utilised by patrons or members of the public after 20:00 hrs Monday – Sunday

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

- (7) Empty bottles should only be cleared into disposal bins between the following hours;

08:00hrs – 17:00hrs Monday - Sunday

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

- (8) The measures submitted as part of the planning application for noise control shall be implemented prior to the occupation of the development and thereafter retained as such. The plant and equipment shall be maintained in accordance with manufacturer's instructions throughout the proposed use.

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

- (9) The roof to the bin store, as well as the retractable roof assembly, installation and future maintenance, shall be completed in accordance with the approved details on drawings 3722.03(10) Conservatory Detail and 3722.03(14) Bin Store Detail.

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

- (10) The development shall be undertaken in accordance with the Construction Transport Management Plan submitted to the Local Planning Authority on 24.10.19

**Reason: required 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**

- (11) 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.**

- (12) No sound-amplifying equipment, loudspeakers or public address system shall be installed or operated in any outdoor areas (including the covered terrace area) on the premises hereby approved.

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

- (13) A repeat noise survey, to be carried out within twelve months of first use of the premises, shall be submitted to the local planning authority for approval, along with any mitigation strategy that might be necessary. Any revised or additional noise control measures arising from this report shall be implemented, and thereafter retained as such.

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

- (14) Prior to commencement of the use, a scheme of works to reduce light pollution (to include blinds or other suitable measures) shall be submitted to and approved by the Local Planning Authority. The scheme shall be fitted or incorporated into the rear conservatory roof slope prior to first beneficial use and shall thereafter be retained in accordance with the approved details. The approved measures shall be in place and effective between the hours of 20:00 and 08:00 Monday –Sunday.

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

Informative(s):

- (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.

*Note: Councillor Colin Keane and Councillor Peter O'Donovan informed the meeting that they had lost connection to the virtual meeting during the Committee's consideration of information relating to this item. Accordingly, they did not vote on this item.*

**76 FORMER EPSOM POST OFFICE 74 HIGH STREET EPSOM KT19 8BE (19/01667/LBA)**

The Committee received a report detailing Internal and external demolition, refurbishment and extension to building (Listed Building Consent) in association with application reference 19/01397/REM.

This application was brought before the Planning Committee as it had been called in by Town Ward Councillor, Councillor Neil Dallen.

The Committee noted that there was an update report on this item, which had been published as a supplement to the agenda prior to the meeting.

**Decision**

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

Condition(s):

- (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 approved plans:

3722 03 (08) A Proposed Sections

3722 03 (03) B Proposed Demolitions & Alterations Sheet 1 of 2

3722 03 (04) B Proposed Demolitions & Alterations Sheet 2 of 2

3722 03 (07) C Proposed Elevations

3722 03 (01) D Proposed Floor plan

3722.03(10) Conservatory Detail

3722.03(11)A Proposed HVAC Roof Plan Sheet 1

3722.03(12)A Proposed HVAC Roof Plan Sheet 2

3722.03(14) Bin Store Detail

3722.03(13)B Proposed HVAC External Elevations \_ Layout

3722.03(15)B Proposed External Finishes \_ Layout

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

- (3) The external materials to be used in the development hereby permitted shall be in accordance with those shown on drawing 3722.03(15) B Proposed External Finishes and the samples submitted on 24.10.19.

**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, DM9 and DM10 of the Development Management Policies 2015.**

- (4) All new or replacement external chimneys, flues, extract ducts vents, grilles and meter housings shall be installed in accordance with drawings 3722.03(11)A Proposed HVAC Roof Plan Sheet 1, 3722.03(12)B Proposed HVAC Roof Plan Sheet 2 and 3722.03(13)B Proposed HVAC External Elevations \_ Layout

**Reason: To safeguard the special architectural and historic interest 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 2015.**

Informative(s):

- (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.

*Note: Councillor Colin Keane and Councillor Peter O'Donovan informed the meeting that they had lost connection to the virtual meeting during the Committee's consideration of information relating to this item. Accordingly, they did not vote on this item.*

**77 MONTHLY REPORT ON PLANNING APPEAL DECISIONS**

The Committee noted the appeal decisions from 21 February 2020 to 1 May 2020.

**78** THANKS TO MEMBERS AND OFFICERS

The Committee noted that this was its last meeting of the Municipal Year. The Chairman highlighted that none of the Committee's decisions had been overturned by the planning inspector during the year and that the Committee had debated and decided applications which would deliver over 440 homes for the Borough. The Chairman expressed his thanks to Members and Officers for their work on the Committee's behalf over the past year.

The meeting began at 7.00 pm and ended at 8.39 pm

COUNCILLOR CLIVE WOODBRIDGE (CHAIR)

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**29 Fulford Road, West Ewell, KT19 9QZ**

Widening of existing vehicular access crossover (involving drop kerb) (Application for a certificate of Lawfulness for a Proposed Development).

<b>Ward:</b>	<b>West Ewell Ward;</b>
<b>Contact Officer:</b>	<b>Ade Balogun</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/simpleSearchResults.do?action=firstPage>

**2 Summary**

- 2.1 The application is for a Lawful Development Certificate to confirm that a Proposed Development consisting of the widening of existing vehicular access crossover (involving drop kerb) is lawful and in compliance The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 2.2 The application is brought to Planning Committee as the application is made by a member of the council staff.
- 2.3 Officers are satisfied that the appropriate legal tests have been met and that a Lawful Development Certificate should be granted.

**3 Site description**

- 3.1 The application property is a single storey detached bungalow, which is set back from Fulford Road by a driveway. The property is not Listed, nor is it within a Conservation Area.
- 3.2 Fulford Road is an unclassified highway.

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#### **4 Proposal**

- 4.1 The applicant has submitted an "Application for a Lawful Development Certificate for a Proposed Development" for a widening of existing vehicular access crossover (involving drop kerb) This proposed widening of existing dropped kerb involves amending a existing vehicular access and crossover, which increase the width of the existing dropped kerb.
- 4.2 An applicant can perform certain types of development without requiring to apply for Planning Permission. These are often referred to as "Permitted Development Rights". The name derives from the General Permitted Development Order and are granted not by the Local Planning Authority, but by Parliament via a statutory implement.
- 4.3 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is the current Order. it sets out classes of development for which a grant of Planning Permission is not required, provided that its criteria is fully met and no restrictive condition is attached or that the development is exempt from Permitted Development Rights.
- 4.4 Permitted Development Rights have not been removed at the Application Property.

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

- 5.1 Not applicable. This type of application is not required to be consulted on.

#### **6 Consultations**

- 6.1 Not applicable. This type of application is not required to be consulted on.

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

- 7.1 None applicable

#### **8 Planning Policy**

- 8.1 None applicable, this is a technical decision as to whether the proposed development meets the requirements set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Local Policy does not apply.



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## 9 Planning considerations

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

9.1 This Application is assessed under Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This section of the Order pertains to formation of new vehicle access accesses.

9.2 The provisions of Permitted Development set out in Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) relates to the mean of access to a highway. Part 2 is then sub-divided into Classes covering various types of development. Class B is pertinent in this case and covers the mean of access to a highway. It states:

### **Permitted Development**

**B.** The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).

9.3 Fulford Road is an unclassified highway and therefore the access meets the provisions as set out in order and is permitted development.

### Community Infrastructure Levy

9.4 Not relevant

## 10 Conclusion

10.1 The proposed widening of existing vehicular access crossover (involving drop kerb) fall within the parameters of permitted development as set out under Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) relates to the mean of access to a highway. Officers are therefore satisfied that the appropriate legal tests have been met and that a Lawful Development Certificate should be granted

## 11 Recommendation

11.1 The proposed development is considered Permitted Development, under Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

11.2 A Lawful Development Certificate should be granted.

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**Informative(s):**

- (1) A Certificate of Lawful Development is granted for the following reason:

The proposed development is Permitted Development under Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- (2) This decision relates expressly to the Widening of existing vehicular access crossover (involving drop kerb)' for 29 Fulford Road, West Ewell, Surrey KT19 9QZ.
- (3) Any new hardstanding surface area must be constructed with porous or permeable, or shall direct surface water to a porous or permeable surface within the site.
- (4) 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 or 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).
- (5) You have been granted permission certificate of lawfulness to create a new access. . When undertaking 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.

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**22-24 Dorking Road, Epsom, KT18 7LX**

Demolition of existing houses and erection of a part two, part three storey building with rooms in the roof and basement providing 20 flats. Basement parking for cars and cycles. Bins stores and associated hard and soft landscaping including new boundary walls and railings.

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

**1 Plans and Representations**

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PZQCF3GYGB500>

**2 Summary**

- 2.1 This application seeks permission for the demolition of two detached dwellings and the erection of a part two storey/part three storey building (with roof accommodation) comprising 20 flat units and associated parking and external works.
- 2.2 The proposal is considered to 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 0.12ha application site is located on the northern side of Dorking Road, on the eastern junction of White Horse Drive. The ground level falls from the northern (rear) boundary to the Dorking Road highway boundary by around 1.8m.
- 3.2 The site is currently occupied by Nos 22 and 24 Dorking Road, two detached houses with detached garages at the rear. No. 22 is accessed from Dorking Road onto a hard-landscaped driveway, whilst access to No. 24 is gained from a driveway on White Horse Drive, adjacent to gardens and outbuildings.

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- 3.3 The site is bounded to the east by No 20 Dorking Road, a detached inter-war period house, and to the rear (north) by No 2A White Horse Drive, a detached “chalet” bungalow.
- 3.4 The Site does not fall under any statutory heritage designations, however, it is within proximity to four statutorily listed buildings. These are Tamerisk Cottage (Grade II - 60m to the north west), The Hylands (Grade II\* - 32m to the south west), 67-69 Dorking Road (Grade II – located 20m to the south), and the White Horse Public House (Grade II – located 25m to the south).
- 3.5 The site is located approximately 123m to the south west of the Woodcote Conservation Area.

#### **4 Revisions**

- 4.1 Improvements have been secured during the course of the application following negotiations between officers and the applicant regarding the scale and massing of the scheme. The scheme has been amended as follows:
- (a) The general roofline of the proposal has been lowered by 300mm.
  - (b) The roof design has been changed from one with projecting eaves to one with a parapet and roof set back behind,
  - (c) The roof profile to the north has been reduced.
  - (d) The window pattern and elevational treatment has been rationalised, including: moving the dormers from the front wall position to a position set back in the roof; the expression of the front entrance on the south elevation to Dorking Road has been improved; and the omission of the railings at roof parapet level between the bays to White Horse Drive.
  - (e) The massing of the west elevation to White Horse Drive has been reduced, by reducing the height of both projecting bays.
- 4.2 Overall, these amendments are welcomed, as they would reduce the actual and perceived mass of the building in views from both Dorking Road and White Horse Drive. The reduced roof profile would allow the proposal to step down earlier and more comfortably in relation to 2A White Horse Drive, and the reduction in the height of the projecting bays on the west elevation would ensure that the principal volume of the building would be viewed as set further back, and not as a dominating element in the streetscene.

#### **5 Proposal**

- 5.1 This application seeks permission for the demolition of two detached houses (Nos 22 and 24 Dorking Road) and the erection of a part two storey/part three storey building (with roof accommodation) comprising 20 flat units (3 studio, 2 one bed, 10 two bed and 5 three bed) and associated parking and external works.

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- 5.2 The building would have a broadly square footprint, measuring 21m (w) x 17m (w), with a 10m x 10m two storey projection to the rear. In response to the site levels, the building would have a lower ground floor comprising an undercroft parking area and 2 two bed flats.
- 5.3 The ground floor would be accessed from Dorking Road via a “bridge” over the garden serving the ground floor flats below. It would have crowned hipped roof set behind a parapet, with a parapet height of between 8.28m and 10.95m along Dorking Road, and between 8.72m and 5.92m along White Horse Drive. It would have an overall height of around 13.22m. The building would maintain the established building lines.
- 5.4 Each flat would comply with national space standards in regards to overall gross internal area (GIA) and individual habitable rooms. A mix of private (balconies and terraces) and communal amenity space for the units would be provided.
- 5.5 The proposed building would be of a contemporary design, with stock brick elevations, a crowned hipped roof set behind a prominent parapet, articulated by projecting bays and dormer windows. It would step down to meet its lower height to both the north east on Dorking Road and the north-west on White Horse Drive.
- 5.6 Undercroft parking for 15 vehicles would be accessed via a ramp along the (northern) rear boundary, served by a widened crossover off White Horse Drive. Refuse storage would be provided at ground level, accessed off the pedestrian “bridge” on Dorking Road. Cycle storage for 28 cycles would be located at lower ground floor level.

## 6 Comments from third parties

- 6.1 The application was advertised by means of letters of notification to 49 neighbouring properties, a site and press notice. To date (03.06.2020) 37 letters of objection have been received regarding:
- Highway safety
  - Parking issues
  - Out of Character
  - Overdevelopment
  - Loss of light
  - Overbearing
  - Overlooking
  - Inappropriate design
  - Inadequate amenity space

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**7 Consultations**

- 7.1 Design and Conservation Officer: The proposal is considered as causing less than substantial harm as per paragraph 196 of the NPPF in terms of its impact on the listed buildings on the opposite side of the road. The benefits of the additional housing are considered to outweigh this lower level harm.
- 7.2 Tree Officer: No objections
- 7.3 Highways Officer: No objections. Conditions to be imposed on any permission granted
- 7.4 Surrey County Council Sustainable Drainage and Consenting Team: No objection subject to conditions

**8 Relevant planning history**

<b>Application number</b>	<b>Decision date</b>	<b>Application detail</b>	<b>Decision</b>
16/01484/FUL	01.03.2017	Proposed erection of a 2 bedroom detached bungalow on land to rear of 22 & 24 Dorking Road.	REFUSED

**9 Planning Policy**National Policy Planning Framework (NPPF) 2019

Chapter 2 Achieving sustainable development  
Paragraphs 8 – 12 and 14

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

Chapter 11 Making effective use of land  
Paragraphs 118, 122, 123

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

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

Chapter 16 Conserving and enhancing the historic environment  
Paragraphs 189 - 197

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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

Development Management Policies Document 2015

Policy DM4	Biodiversity and New Development
Policy DM8	Heritage Assets
Policy DM5	Trees and Landscape
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 DM37	Parking Standards

**10 Planning considerations**Previous Application

- 10.1 An application (16/01484/FUL) for the proposed erection of a 2 bedroom detached bungalow on land to rear of 22 & 24 Dorking Road was refused under delegated authority in March 2017 on the following grounds:

1. The proposed development, by reason of its scale and massing, its location within the plot and loss of green infrastructure would result in an inappropriate form of backland development which would have an overbearing impact on 2A Whitehorse Road and would result in the unacceptable loss of garden space for 24 Dorking Road, contrary to the local character of the area and therefore failing to comply with policy DM16 of the Development Management Policies Document 2015.

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2.The proposed development, by reason of its scale, massing, external appearance including lack of landscaping, would result in an overly prominent building in a harsh, urbanized setting which fails to incorporate the principles of good design such as respecting plot width and format, the space between buildings, layout and massing of the dwelling including soft landscaping and choice of materials. The proposal therefore fails to make a positive contribution to the borough's visual character and local distinctiveness of this area and does not comply with policies DM9 and DM10 of the Development Management Policies Document 2015 and Supplementary Guidance on Single Plot/Residential Infill Development 2003.

#### Principle of Development

- 10.2 The National Planning Policy Framework, referred to hereon as 'the framework' at 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.
- 10.3 Paragraph 68 of the Framework encourages the promotion of small and medium sized sites – giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 10.4 Paragraph 122 of the Framework states that planning policies and decisions should support development that makes sufficient use of land taking into account: (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change...
- 10.5 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 695 through the imposition of a 20% buffer since the Council did not pass the latest housing delivery test as published on 20th February 2019.
- 10.6 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.



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- 10.7 Paragraph 11d of the framework is engaged via footnote 7 in circumstances where Local Planning Authorities cannot demonstrate a 5 year supply. The practical application and consequence of this is that unless the site is located in an area or involves an assets of particular importance that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impacts demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 10.8 Given the significant housing need in the borough, it is considered that the proposed redevelopment of this 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 a Heritage Asset

- 10.9 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or Secretary of State, as relevant, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses.
- 10.10 Paragraph 190 of the Framework 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.
- 10.11 Paragraph 193 of the framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It emphasises that the weight given to an asset's conservation should be proportionate to its significance, and notes that this great weight should be given irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.12 Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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- 10.13 Policy DM8 Heritage Assets, set outs the Council's intention to resist the loss of our Heritage Assets and take every opportunity to conserve and enhance them. It states that development proposals that involve, or have an effect upon Heritage Assets must establish the individual significance of the Asset as part of the application or consent process. As part of the assessment process the significance of the Asset will be taken into account (namely whether it is a designated Heritage Asset or a non-designated Heritage Asset) when determining whether the impact of any proposed development is acceptable.
- 10.14 The Site does not fall under any statutory heritage designations, however, it is located within proximity to four statutorily listed buildings. This includes Tamerisk Cottage (Grade II - 60m to the north west), The Hylands (Grade II\* - 32m to the south west), 67-69 Dorking Road (Grade II – located 20m to the south), and the White Horse Public House (Grade II – located 25m to the south).
- 10.15 A Heritage Statement has been prepared and submitted by the applicant in support of this application.
- 10.16 The report has undertaken a full assessment of the site and the surrounding townscape characteristics, and an assessment of the significance of nearby heritage assets and their settings. The report also considered the appropriateness of the design of the proposed development in its context and its potential effects on the significance of heritage assets in the local area.
- 10.17 The report states that

*Most of the heritage assets in the vicinity of the site are on the south side of Dorking Road and form a linear, if fragmented, group which contrasts with the greater uniformity of 1930s development on the opposite side of Dorking Road. By building a taller building on the corner of White Horse Drive and Dorking Road, opposite the group of heritage assets, the proposal produces a more prominent point of interest in the streetscape as the viewer enters Epsom from the south-west and to a limited degree alters the setting to the group of listed buildings.*

*By comparison of the scale and width of Dorking Road, the small scale and low density 1930s residential buildings on the north side of Dorking Road are out of proportion, especially when taking in account the larger buildings to the surrounding area such as The Hylands and the public buildings to the East. The proposed development is considered to respond better to the scale and width of the road and contributes an architecture of quality to an area that otherwise has little of interest other than the heritage assets opposite to the south.*

*In creating this new setting, the proposal will not detract from the significance of the heritage assets either individually or as a linear*

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*group on the route into Epsom, nor will it affect the viewer's appreciation of the significance of those assets. It will be read as a new contemporary element of high quality, stylistically complementing the developments in its immediate context.*

10.18 The report concludes that the 1930s houses on the site

*do not hold any special architectural or historic interest and are not listed, locally listed or located within a conservation area. The proposed development is of high quality and responds to both the corner condition and the characteristics of surrounding development. In doing so, it is considered to make a positive contribution to the townscape. Whilst the proposed development will create a new setting to the surrounding designated heritage assets nearby, the proposal will not detract from the significance of the heritage assets either individually or as a linear group on the route into Epsom, nor will it affect the viewer's appreciation of the significance of those assets. It will be read as a new contemporary element of high quality stylistically complementing the developments in its immediate context.*

10.19 Officers agree that the existing dwellings do not warrant retention on grounds of historical significance or architectural merit.. However, the proposal would represent a change in the setting of the listed properties on the (opposite) south side of Dorking Road, There are concerns regarding the perceived scale of the proposal in relation to these heritage buildings and clearly, the proposed development would more prominent building than the existing 1930s houses opposite by virtue of their height and, site coverage. The amended scheme would therefore lead to a less than significant harm to the setting of the nearby listed buildings by view of their context.

10.20 Officers consider that the (amended) proposal has been carefully designed to respond to its position on the corner site and to contribute positively to the townscape experience, including the setting of the listed building opposite.

10.21 The proposed development would result in an increase from two to 20 new dwelling units, which is a significant increase, given the councils need for housing and the lack of provision in the borough.

10.22 In accordance with the tests set out in paragraph 196 of the Framework 2019, Officers conclude that the clear public benefits of the proposal would outweigh the less than substantial harm to the significance of a designated heritage asset.

10.23 The proposal would therefore comply with the NPPF and Policy DM8, DM9 and DM10.

Visual impact

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- 10.24 Chapter 12 of the Framework 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.
- 10.25 Paragraph 130 of the Framework 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.
- 10.26 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.
- 10.27 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
- 10.28 The area around the site is not of a uniform character, as acknowledged in Epsom & Ewell's Environmental Character Study (ECS) in 2008. The ECS identified the part of Dorking Road within which the site is located, as falling within Character Area 35. This was described as *"an area of very mixed built form, a result of its proximity to the town centre, busy road thoroughfares, large institutional land uses and the railway as neighbouring areas. Overall, the area has a busy character - both in terms of activity but also in terms of mixed visual characteristics. A succession of small scale infill and replacement development from a wide range of periods has eroded a sense of uniformity in the area - mostly from small scale cul de sac development. Whilst some localised areas are of a uniform character which can be described (see sub areas), the lack of a predominant style or form within other parts of the character area defy a summary description"*.

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- 10.29 The lack of uniformity, identified in the ECS, is owing in part to a variety of architectural styles, eras and materials used. The area is, as the ECS states, “*of very mixed built form, height, scale and plot sizes*”. There are a number of detached and semi-detached houses, however, a secondary school is located to the north west, Epsom General Hospital is to the south east, and a public house is located to the south. There is greater residential uniformity to the north on White Horse Drive, as acknowledged in the ECS
- 10.30 The design approach would be of contemporary design, with brick elevations, and articulated in both plan and elevation by features such as projecting bays, recessed and projecting balconies, and a distinctive hipped roof profile incorporating dormers, set back behind a prominent parapet.
- 10.31 It would respond to the site’s topography by the incorporation of a lower ground floor, which would accommodate undercroft parking, two flats and associated amenity space.
- 10.32 The building would step up from two storeys on the immediate boundary with No 2A White Horse Drive and No 20 Dorking Road respectively, to become a three storey (with roof accommodation) building with a varied roofline. The roof, set back behind a strong parapet line, and the projecting bay elements would break up the mass of the elevations effectively. The quality of design would be enhanced with simple but effective detailing including distinctive dormers, generous windows, deep reveals and a combination of integral brick balconies and cantilever balconies.
- 10.33 The undercroft parking would ensure that the frontage of the building, and views along Dorking Road and White Horse Drive, would not be dominated by parked vehicles.
- 10.34 In summary, it is concluded that the proposal, both in terms of layout, scale and appearance, would achieve a high quality development which would be a positive addition to streetscene and the character of the wider area. It would therefore accord with the Framework and Policies DM8, DM9 and DM10 of the Local Plan

#### Residential Amenity

- 10.35 Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policy Document 2015 seeks to safeguard residential amenities in terms of privacy, outlook, and sunlight/daylight, avoidance of visual intrusion and noise and disturbances.
- 10.36 The siting of the proposed building has taken into account the positioning of adjacent dwellings and ensures that the proposal will not result in any unacceptable loss of amenity to occupants of adjoining properties due to overlooking or loss of privacy.

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- 10.37 The upper floor windows and balconies in the northern (rear) elevation of the proposed scheme would face the flank elevation of No 2a White Horse at a distance of between 7.37m and 12.89m, and its rear garden at a distance of some 15.8m. The windows and balconies in the east (flank) elevation would face no 20 Dorking Road at a distance of 11m. These distances are considered adequate to avoid significant loss of privacy/overlooking to the affected properties.
- 10.38 Flat No 15 on the second floor and flat No 19 on the third floor would have access to roof terraces facing No 20 Dorking Road. A safeguarding condition requiring details of privacy screens to be erected along the perimeter of the terraces, as well as to the balcony serving flat No 9, is recommended to be imposed which would prevent any material overlooking of the garden of the affected adjoining property.
- 10.39 The new building would not conflict with a 45 degree outlook angle taken from the nearest rear facing window of No 20 Dorking Road, and would step down in height towards its neighbour in White Horse Drive. This would ensure that there would not be unacceptable impacts on the amenity of these neighbours in terms of overshadowing and being overbearing in their outlook.
- 10.40 In conclusion ,given the juxtaposition of these neighbouring properties and the separation distances involved, the proposal is not considered to give rise to unacceptable impacts on the amenity of these neighbours in terms of overshadowing, overbearing or overlooking.
- 10.41 In this respect, the proposal would comply with Policy DM 10.

#### Housing Space Standards

- 10.42 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.
- 10.43 The proposed 3 bed (4 person) flats would have a Gross Internal Area of between 74m<sup>2</sup> and 98.7m<sup>2</sup>, the 2 bed (3 person) flats an area between 63.9m<sup>2</sup> and 79.6m<sup>2</sup>, the 1 bed (2 person) flats an area between 55.2m<sup>2</sup>and 58.4m<sup>2</sup> and the studio flats (1 person) an area of 37m<sup>2</sup>.
- 10.44 Each flat would comply with the appropriate Nationally Described Space Standard technical requirements (74m<sup>2</sup>, 61m<sup>2</sup>, 50m<sup>2</sup> and 37m<sup>2</sup> respectively) in compliance with Policy DM12

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Amenity Space

10.45 Policy DM12 refers to housing standards and requires amenity space to be private, functional, safe and bio-diverse, easily accessible from living areas, oriented to take account of sunlight and shading, of sufficient size to meet the needs of the likely number of occupiers and provide for the needs of families with young children. The lower ground floor flats would have access to private amenity space and the other flats would have a balcony or roof terrace. All flats would have access to communal amenity space to the rear of the building. Overall, this would be adequate in terms of both size and quality to suit the needs of small and larger family accommodation, and would therefore comply with policy DM12's requirement for amenity space for flatted developments.

Car parking and Access

10.46 Chapter 9 of the Framework 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.

10.47 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.

10.48 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

Access

10.49 The car parking spaces would be located at basement level and would be accessed via a vehicular ramp that forms a dropped kerb crossover access in broadly the same location as the existing access onto White Horse Drive for No 24 Dorking Road. The existing access to No 22 Dorking Road would become redundant although the dropped kerb would be retained to assist bin collections from the Dorking Road

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10.50 The access would be two-way at the top of the ramp to enable a car to pull clear of White Horse Drive and the adjacent footway. The access ramp would then narrow to a two-directional single lane width to the basement. The ramp would operate with traffic signal and barrier controls at the top and bottom.

10.51 The Highway Authority has raised no objection to the proposed access in terms of visibility and meeting the relevant highway standards.

#### Waste Collection

10.52 Two bin stores would be located at ground level, along the frontage of Dorking, all within 10 metres of the kerbside.

10.53 The Council's Transport and Waste Services Manager has raised no objections to the refuse/recycling arrangements.

#### Sustainability of the Site

10.54 The site is sustainably located within acceptable walking distances of both bus and rail services and is situated in proximity to local retail, employment and leisure opportunities. Consequently, it is considered that residents would not necessarily be reliant on the use of a car for typical daily journey purposes and would have a range of alternative modes of transport, including bus, cycling and walking.

10.55 Measures to encourage sustainable transport are recommended by the Highway Authority and are secured by planning conditions.

#### Parking

10.56 The Council's adopted Parking Standards requirements for car parking provision within residential developments are a minimum of 1 space for one and two bed flat units and 1.5 spaces for 3+ bed units.

10.57 Within the site, 15 car parking spaces would be provided at basement level, which equates to an overall parking ratio of 0.75 spaces/unit. Two of the spaces would be designed for use by disabled drivers and would be located within the proximity of the main lift core. With reference to the SPD standards, the car parking provision would be 9 spaces below the minimum required provision.

10.58 Provision for the storage of 28 cycles is included within the proposal, a condition is recommended to secure the provision of this prior to occupation.

10.59 The site and White Horse Drive do not fall within a Controlled Parking Zone, and it is considered that due to parking restrictions within the surrounding area, any on street car parking associated with the proposed development would be prevented from occurring in a location likely to cause a highways safety and/or amenity problem.



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- 10.60 The application is supported by a Transport Assessment, which reviewed the existing car ownership levels within the Woodcote Ward, using the latest data from obtained from the Office of National Statistics (ONS), to establish the appropriateness of the proposed car parking provision. The applicant prepared report states that based on the 2011 Census data, it can be seen that the likely level of unrestrained car ownership for the proposed residential use would be 0.57 cars per dwelling for up to 2 bed flats, and 1.02 cars per 3 bed flat. Applying the car ownership data to the proposed schedule results in an anticipated parking demand of 15 cars for the overall development. Therefore, the applicant contends that the actual demand for spaces is likely to be met by the provision on site, meaning there would be little likelihood of overspill parking taking place on the local road network.
- 10.61 The Highway Authority will only raise objections regarding parking if there is a shortfall that would lead to danger on the adjoining highway. Extensive on street parking restrictions within the vicinity of the application site (including at junctions, outside the school and outside Epsom Hospital) will prevent any on street car parking associated with the proposed development from occurring in a location likely to cause a highways safety problem. Having reviewed the application and supporting information submitted it is not considered by the Highway Authority that a shortfall of 9 car parking spaces would cause a highway safety issue in this case.
- 10.62 The Highway Authority do recommended a condition that requires a Car Parking Management Plan be submitted to ensure the car park spaces are appropriately allocated and the car park system managed suitably.
- 10.63 Residents have commented that Whitehorse Drive is a busy road, which already suffers from road congestion due to the use by Rosebery and St Joseph's School, and parking congestion and significant levels of anti-social parking due to the schools along with (Epsom) hospital staff and visitors, and that overspill parking from the proposal would add to parking stress.
- 10.64 Any potential impact on amenity arising from the shortfall in parking is therefore a matter for the Council to consider in this instance in light of its own parking policy and the level of perceived impact
- 10.65 The amenity impact of the shortfall in this case is identified by Officers as minor adverse and should be considered together with the need to optimise the site, the evidence of likely car ownership provided by the applicant, the sustainable location of the site, with access to a range of non-car modes of transport and measures which are to be put in place to encourage sustainable modes. The negative impact is not considered by Officers to be a sufficient reason to refuse permission in its own right and should be weighed against the proposal in the final planning balance.

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- 10.66 It is concluded that the proposal would strike an acceptable balance between parking on site and sustainable modes of transport and would be acceptable in respect of its parking provision and impact on the highway and therefore complies with policies DM10 and DM37 of the Development Management Policies Document 2015

Ecology/Biodiversity

- 10.67 Chapter 15 of the Framework 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.
- 10.68 Policy DM4, seeks to ensure that every opportunity should be taken to secure net benefit to the Borough's biodiversity.
- 10.69 The application is supported by a Preliminary Ecological Appraisal and Bat Survey which set out the following:

*The habitats on site are typical of suburban residential buildings and gardens, and are of low ecological value. One building, 22 Dorking Road, was considered to have low potential to support roosting bats, due to surrounding habitats, slipped tiles, and suitable roost features within the roof void. There was also potential breeding bird habitat present on site. A bat emergence survey was carried out on the 19th June 2019 of 22 Dorking Road. No bats were seen emerging from the property and are considered to be likely absent. Subsequently, no further surveys or mitigation measures for roosting bats are required. A bat was recording commuting between 22 Dorking Road and the neighbouring property to the east. Recommendations for bats have been made, including, the retention of the identified commuting route, a sympathetic building and lighting scheme and a late discovery protocol for bats. Various habitat enhancements are also recommended, including a native planting scheme, grassland planting, bird and insect boxes*

- 10.70 Overall, these findings are agreed and a condition will be imposed to secure the recommendations for construction practice and mitigation set out in the main survey.
- 10.71 Subject to the appropriate conditions, it is considered that the proposed scheme would comply with Policy DM4

Trees/Landscaping

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10.72 9.48 Chapter 15 of the Framework 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.

10.73 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.

10.74 The application was accompanied by an arboricultural report, which states that the proposed development would require the removal of a single Ornamental Cypress tree. An Ash Tree in the garden of No 20 Dorking Road would be retained and protected during the construction period.

10.75 Indicative proposals for replacement tree and landscape planting have been submitted. Scope for replacement tree planting will be limited to some degree by the layout of the site (and the need to ensure a sustainable long term relationship between vegetation and the proposed building). However the proposed layout makes provision for areas of meaningful landscaping along the frontage with Dorking Road (including some scope for hedge planting along the flank and rear boundaries) and areas of soft landscaping within the site. It is recommended that a landscaping condition to secure details of proposed landscaping and planting is imposed.

10.76 The proposal is therefore considered to comply with Policy DM5

#### Affordable Housing

10.77 Paragraph 64 of the Framework states that

*“Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:*

- a) provides solely Build to Rent homes;*

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*b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);*

*c) is proposed to be developed by people who wish to build or commission their own homes; or*

*d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.”*

10.78 Policy CS9 deals with affordable housing requirements. The policy seeks 40% affordable housing on sites of 15 dwellings and above. 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.

10.79 In this regard the proposal would be required to provide 8 affordable units.

10.80 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.

10.81 The applicant submitted a Viability Report which stated that there is insufficient value in the proposal to support an affordable housing contribution

10.82 This evidence has been scrutinised by the Council's independent valuer who is in agreement that the scheme is unable to support a fully policy compliant affordable housing provision.

10.83 Following discussions with the applicant, a financial contribution towards affordable housing in lieu of a provision on site has been agreed. The agreed amount is a commuted sum of £145,000 in lieu of the expectation of 10% of units to be affordable homes as required by the NPPF Paragraph 64. (The contribution in lieu has been calculated as two of the units at discount market sale, with a 25% discount to OMV, which would be £580,000 x 25% equating to £145,000. This contribution would be secured by a legal agreement)

10.84 Notwithstanding the above contribution, Officers recommend the implementation of a review mechanism, which would allow the Council to benefit from any improvements in scheme viability over the development period.

10.85 The viability review mechanism to be included in the S.106 agreement would require the submission of a revised Viability Statement

Sustainability

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10.86 Core Strategy policy CS6 requires proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development.

10.87 An appropriate planning condition is recommended, should the proposal be acceptable, to secure their inclusion.

### **Planning Balance and Conclusion**

10.88 The tilted balance in paragraph 11 of the Framework 2019 is engaged because firstly, policies that are most important for the determination of this application are out-of-date and secondly, the Council cannot demonstrate a five-year supply of deliverable housing sites.

10.89 The provision of 20 units (an additional 18 residential units) would provide a significant public benefit which weighs in favour of the scheme. The proposal is held to be a sustainable development which will contribute positively, Paragraph 59 of the Framework 2019 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. The provision of additional housing comprises a substantial social benefit.

10.90 At paragraph 10.19 and 10.20 of this report, it is concluded that the clear public benefits of the proposal would outweigh the less than substantial harm to the significance of a designated heritage asset.

10.91 Balanced against the identified conflict, officers must also give some weight to the provision the secured a commuted sum of £145,000 towards affordable housing.

10.92 The amenity impact of the shortfall in the parking provision is given limited weight against the scheme, due to the sustainable location of the site, with access to a range of non-car modes of transport and measures which are to be put in place to encourage sustainable modes. Increasing on-site parking would not optimise the residential use of the site, an important objective in view of housing need.

10.93 In addition, other benefits must also be identified, these being economic from the construction project and CIL and others secured by planning conditions such as biodiversity enhancement and sustainability improvements.

10.94 Taking all of these matters into account, including all other material considerations, it is found that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the NPPF 2019 as a whole and that the proposal represents sustainable development.

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Community Infrastructure Levy

10.95 The scheme would be CIL liable

**11 Recommendation**Part A

11.1 Subject to a legal agreement being completed and signed by the 4<sup>th</sup> September 2020 to secure the following heads of terms :

- A commuted sum of £145,000 in lieu of the on-site provision of affordable housing
- The submission of a revised Viability Statement.

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

Part B

11.2 In the event that the section 106 Agreement referred to in Part A is not completed by 4th September 2020 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.

**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 accordance with the following approved plans:**

**DRE-A2 01 B PROPOSED LOWER GROUND FLOOR**

**DRE-A2 02 D PROPOSED GROUND FLOOR**

**DRE-A2 03 B PROPOSED FIRST FLOOR**

**DRE-A2 04 B PROPOSED SECOND FLOOR**

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**DRE-A2 05 C PROPOSED THIRD FLOOR**

**DRE-A2 06 C PROPOSED ROOF**

**DRE-A3 01 A PROPOSED WEST & SOUTH ELEVATION**

**DRE-A3 02 A PROPOSED NORTH & EAST ELEVATION**

**DRE-A3 03 A PROPOSED SECTIONS A-A' & B-B'**

**DRE-A3 04 A PROPOSED CONTEXTUAL ELEVATIONS**

**DRE-A3 05 - PROPOSED SECTION C-C' PARKING RAMP**

**DRE-A3 06 - PROPOSED SECTION D-D' PARKING ACCESS BARRIER**

**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 the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and any other means of enclosure have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the development first being occupied and shall thereafter be retained.

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

- (5)** Prior to commencement of works section drawings through parapets, reveals, soffits, lintel and cills at a scale of 1:5 shall be submitted to the local planning authority. No works shall commence until these specifications are approved and shall carried out in accordance with the approved specifications.

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

- (6) Notwithstanding the approved drawings and prior to the commencement of the development, a drawing to a scale of 1:20 showing the proposed privacy screen along the flank and front edge of the terraces to Flat 15 and 19, and to the flank edges the balcony to Flat 9, shall be submitted to, and approved in writing by the Local Planning Authority. It is expected that the privacy screen comprise either a wing wall, frosted glazing, perforated metal, or combination of the three, at a height of at least 1.8m and frosted to a minimum of level 3 of the Pilkington Scale. The screen shall be implemented prior to the first use of the terrace/balcony, and shall be built in accordance with the approved details and thereafter maintained in situ.

**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.

- (7) 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 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.

- (8) No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

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



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- (9) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown on Drawing Number DPA-7071-03A in the Arboricultural Method Statement dated August 2019 have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

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

- (10) The development hereby approved shall not be first occupied unless and until the existing access from the site to Whitehorse Drive have been permanently closed and any kerbs, verge, or footway fully reinstated, and on street redundant access protection markings removed.

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007

- (11) The development hereby approved shall not be first occupied unless and until the existing access from the site to Dorking Road has been reduced in width to 1.5m to accommodate waste collection only, with any redundant kerbs, verge, footway, fully reinstated.

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007

- (12) No part of the development shall be first occupied unless and until the proposed vehicular access to Whitehorse Drive has been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007

- (13) The development hereby approved shall not be first occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the access to Whitehorse Drive, the depth measured from the back of the footway and the widths outwards from the position of an emerging vehicle. No obstruction to visibility

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between 0.6m and 2m in height above ground level shall be erected within the area of such plays.

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007

- (14) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans P1856 TRK01 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 in compliance with Policy CS16 of the Core Strategy 2007

- (15) The development shall not be occupied until a Car Parking Management Plan setting out provisions for the management and use of the proposed parking has been submitted to and agreed in writing by the Local Planning Authority. These details shall be submitted for approval by the Local Planning Authority and only the approved details shall be implemented and retained as approved unless otherwise agreed.

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007

- (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) provision of boundary hoarding behind any visibility zones
- (e) HGV deliveries and hours of operation
- (f) measures to prevent the deposit of materials on the highway
- (g) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (h) no HGV movements to or from the site shall take place between the hours of 8.00 and 9.15 am and 3.00 and 4.00 pm nor shall the

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contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Whitehorse Drive, Dudley Grove, Dorking Road during these times 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 in compliance with Policy CS16 of the Core Strategy 2007

- (17) The development hereby approved shall not be first occupied unless and until the following facilities/measures have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for:

- (a) The secure parking of bicycles within the development site,
- (b) Information sign to be displayed in the car parking area regarding the availability of and whereabouts of local public transport / walking / cycling / car sharing clubs, and thereafter the said approved sign shall be provided, retained and maintained to the satisfaction of the Local Planning Authority

**Reason:** In recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy Framework 2019 and Policy DM36 of the Development Management Policies Document 2015

- (18) The development hereby approved shall not be occupied unless and until each of the proposed car parking spaces are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority

**Reason:** In recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy Framework 2019 and Policy DM36 of the Development Management Policies Document 2015

- (19) 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 Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) Detailed drawings showing the green roof and permeable paving

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b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 1.4 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) 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.

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

f) 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.

**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 CS6 of the Core Strategy 2007

- (20) 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 CS6 of the Core Strategy 2007

- (21) Prior to the commencement of the development hereby permitted, details of bird and insect boxes and swift bricks shall be submitted to and approved in writing by the local planning authority. The enclosures shall be erected in accordance with the approved details and shall be retained, free of obstruction, in perpetuity thereafter.

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**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).**

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

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

- (23) No development shall take place until a scheme to enhance the biodiversity interest of the site has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved and thereafter maintained.**

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

**Informative(s):**

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 38 of the National Planning Policy Framework 2019.**
- (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**

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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>

- (3) No construction work shall be carried out in such a manner as to be audible at the site boundary before 07:30 hours or after 18:30 hours Monday to Friday; no construction work shall be audible at the site boundary before 8:00 or after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank/Public Holidays
- (4) The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 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/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice)

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**Langley Bottom Farm, Langley Vale Road, Epsom, Surrey, KT18 6AP**

Discharge the Section 106 agreement relating to the properties at Langley Bottom Farm (ref. EPS/94/0732)

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

## 1 Plans and Representations

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

## 2 Summary

- 2.1 Planning Permission was granted at Langley Bottom Farm on 18/08/1995, under ref: EPS/94/0732. The formal description of development is provided below:

*"Erection of farm managers house following demolition of existing farm building"*

- 2.2 The decision notice contained numerous conditions, but not an agricultural occupancy condition. A Section 106 Legal Agreement (S106 Agreement) accompanied the planning permission, dated 15 August 1995. Obligation two of the S106 Agreement ensures that the occupation of the dwelling forming part of the development, together with dwellings listed in the first schedule, shall be limited to persons solely or mainly employed at the land in agriculture.
- 2.3 A formal request has been made seeking the discharge the S106 Agreement, attached to planning permission ref: EPS/94/0732, at Langley Bottom Farm. It follows a similar formal request, refused on 30 July 2019 (ref: 19/00377/S106A).
- 2.4 In this case, Officers recognise that tenants directly involved in agriculture have not occupied the properties at Langley Bottom Farm for a period of time. But, this does not provide robust justification for removing the agricultural occupancy obligation. Rather, it highlights that the obligation has not been complied with. An Agricultural Needs Assessment, prepared by RH & RW Clutton, dated 3 February 2020, accompanies this formal request. It states that the agricultural occupancy obligation is no longer necessary. Officers are however unsatisfied that the methodology used presents a robust marketing exercise, which is required in this case, given the Site's designation as Green Belt, which makes the existing agricultural accommodation particularly valuable to the agricultural industry.
- 2.5 The formal request to discharge the S106 Agreement, relating to application ref: EPS/94/0732, is not accepted.

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**3 Site description**

- 3.1 Langley Bottom Farm is located to the south of Langley Vale Road and is in a dipped area. The Site is immediately surrounded by fields and is accessed via a single track, from Langley Vale Road.
- 3.2 The Site is not Listed, nor does it fall within a Conservation Area. It is located within the Green Belt and is designated in an Area of Great Landscape Value (AGLV).
- 3.3 The Site is in Flood Zone 1 (low probability of flooding).

**4 Proposal**

- 4.1 Planning permission was granted on 18 August 1995, under ref: EPS/94/0732, for the erection of a farm manager's house, following the demolition of an existing farm building. The formal description of development is as follows:

*"Erection of farm managers house following demolition of existing farm building"*

- 4.2 The decision notice for this application contained numerous conditions, but not an agricultural occupancy condition. A S106 Agreement accompanied the planning permission, dated 15 August 1995. Obligation two of this ensures that the occupation of the dwelling forming part of the development, together with dwellings listed in the first schedule, shall be limited to persons solely or mainly employed at the land in agriculture.
- 4.3 This formal request seeks to discharge the S106 Agreement. It follows a similar formal request, refused on 30 July 2019 (ref: 19/00377/S106A).

**5 Comments from third parties**

- 5.1 Consultation or notification is not required for an application to release a S106 Agreement.

**6 Consultations**

- 6.1 None required.

**7 Relevant planning history**

- 7.1 The below table sets out recent and relevant planning history relating to the Site:



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Application number	Decision date	Application detail	Decision
<i>Langley Bottom Farm, Langley Vale Road, Epsom, Surrey, KT18 6AP</i>			
19/00377/S106A	30.07.2019	Application to annul a S106 Agreement, relating to properties at Langley Bottom Farm (ref: EPS/94/0732)	Refused
15/00745/S106A	15.10.2018	Amendment to S106 in respect of Langley Bottom Farm	Withdrawn
03/00294/FUL	06.08.2003	Change of use from danish barn to auction room	Granted
99/00605/CLE	07.02.2000	Parking of breakdown vehicles in farmyard	Granted
99/00350/FUL	Appeal Granted 25.01.2000	Conversion of 'Danish' barn for Class B8 use (storage and distribution) and/or Class B1 use (business) with associated parking	Appeal Granted
95/00779/AAA	20.02.1996	New secondary access comprising a 5 metre wide farm gate into Langley Bottom Farm. (Consultation Mole Valley District Council).	No objections
95/00730/FUL	15.01.1996	Widening of existing farm access to Langley Vale Road	Granted
94/00732/FUL	18.08.1995	Erection of farm managers house following demolition of existing farm building	Granted
90/00681/FUL	Unknown	Erection of detached Farm Managers house and ancillary detached garage/loosebox & workshop building	Refused
90/00128/FUL	Unknown	Erection of barn for hay storage	Granted
<i>Farm View, Langley Vale Road, Epsom, Surrey, KT18 6AP</i>			
02/20226/REM	27.06.2002	Removal of agricultural occupancy condition for a temporary period of 3 years	Granted
98/00570/REM	01.12.1998	Temporary relaxation of conditions & terms of S106 agreement (15.08.94) for a two year period specifically for	Refused

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		'Farm View residential property' as defined by the First Schedule	
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**8 Planning Policy**

8.1 Not applicable.

**9 Background**

9.1 Planning permission was granted at Langley Bottom Farm for the demolition of an existing farm building and erection of a farm manager's house on 18 August 1995, under ref: EPS/94/0732. For clarity, the formal description of development is as follows:

*"Erection of farm managers house following demolition of existing farm building"*

9.2 The decision notice contained numerous conditions, but not an agricultural occupancy Condition. A S106 Agreement accompanied the planning permission, dated 15 August 1995. Obligation two of the S106 Agreement ensures:

*"That if the consent is granted in the form annexed at the Second Schedule hereto and the development implemented within the meaning of Section 56(4) of the Town & Country Planning Act 1990 they will ensure that the occupation of the dwelling forming part of the development together with those dwellings listed in the First Schedule hereto on the land shall be limited to persons solely or mainly employed at the land in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 or a dependent of such persons residing with him or her"*

9.3 The first schedule of the S106 Agreement sets out the following six residential dwellings:

- 1) Farm View, Langley Vale Road, Langley Vale, Epsom, Surrey
- 2) No 1 Gillett's Cottages, Headley Road, Epsom, Surrey
- 3) No 2 Gillett's Cottages, Headley Road, Epsom, Surrey
- 4) Delapidated Labourer's Cottage, Epsom, Surrey
- 5) Langley Bottom Cottage, Epsom, Surrey (to be demolished)
- 6) Hurstwood Cottage, Hurst Road, Walton-on-the-Hill, Surrey

9.4 The Second Schedule of the S106 Legal Agreement is "The Permission".

9.5 A formal request seeking to discharge the S106 Agreement was submitted in 2015, but was formally withdrawn, under ref: 15/00745/S106A. A further formal request seeking to discharge the S106 Agreement was refused on 30 July 2019, under ref: 19/00377/S106A. The Committee Report for this (refused) formal request sets out that there was insufficient evidence or robust justification, for the removal of the agricultural occupancy obligation. Rather, the formal request highlighted that the obligation had not been complied with.

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- 9.6 This formal request seeks to discharge the S106 Agreement, relating to dwellings at Langley Bottom Farm (ref: EPS/94/0732). The documentation submitted with the formally refused formal request (ref: 19/00377/S106A) have been re-submitted with this formal request, but with an updated Cover Letter and Agricultural Needs Assessment.

**Relevant Planning History**

- 9.7 A planning application was approved on 27 June 2002, under ref: 02/20226/REM, at Farm View Cottage, 31 Langley Vale Road, Epsom. It sought the removal of an agricultural occupancy condition, attached to Planning Permission ref: 25784/9466, for a temporary period of 3 years.

- 9.8 The formal description of development is provided below:

*“Removal of agricultural condition for a temporary period of 3 years”*

- 9.9 The officer’s report, accompanying planning application ref: 02/20226/REM, sets out that in 1988, planning permission was refused for the temporary relaxation of the condition and terms of the S106 Agreement for a two-year temporary period, at ‘Farm View’, for the following reasons:

*“To ensure the continued restricted use of this residential property for agricultural workers and their families and to protect the greenbelt from future development pressures for farm worker accommodation in line with Government advice contained within PPG7 The Countryside Environmental and Economic and Social Development and DOE Circular 11/95 The Use of Conditions in Planning Permission”*

- 9.10 The supporting documentation for application ref: 02/20226/REM set out that Farm View had long periods of vacancy and that the last genuine agricultural tenant worked for a contractor, spending the majority of time in farms in Ripley and Caterham. The property had also been advertised to let on the open market with no suitable tenant found. The officer’s report set out that the property was not on Green Belt Land at the time the planning application had been submitted, but in the circumstances presented, Officers considered that it was difficult to justify the retention of the agricultural occupancy condition and it was therefore recommended for temporary relaxation.

- 9.11 The officer’s report sets out that an application for the removal of occupancy conditions should be considered on the basis of a realistic assessment of the existing need for such conditions.

- 9.12 In considering the above in light of this formal request, it should be noted that planning permission was granted for a temporary period only and does not set a precedent for permanently removing an agricultural occupancy obligation.

**Assessment of Formal Request**

- 9.13 The documentation submitted with the formally refused formal request (ref: 19/00377/S106A) have been re-submitted with this formal request, but with an updated Cover Letter, an Agricultural Needs Assessment and an email, received from the agent on 30 April 2020, in support of the formal request. For clarity, the following documents are submitted with this formal request:

- Cover Letter, dated 4 February 2020
- Certificate B Confirmation
- Statutory Declaration of My Paul Hayward, dated 10 June 2015
- Statutory Declaration of My Paul Hayward, dated 22 March 2019

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- Woodland Trust Email, dated 14 March 2019
- Agricultural Needs Assessment, prepared by RH & RW Clutton, dated 3 February 2020
- Email in support of formal request, from agent, dated 30 April 2020.

9.14 Within the Cover Letter, accompanying this formal request, the planning agent sets out that the circumstances that led to the agricultural occupancy obligation have now considerably changed. It states that there is no requirement for any farm management dwellings at the Site in which the obligation relates and that there is no requirement in the locality for agricultural occupancy dwellings that is unsatisfied. Specifically, it sets out that the Agricultural Needs Assessment demonstrates that there is no market demand for the properties subject to the Section 106 Agreement.

9.15 In assessing this formal request, Officers have considered relevant regulation and planning policy relating to the imposition of obligations, the Site's Green Belt designation, the reason for seeking the removal of the agricultural occupancy obligation and the documentation submitted to remove this.

9.16 Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

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

9.17 These tests are set out as statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a levy charging schedule for the area.

9.18 In this case, obligation two of the S106 Agreement, attached to planning permission ref: EPS/94/0732, ensures that the occupation of the dwelling forming part of the development, together with dwellings listed in the first schedule, shall be limited to persons solely or mainly employed at the land in agriculture. Langley Bottom Farm is designated as Green Belt, as is its immediate surroundings. National and Local Planning Policy maintains strict control over inappropriate Green Belt development, which makes the existing agricultural accommodation particularly valuable to the agricultural industry.

9.19 Two statutory declarations by Mr Paul Hayward are resubmitted with this formal request. The declarations provide a history of the dwellings at Langley Bottom Farm, with the below table summarising this:

	Declaration, dated 10 June 2015	Declaration, dated 22 March 2019
Farm View	Since 2002, Mr & Mrs Roach have been tenants and neither employed in agriculture	From June 2017, Mr Mayle has been a tenant at this property and has no links to agriculture
1 Gillett's Cottage	Since 29 June 2001, Mr & Ms Thorburn have been tenants and neither employed in agriculture	No change in position
2 Gillett's Cottage	Since February 2014, Mr Wise and Ms Wills have occupied the property, neither employed in agriculture	No change in position
Dilapidated Labourer's Cottage	Unoccupied	No change in position
Langley Bottom Cottage	Occupied by Mr Jelley, who has never been employed solely or mainly in agriculture at the land	No change in position

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Hurstwood Cottage	Mrs Spicer has been a tenant at this property. She has never been employed solely or mainly at the land in agriculture	No change in position
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- 9.20 The Committee Report supporting the previously refused request (ref: 19/00377/S106A) sets out that the documentation submitted with the formal request did not clearly indicate why the agricultural occupancy obligation was required to be removed, given the importance of agricultural accommodation. The supporting documentation also failed to set out the forthcoming strategy for the residential properties at Langley Bottom Farm. To address this within this formal request, an email, received from the applicant on 30 April 2020, sets out that Langley Bottom Farm is no longer a working farm and has not been farmed in since 1988 and so therefore there is no need for the obligation. The email also sets out that the owner wishes to remove the obligation, so that the properties identified can be lawfully let to anybody, rather than solely person(s) employed in agriculture.
- 9.21 The Committee Report supporting the previously refused request (ref: 19/00377/S106A) sets out that the accompanying documentation failed to clearly set out whether Langley Bottom Farm is currently used for agricultural purposes. The applicant has sought to address this aspect, within this formal request. The accompanying Cover Letter states that *"Langley Bottom Farm has not been farmed in-house since 1998 and it has always used non-resident contract labour for workforce purpose"*. Annex 1 of the Agricultural Needs Assessment sets out that there is no direct employed labour at the farm, with arable operations undertaken by a contractor farmer, with crop advisors based in Hampshire. It is estimated that there is on average 44 man-days of work required per annum. Officers do recognise that 44 man-days of work required per annum is not extensive, but, the employment of non-resident contract labourers is not considered to justify the removal of the agricultural occupancy obligation.
- 9.22 As referenced within the Committee Report supporting the formally refused request (ref: 19/00377/S106A), an email from the Woodland Trust sets out that it acquired Langley Vale Farm, but not the residential buildings. No plan accompanies this email to illustrate the land purchased, nor any documentation to evidence the purchase, including the purchase date. This email has been resubmitted as part of the supporting documentation for this formal request, but, Officers are still unable to confirm what part of the Site is in ownership of the Woodland Trust or indeed what this land is currently used for.
- 9.23 The Committee Report supporting the formally refused request (ref: 19/00377/S106A) sets out that there was no evidence provided to show whether other farm workers in the locality of Langley Bottom Farm could utilise the properties. The applicant has sought to address this aspect within this formal request. RH & RW Clutton, specialist agricultural consultants, have prepared an Agricultural Needs Assessment, which aims to test the effective market demand for suitable qualified occupiers.
- 9.24 RH & RW Clutton posted letters on 29 October 2019 to all addresses with the name 'farm' in the address title, within a 10 mile radius of the Site. A total of 38 letters were sent and of these:
- 33 letters were delivered;
  - Three letters were returned marked 'addressee gone away'; and
  - Two letters remain waiting to be collected.
- 9.25 Three expressions of interest were received and:

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- One highlighted an interest in Langley Bottom Cottage;
  - The second expressed interest in a range of properties at Langley Bottom Farm; and
  - The third was a general enquiry about the letter received.
- 9.26 RH & RW Clutton responded to each of the three expressions of interest with details of the existing S106 Agreement. It is understood that each of these potential applicants withdrew their interest on understanding that they were unable to comply with the terms of the S106 Agreement. In light of their findings, RH & RW Clutton consider that the obligation is no longer relevant.
- 9.27 There is no direct planning policy that sets out the marketing evidence expected to be carried out to discharge an obligation, which is no longer considered necessary by an applicant. In this case, Officers would expect a robust marketing exercise to be undertaken, to demonstrate that there is no interest in the properties in their intended use as agricultural accommodation or, for similar uses. Policy DM24 of the Development Management Policies Document (2015) is not relevant to this formal request, but, it does provide an example of the type of marketing expected to be undertaken, which includes marketing of a site for a minimum of 18 months, without success.
- 9.28 In this case, RH & RW Clutton aimed to test the effective market demand for suitable qualified occupiers for the residential dwellings, by posting 38 letters to properties with 'farm' in their address title, within a 10-mile radius of the Site. A copy of the letter can be seen at Annex 4 of the Agricultural Needs Assessment. Whilst Officers do recognise that RH & RW Clutton state that in their professional opinion, the results do not show interest in the properties, the process of posting letters to properties with 'farm' in their address title and analysing the responses, is not felt to constitute a robust marketing process that justifies the removal of the obligation.
- 9.29 A letter written by Martin St Quinton, dated 12 March 2020, was sent to Officers by email. For clarity, this letter was not sent via the planning agent and did not form part of the formal request's submission. It sets out that since purchase, Paul Hayward, who has a detailed knowledge of agriculture, has managed the farm. The letter further sets out that the declarations by Mr Hayward and the Agricultural Needs Assessment sets out that there is no need for the agricultural occupancy obligation.
- 9.30 Overall, Officers recognise that tenants directly involved in agriculture have not occupied the properties at Langley Bottom Farm, but, this does not provide robust justification for removing the agricultural occupancy obligation. Rather, it highlights that the obligation has not been complied with. The Agricultural Needs Assessment does demonstrate a lack of interest from potential tenants, but, it is not considered that the methodology used presents a robust marketing exercise, which is required in this case, given the Site's designation as Green Belt, which makes the existing agricultural accommodation particularly valuable to the agricultural industry.
- 9.31 The formal request to annul the Section 106 Agreement, relating to application ref: EPS/94/0732 is not accepted.

## 10 Recommendation

- 10.1 The formal request to discharge the Section 106 Agreement, relating to application ref: EPS/94/0732, is not accepted in the absence of robust and reasonable marketing evidence to justify its removal.

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**Nescot, 91 Reigate Road, Ewell, Surrey, KT17 3DS**

**Application to vary Condition 5 (parking on Site) of Planning Application ref: 15/01299/FUL, to allow the temporary use of the car park by Epsom and St Helier University Hospitals NHS Trust staff**

<b>Ward:</b>	<b>Nonsuch Ward</b>
<b>Contact Officer:</b>	<b>Ginny Johnson</b>

**1 Plans and Representations**

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

**2 Summary**

- 2.1 A planning application has been submitted for a new multi-storey car park at Epsom General Hospital, under application ref: 20/00249/FUL. Subject to this being granted planning permission, there would be a requirement for off-site parking, during the construction period of the multi-storey car park.
- 2.2 NESBOT has a 750-space car park, which is not fully utilised. Epsom and St Helier University Hospitals NHS Trust staff (Trust Staff) could, on a temporary basis only, use 100 car parking spaces at NESBOT, without causing capacity issues. These spaces would be used by the Trust staff only and not by patients or visitors.
- 2.3 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. Planning permission granted under section 73 takes effect as a new, independent planning permission to carry out the same development as previously permitted, subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended.
- 2.4 In this case, a Section 73 planning application has been submitted by the applicant (NESBOT), to amend the wording of Condition 5 of planning permission ref: 15/01299/FUL, to allow for 100 car parking spaces at NESBOT to be used on a temporary basis only by the Trust staff (subject to planning permission being granted for the multi-storey car park at Epsom General Hospital).

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- 2.5 A Car Park Management Plan, dated February 2020, is submitted with this application, which sets out an acceptable strategy for the management of the 100 car parking spaces. SCC Highways raise no objection to this application, subject to the implementation of Conditions. For clarity, this application would not make any material or physical changes to the highway and would utilise the existing capacity of the NESCOL car park. There would be no material highways impact.
- 2.6 The application is recommended for approval. For the avoidance of doubt, the conditions attached to the original permission (ref: 15/01299/FUL) are updated where necessary and included on this planning permission.

### 3 Site description

- 3.1 The Application Site ('Site') comprises NESCOL, which is a large further education and higher education college in Epsom and Ewell. The campus measures approximately 15.56 hectares in size and is located off Reigate Road. It is designated within the Green Belt.

### 4 Proposal

- 4.1 The Site is subject to an extensive planning history. There are four planning permissions, which are particularly relevant to this application, noted below:
1. 13/00822/FUL. Planning permission was granted on 9 January 2014, for alterations and extensions to the NESCOL academic campus. This included a new vehicular entrance and alterations to the car park layout.
  2. 14/00501/MMA. A non-material amendment application was granted on 28 August 2014, which sought to reduce building footprints and building heights.
  3. 14/00635/REM. A section 73 application was granted on 9 September 2014, which amended timings of when details needed to be submitted for approval and/or implemented, of planning permission ref: 13/00822/FUL.
  4. 15/01299/FUL. Planning permission was granted on 16 March 2016, for the reconfiguration of the car parking area, allowing for the re-siting and re-design of the animal husbandry facilities, as granted under ref: 13/00822/FUL (as amended by planning permissions 14/00501/MMA and 14/00635/REM). It also sought site circulation and access control and landscaping, including additional tree screening to the main car park.
- 4.2 Planning permission ref: 15/01299/FUL provides 750 car parking spaces, as granted in previous planning permissions, but with a more efficient layout that allowed the retention of a greater number of trees than previously approved. This application also provided the same design of vehicular access into and from the Site, via a roundabout on Reigate Road.
- 4.3 There are 11 conditions attached to the decision notice of planning permission ref: 15/01299/FUL. Condition 5 relates to car parking at the Site and states:

*The current quantum of parking on the site shall be maintained during the construction phase for the use of students during term time. The new areas*



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*of parking as shown on drawing No N274 GA 3001 Rev 11 for 750 cars, 30 motor cycles and 252 cycles must be completed by 1st September 2016 to serve the influx of students starting in the new 2016/17 academic year. The parking areas shall be used and thereafter retained exclusively for their designated purposes.*

*Reason: To ensure that student parking does not take place on the Public Highway or on adjacent private streets to the detriment of safety and convenience of other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policies DM35 and DM37 of the Development Management Policies 2015.*

- 4.4 Condition 5 of planning permission ref: 15/01299/FUL requires the parking area to be used and retained exclusively for their designated purposes. This is taken to mean that the spaces are for the sole use of the users of the NESCOT site.
- 4.5 This application seeks to amend the wording of Condition 5, to allow for the temporary use of the car park by **Epsom and St Helier University Hospitals NHS Trust staff** (Trust staff). A planning application has been submitted and is pending a decision, at Epsom General Hospital, under ref: 20/00249/FUL, seeking a multi-storey car park, the reconfiguration of surface parking and improvements to an access road. For clarity, the formal description of development is provided below:

*Erection of a multi storey car park comprising ground plus 5 storeys and 527 car parking spaces, reconfiguration of surface parking to provide 104 car parking spaces and improvement to the access road from Dorking Road.*

- 4.6 The planning application is currently pending a decision and has not been decided. Subject to this being considered positively, off-site car parking will be required during the construction phase, as set out in this application's accompanying Car Park Management Plan (February 2020). NESCOT has agreed with Epsom General Hospital that the Trust staff could use 100 of its car parking spaces. The Local Planning Authority has not been party to formal discussions with NESCOT and Epsom General Hospital regarding this agreement. This application is assessed on its merits and in consultation with statutory consultees only.

## 5 Comments from third parties

- 5.1 We consulted 219 nearby neighbours. 1 letter of objection has been received. Comments include:
- Increase in traffic is to be resisted
  - Potential increase in levels of daily pollution
  - Insufficient evidence submitted as to the number of car parking spaces envisaged
  - Unclear plans.
- 5.2 A Site Notice was displayed and the application was displayed in the local paper.

## 6 Consultations

- 6.1 SCC Highways: no objection, subject to the imposition of conditions.

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**7 Relevant planning history**

7.1 There is a substantial planning history relating to the Application Site. The below sets out recent and relevant planning history relating to this application, only.

Reference	Description of Development	Decision	Decision Date
16/01878/COND	Details pursuant to 15/01299/FUL (Proposed reconfiguration of the car parking area, provision of site circulation and access control, landscaping including additional tree screening to main car park within the NESCOL Academic Campus) to discharge Condition 10 (Sustainable Drainage) and Condition 11 (Archaeology) .	Granted	28 June 2017
15/01299/FUL	Proposed reconfiguration of the car parking area to allow for re-siting and re-design of Animal Husbandry facilities from that permitted under planning permission 13/00822/FUL (as amended by planning permissions 14/00501/MMA and 14/00635/REM), provision of site circulation and access control, landscaping including additional tree screening to main car park within the NESCOL Academic Campus	Granted	16 March 2016
14/00635/REM	Variation of Condition 2 (sample materials), 3 (design details), 7 (Reigate Road modified access), 13 (Travel Plan) and 23 (lighting) of permission 13/00822/FUL (Alterations and extensions to existing buildings at the NESCOL Academic Campus, including limited demolition works, to provide a new main entrance and reception area, cafe, teaching accommodation, 'skills park' (including public facing uses, such as hairdressing, physiotherapy and beauty treatments), an extended construction zone (associated with educational courses relating to construction), relocated animal welfare buildings, new build extension to the Learning Disabilities Centre, new vehicular entrance, alterations to the car park layout, together with associated landscaping works and footway/cycleway improvements through the site.) to amend the timing of when such details need to be submitted for approval and/or implemented	Granted	9 September 2014
14/00501/MMA	Minor Material Amendment to 13/00822/FUL (for Alterations and extensions to existing buildings at the NESCOL Academic Campus, including limited demolition works, to provide a new main entrance and reception area, cafe, teaching accommodation, 'skills park' (including public facing uses, such as	Granted	28 August 2014

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	hairdressing, physiotherapy and beauty treatments), an extended construction zone (associated with educational courses relating to construction), relocated animal welfare buildings, new build extension to the Learning Disabilities Centre, new vehicular entrance, alterations to the car park layout, together with associated landscaping works and footway/cycleway improvements through the site) to provide reduced building footprints and reduced building heights.		
13/00822/FUL	Alterations and extensions to existing buildings at the NESCOL Academic Campus, including limited demolition works, to provide a new main entrance and reception area, cafe, teaching accommodation, 'skills park' (including public facing uses, such as hairdressing, physiotherapy and beauty treatments), an extended construction zone (associated with educational courses relating to construction), relocated animal welfare buildings, new build extension to the Learning Disabilities Centre, new vehicular entrance, alterations to the car park layout, together with associated landscaping works and footway/cycleway improvements through the site	Granted	9 January 2014

## 8 Planning Policy

NPPF (2019)

Core Strategy (2007)

Development Management Policies Document (2015)

- Policy CS1 Sustainable Communities
- Policy CS2 Green Belt
- Policy CS3 Biodiversity
- Policy CS6 Sustainability
- Policy CS13 Community, Cultural and Built Sports Facilities
- Policy CS16 Managing Transport and Travel

At the time application ref: 15/01299/FUL was decided the Development Management Policies Document (2015) was not adopted. This application has considered the following policies within this (now adopted) document:

- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM27: Parking Standards

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**9 Planning considerations**Parking and Highways

- 8.1 Policy CS16 sets out that (inter alia) development proposals should ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.
- 8.2 Policy DM35 sets out that the impact of new development on the transport will be assessed against other plan policies and transport standards.
- 8.3 Policy DM37 sets out that development will have to demonstrate that a new scheme provides an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.
- 8.4 The proposed Car Park Management Plan (CPMP), dated February 2020, sets out that Epsom & St Helier University Hospitals NHS Trust have submitted a planning application for a new multi-storey car park at their Site on Dorking Road, Epsom. Whilst this is being constructed, off-site parking needs to be utilised to prevent staff from parking on surrounding streets and causing problems for local residents". The application reference number for the pending multi-storey car park application is not stipulated in the CPMP, or other supporting documentation submitted with this application, but, Officers can confirm that this is: ref: 20/00249/FUL.
- 8.5 The CPMP sets out that NESCOT has a 750 space car park, but that this is not fully utilised. As such, the Trust staff on a temporary basis could use 100 spaces, without causing NESCOT any issues over capacity. To clarify, it is proposed as part of this application that 100 spaces at NESCOT would be used by the Hospital Trust's staff and not by patients or visitors.
- 8.6 The CPMP sets out that 100 spaces to be allocated are located along the southern boundary and near to the eastern end of the car park. The spaces would be available to Trust staff from 07:30 to 19:30, Monday to Friday. The spaces would not be available overnight or on weekends.
- 8.7 The CPMP sets out that a parking attendant would be present on-site from Monday to Friday between 07:30 and 19:30, controlling the car park's entrance. Additionally, five to six security staff would be available from 08:00 to 21:00, should assistance be required. NESCOT's staff and students have their own NESCOT permits and the Trust staff would be required to display NHS permits. The allocated spaces would indicate where the Trust staff could park. The Trust staff would not be allowed access other sections of the car park, which would be maintained for the use of NESCOT's staff and students only. The allocated spaces would be marked with temporary signage/road markings and all Trust staff using the site would given a plan showing the permitted spaces.

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- 8.8 The CPMP sets out that there are a number of smaller car parking areas within the NESCOT campus, totalling around 180 spaces, in addition to the main 750-space provision. These smaller car parks are not normally open for NESCOT's staff or students to park in. In the unlikely situation that the main car park was busy with NESCOT's staff and students and demand exceeds provision, due to 100 spaces being allocated to the Trust's staff, additional parking areas would be opened to designated NESCOT staff.
- 8.9 The CPMP sets out that the Trust plans to operate a shuttle bus to transfer Trust staff from NESCOT to Epsom General Hospital. It is anticipated that two minibuses will be used, with the operator currently unknown. The minibuses would pull into the NESCOT's campus to pick up and drop off Trust staff, expected to stop in the western section of the car park, close to the entrance, to minimise the distance it has to travel around the car park. The Trust intends to run the shuttle bus service to a timetable on a continuous loop between 07:30 and 09:00 in the morning and in the afternoon between 16:30 and 18:30. Depending on the route taken, which may vary by time of day to reflect traffic conditions, this is likely to take around 30 minutes for the round trip.
- 8.10 SCC Highways has formally commented on this application and raise no objection, subject to the imposition of conditions, should planning permission be granted. Officers consider that the CPMP provides an adequate management plan for this proposal.

Clarification

- 8.11 A temporary car park statement and cover letter accompanies this application. These set out that Condition 5 is required to be varied, to allow Epsom General Hospital's Trust staff use of 100 spaces within the NESCOT car park for a minimum of 6 months, to a maximum of 12 months, commencing in February 2020.
- 8.12 The CPMP was subsequently submitted, during the application's determination period, requiring the temporary use of 100 spaces at NESCOT's car park during the construction phase of the multi-storey car park (subject to this being granted planning permission).
- 8.13 To ensure a precise and enforceable Condition wording, officers recommend rewording the condition to state that subject to application ref: 20/00249/FUL being granted planning permission, 100 car parking spaces identified on Figure 2.1 of the Car Park Management Plan, (Feb 2020), shall be temporarily used by Trust staff at Epsom General Hospital. Furthermore one month prior to the use of the car parking spaces being used, the applicant shall notify the Local Planning Authority in writing of the date of the first use of the spaces.
- 8.14 The condition also demands that the spaces shall be used for a limited date of 12 months of the date that the notice is served and comes into effect, or by June 2023, whichever is the sooner. The 100 car parking spaces shall then be available to Trust staff from 07:30 to 19:30, Monday to Friday and shall not be available overnight or on weekends.
- 8.15 The application is considered to comply with Policies CS16, DM35 and DM37.

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Conditions

- 8.16 An approval of details application (ref: 16/01878/COND) was granted on 28 June 2017. It sought to discharge Conditions 10 (Sustainable Drainage) and Condition 11 (Archaeology) of planning permission ref: 15/01299/FUL

*Condition 10*

- 8.17 Officers note that SCC Local Lead Flood Authority's formal response, dated 16/05/2017, set out that it is satisfied to discharge Condition 10. But, it does set out that following construction of the works, it is recommended that the following is submitted as evidence that the drainage is implemented in accordance with the strategy:

- A verification report carried out by a qualified drainage engineer and must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Drainage System has been constructed as per the agreed scheme.

- 8.18 Subject to planning permission being granted, to ensure clarity, Officers would include this recommendation within an Informative on this application..

*Condition 11*

- 8.19 Officers note that SCC Archaeology's formal response, dated 31/03/2017, confirmed that the Written Scheme of Investigation was acceptable. But, the response also set out that the work detailed in the report forms an ongoing stage in the implementation of the required archaeological work. As such, the condition will need to be re-imposed until all the fieldwork has been completed and a satisfactory final report on its results has been submitted and approved, or should significant/complex archaeological deposits have been revealed, when a satisfactory post-excavation assessment detailing the post-fieldwork analyses needed to arrive at a final publishable report have been agreed and resourced to the planning authorities satisfaction.

- 8.20 Subject to permission being granted to vary the conditions, Officers would amend the wording of Condition 11 and re-impose this, to set out the further requirements.

**9 Conclusion**

- 9.1 A planning application has been submitted for a new multi-storey car park at Epsom General Hospital, ref: 20/00249/FUL. Subject to this being granted planning permission, there will be a requirement for off-site parking during the construction period.
- 9.2 NESLOT has a 750 space car park, which is not fully utilised. Epsom General Hospital's Trust staff could, on a temporary basis, use 100 car parking spaces at NESLOT, without causing capacity issues. These spaces would be used by the Trust staff only and not by patients or visitors.

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- 9.3 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. Planning permission granted under section 73 takes effect as a new, independent planning permission to carry out the same development as previously permitted, subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended.
- 9.4 In this case, a section 73 planning application has been submitted by the applicant (NESCOT), to amend the wording of Condition 5 of planning permission ref: 15/01299/FUL, to allow for 100 car parking spaces at NESCOT to be used on a temporary basis only by the Trust staff (subject to planning permission being granted for the multi-storey car park at Epsom General Hospital).
- 9.5 A Car Park Management Plan, dated February 2020, has been submitted with this application, which sets out an acceptable strategy for the management of the 100 car parking spaces. SCC Highways raise no objection to this application, subject to the implementation of Conditions.
- 9.6 The application is recommended for approval. For the avoidance of doubt, the conditions attached to the original permission (ref: 15/01299/FUL) are updated where necessary and included on this planning permission.

## 10 Recommendation

- 10.1 Grant Planning Permission and amend Condition 5.

### Condition(s):

1. The development hereby permitted shall begin before 16 March 2019, the date of the original 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 and documents:  
N274 GA 3019 Rev B, N274 GA 3001 Rev 11, N274 GA 3002 Rev 04, N274 DT 3009 Rev 04, N274 DT 3010 Rev 06, N274 DT 3012 Rev 01, N274 DT 3013 Rev 02, N274 DT 3016 Rev 02, N274 DT 3014 Rev 01, N274 DT 3015 Rev 04, N274 GA 3003 Rev 07, N274 GA 3004 Rev 06, N274 GA 3005 Rev 07, N274 GA 3006 Rev 07, N274 GA 3007 Rev 06, N274 GA 3008 Rev 06, N274 GA 3009 Rev 06, N274 GA 3010 Rev 05, N274 GA 3011 Rev 06, N274 GA 3012 Rev 06, N274 GA 3013 Rev 06, N274 GA 3014 Rev 06, N274 GA 3015 Rev 07, N274 GA 3017 Rev 03, N274 GA 3018 Rev 02, N274 PP 3001 Rev 06, N274 PP 3002 Rev 05, 1448.15P003 Rev B, 1448.15P004 Rev B, 1448.15P005 Rev A, 1448.15P006 Rev A 1, 1448.15P007 Rev A, 1448.15P008 Rev A, 1448.15P009 Rev A, 1448.15P010 Rev A, 1448.15P011 Rev A, 1448.15P012 Rev A, 1448.15P013 Rev A, 1448.15P014 Rev A, 1448.15P015 Rev A, 1448.15P016 Rev A, 69267 INF 16 Rev P1, 69267 INF 24 Rev C4, 69267 INF 25 Rev Z1, 69267 INF 500 01 Rev P5, TJ14166

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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 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

4. No equipment, machinery or materials shall be brought onto the site for the purpose of the development, until the protective fencing has been erected to enclose all retained trees as shown on Tree Protection Plan (SJA TPP 15335-01a). This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority

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

5. The areas of parking as shown on drawing No N274 GA 3001 Rev 11 are for 750 cars, 30 motor cycles and 252 cycles. The parking areas shall be used and thereafter retained exclusively for their designated purposes.

Subject to application ref: 20/00249/FUL being granted planning permission, 100 car parking spaces identified on Figure 2.1 of the Car Park Management Plan, dated Feb 2020, shall be temporarily used by Epsom and St Helier University Hospitals NHS Trust staff. One month prior to the car parking spaces being used, the applicant shall notify the Local Planning Authority in writing of the date of the first use of the spaces. The spaces shall be used for a limited period of 12 months taking effect from the date the notice becomes effective, or shall cease by June 2023, whichever is the sooner. The 100 car parking spaces shall only be available to Trust staff from 07:30 to 19:30, Monday to Friday and shall not be available overnight or on weekends.

On the cessation of the temporary parking arrangement as detailed above, the 100 car parking spaces shall no longer be used by Epsom and St Helier University Hospitals NHS Trust staff and shall return to their designated purposes.

Reason: To ensure that student parking does not take place on the Public Highway or on adjacent private streets to the detriment of safety and convenience of other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policies DM35 and DM37 of the Development Management Policies 2015



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6. The means of vehicular access to the development shall be from the new roundabout access on Reigate Road only. The existing vehicular access from Reigate Road to the north of the new roundabout shall be permanently closed and any kerbs, verge, footway, fully reinstated by the applicant, in a manner as already agreed with the Local Planning 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 Policies DM35 and DM37 of the Development Management Policies 2015

7. Space must be been laid out within the site by 1 September 2016 in accordance with the approved plans and previously approved Travel Plan to provide:
  - a) Secure cycle parking, changing facilities, safe pedestrian & cycle routes
  - b) Information for staff and visitors regarding public transport, walking and cycling

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

8. Prior to occupation of the extended area of the eastern car park area, a verification report demonstrating completion of the 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, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use. To satisfy Policy CS6 of the Core Strategy 2007 and Policy DM17 of the Development Management Policies 2015

9. 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 unexpected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters (the site is located over a Principal Aquifer). To satisfy Policy CS6 of the Core Strategy 2007 and Policy DM17 of the Development Management Policies 2015

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10. The development shall be carried out in accordance with the following documents and drawings, approved under ref: 16/01878/COND, dated 28 June 2017:  
Chawton Hill letter, dated 17 March 2017  
Geo-Environmental report, ref: GE9847-GARv1JK180614  
CTP drawing, refs: A4428-1601 T2 and A4428-1602 T1

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater. To satisfy Policy CS6 of the Core Strategy 2007 and Policy DM17 of the Development Management Policies 2015.

11. The development shall be carried out in strict accordance with the Written Scheme of Investigation: Method Statement for an Archaeological Evaluation Report, ref: T23039.02, dated February 2017, and any archaeological works shall be carried out by a suitably qualified investigating body acceptable to the local planning authority.

The work detailed in the report forms an ongoing stage in the implementation of the required archaeological work. As such, the condition is maintained until all the fieldwork has been completed and a satisfactory final report on its results has been submitted to and approved by the local planning authority. Or, should significant/complex archaeological deposits have been revealed, when a satisfactory post-excavation assessment detailing the post-fieldwork analyses needed to arrive at a final publishable report have been agreed and resourced to the planning authorities satisfaction.

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)

12. Subject to application ref: 20/00249/FUL being granted planning permission, the parking management measures set out in the hereby approved Car Park Management Plan, dated Feb 2020, shall be implemented at the Application Site, taking effect from the date of the first use of the 100 spaces by Epsom and St Helier University Hospitals NHS Trust staff throughout the entire period of use of these parking spaces by Trust Staff. Upon cessation of the temporary parking arrangement, the 100 car parking spaces, shall no longer be used by Trust staff, and shall return to their prior designated use, to be retained and maintained for the use of students during term time in perpetuity

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, to meet the objectives of the NPPF (2019) and to satisfy policies DM 35 and DM 37 of the Epsom and Ewell Borough Council Development Management Policies.

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**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. Following construction of the works it is recommended that the following is submitted as evidence that the drainage is implemented in accordance with the strategy:
  - ☐ A verification report carried out by a qualified drainage engineer and must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Drainage System has been constructed as per the agreed scheme.

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18 June 2020

**Ewell Court House, Lakehurst Road, Ewell, Surrey, KT19 0EB**

Rebuild part of central arch of freestanding wall of Ewell Court House Grotto

<b>Ward:</b>	<b>Ewell Court</b>
<b>Contact Officer:</b>	<b>Euan Cheyne</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/simpleSearchResults.do?action=firstPage>

**2 Summary**

- 2.1 The application seeks planning permission to rebuild part of the central freestanding wall of Ewell Court House Grotto. The proposal would reuse all saveable materials, carefully rebuilding with lime mortar to match the existing, to make the failing elements sound and capable of continuing to fulfil their intended functions. The proposal would preserve and enhance the character and appearance of the Grade II Listed Building.
- 2.2 The property is owned by Epsom & Ewell Borough Council and as such is referred to the Planning Committee.
- 2.3 A separate application for listed building consent has been submitted alongside this case, reference 20/00220/LBA.

**3 Site Description**

- 3.1 The site comprises a predominantly two storey building with an extensive garden located to the south of Lakehurst Road. The building is Grade II listed.
- 3.2 The site is not located within a Conservation Area.
- 3.3 Historic England List Entry Number 1392614:

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*II Formerly house, later public library and function rooms. Mainly built in 1879, architect J Alick Thomas for John Henry Bridges on his marriage to Edith Tritton, but incorporating parts of a 1690 house called Avenue House in the kitchen wing. Jacobean style house built of red brick in Flemish bond with sandstone window dressings, some timberframing to the gables and renewed tiled roof with tall brick chimneystacks. The windows are mainly mullioned and transomed windows with leaded lights. Irregular-shaped building with only the garden front symmetrical.*

#### **4 Proposal**

- 4.1 The application proposes to rebuild part of the central freestanding wall of Ewell Court House Grotto.

#### **5 Comments from Third Parties**

- 5.1 Two neighbouring properties were consulted and no representations have been received to date.

#### **6 Consultations**

- 6.1 **Surrey County Council Highway Authority:** No objections.
- 6.2 **EEBC Conservation & Design Officer:** No objections, subject to a number of planning conditions. The proposed works are completely justified and the method statement provided shows a conscientious approach to the historic fabric of the structure.

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**7 Relevant Planning History**

<b>Application Number</b>	<b>Decision Date</b>	<b>Application Detail</b>	<b>Decision</b>
08/00070/LBA	27/05/2008	Refurbishment of Grotto	Grant Listed Building Consent
14/00715/FUL	22/10/2014	Reconstruction of part of the property following fire damage including reconstruction of roofs and chimneys, alteration and upgrade of fire escape, new paved area to property frontage	Application Permitted
14/00766/LBA	22/10/2014	Proposed external and internal works	Grant Listed Building Consent

**8 Planning Policy**National Policy Planning Framework (NPPF) February 2019Core Strategy July 2007

Policy CS5 – The Built Environment

Development Management Policies Document September 2015

Policy DM8 – Heritage Assets

Policy DM9 – Townscape Character and Local Distinctiveness

Policy DM10 – Design Requirements for New Developments (including House Extensions)

**9 Planning Considerations**

9.1 The main issues for consideration in relation to this application are as follows:

**The design of the proposals and their impact upon the special architectural or historic character of the Grade II Listed Building.**

9.2 The National Planning Policy Framework (NPPF) (2019) attaches great importance to the design of the built environment. Paragraph 130 states 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.

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- 9.3 Paragraph 3.7.5 of the Council's Core Strategy (2007) sets out that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 states 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.
- 9.4 Policy DM8 (Heritage Assets) of the Council's Development Management Policies Document (2015) states [inter alia] that development proposals that involve, or have an effect upon Heritage Assets must establish the individual significance of the Asset as part of the application or consent process. As part of the assessment process the significance of the Asset will be taken into account when determining whether the impact of any proposed development is acceptable.
- 9.5 Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's Development Management Policies Document (2015) states that development proposals will be required to incorporate good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced include, but are not limited, to 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.
- 9.6 The site comprises a Grade II Listed Building. There is no principle objection to internal or external works or extensions to Listed Buildings, subject to the works and extensions preserving or enhancing the established character and architectural interest of a heritage asset, its fabric or its setting.
- 9.7 The extent of any repair should typically be limited to what is reasonably necessary to make the failing elements sound and capable of continuing to fulfil their intended functions.



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- 9.8 Ewell Court House Grotto consists of a free standing wall built in red clay brick. It has a height of approximately three metres. The Grotto's central arch is the only one open and has suffered from some structural movement and large vertical cracks are evident at both the left hand side pier and the top of the left hand side of the arch resulting in the wall becoming unstable.
- 9.9 The proposed rebuilding of part of the central arch of the freestanding wall would improve both its stability and appearance and is considered to be essential repair works. The proposal would comprise of reusing all saveable materials and to carefully rebuild using lime mortar to match the existing as well as supplying and installing additional bed reinforcement to effected courses and further wall ties screwed back into the stonework. An application for Listed Building Consent (ref. 20/00220/LBA) has been submitted in tandem with this application and should be read alongside this application.
- 9.10 In addition to design and heritage considerations, there is not held to be a material impact to other parties by view of the limited scope of the work and the spatial distance between the works and other properties.
- 9.11 As such, it is considered that the proposal would comply with the NPPF, Policy CS5 (The Built Environment) of the Council's LDF Core Strategy (2007) and Policies DM8 (Heritage Assets), DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's Development Management Policies Document (2015).

## 10 Conclusion

- 10.1 The application is not considered to have any harmful impact and would preserve and enhance the special architectural and historical character of the heritage asset and is recommended for approval of planning permission subject to conditions.

## 11 Recommendation

**Approve** planning permission subject to the following **CONDITION(S)**:

- (1) The development hereby permitted shall begin 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:

Block Plan [1:500] (Received 10/02/2020)

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GRP001/1 Rev 2 Grotto Front Elevation and Extent of Works (Received 10/02/2020)

GRP001/2 Rev 2 Grotto Front Elevation and Extent of Works (Received 10/02/2020)

GRP001/3 Rev 2 Grotto Front Elevation and Extent of Works (Received 10/02/2020)

GRP001/4 Rev 2 Grotto Front Elevation and Extent of Works (Received 10/02/2020)

GRP001/5 Rev 2 Grotto Front Elevation and Extent of Works (Received 10/02/2020)

Heritage Design and Access Statement [February 2020] (Received 10/02/2020)

Ewell Court House Grotto Repairs Specification of Works [January 2020] (Received 10/02/2020)

**Reason:** For the avoidance of doubt and in the interests of proper planning.

- (3) All works of making good and repair associated with these proposed works shall match the existing adjacent fabric in material details, finish and design detail, unless otherwise agreed in the approved plans or in writing by the Local Planning Authority.

**Reason:** In order that the special architectural and historic character of the Grade II Listed Building is safeguarded in accordance with Policy CS5 (The Built Environment) of the Council's LDF Core Strategy (2007) and Policies DM8 (Heritage Assets), DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's Development Management Policies Document (2015).

**INFORMATIVE(S):**

- (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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**Ewell Court House, Lakehurst Road, Ewell, Surrey, KT19 0EB**

Rebuild Central Arch of freestanding wall of Ewell Court House Grotto (Listed Building Consent).

<b>Ward:</b>	<b>Ewell Court</b>
<b>Contact Officer:</b>	<b>Euan Cheyne</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/simpleSearchResults.do?action=firstPage>

**2 Summary**

- 2.1 The application seeks listed building consent to rebuild part of the central freestanding wall of Ewell Court House Grotto. The proposal would reuse all saveable materials, carefully rebuilding with lime mortar to match the existing, to make the failing elements sound and capable of continuing to fulfil their intended functions. The proposal would preserve and enhance the character and appearance of the Grade II Listed Building.
- 2.2 The application is owned by Epsom & Ewell Borough Council as such is referred to the Planning Committee and under The Town and Country Planning (Consultation) (England) Direction 2009: circular 02/2009 subject to approval the matter is referred to the Secretary of State for determination.
- 2.3 A full planning application is considered separately to this item under reference 20/00219/FUL.

**3 Site Description**

- 3.1 The site comprises a predominantly two storey building with an extensive garden located to the south of Lakehurst Road. The building is Grade II listed.
- 3.2 The site is not located within a Conservation Area.
- 3.3 Historic England List Entry Number 1392614:

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*II Formerly house, later public library and function rooms. Mainly built in 1879, architect J Alick Thomas for John Henry Bridges on his marriage to Edith Tritton, but incorporating parts of a 1690 house called Avenue House in the kitchen wing. Jacobean style house built of red brick in Flemish bond with sandstone window dressings, some timberframing to the gables and renewed tiled roof with tall brick chimneystacks. The windows are mainly mullioned and transomed windows with leaded lights. Irregular-shaped building with only the garden front symmetrical.*

#### 4 Proposal

- 4.1 The application proposes to rebuild part of the central freestanding wall of Ewell Court House Grotto.

#### 5 Comments from Third Parties

- 5.1 Two neighbouring properties were consulted and no representations have been received to date.
- 5.2 A planning site notice was displayed on 26/02/2020.

#### 6 Consultations

- 6.1 **EEBC Conservation & Design Officer:** No objections, subject to a number of planning conditions. The proposed works are completely justified and the method statement provided shows a conscientious approach to the historic fabric of the structure.

#### 7 Relevant Planning History

Application Number	Decision Date	Application Detail	Decision
08/00070/LBA	27/05/2008	Refurbishment of Grotto	Grant Listed Building Consent
14/00715/FUL	22/10/2014	Reconstruction of part of the property following fire damage including reconstruction of roofs and chimneys, alteration and upgrade of fire escape, new paved area to property frontage	Application Permitted
14/00766/LBA	22/10/2014	Proposed external and internal works	Grant Listed Building Consent

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## 8 Planning Policy

National Policy Planning Framework (NPPF) February 2019

Core Strategy July 2007

Policy CS5 – The Built Environment

Development Management Policies Document September 2015

Policy DM8 – Heritage Assets

Policy DM9 – Townscape Character and Local Distinctiveness

Policy DM10 – Design Requirements for New Developments (including House Extensions)

## 9 Planning Considerations

- 9.1 The main issues for consideration in relation to this listed building consent application are as follows:

**The design of the proposals and their impact upon the special architectural or historic character of the Grade II Listed Building.**

- 9.2 Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant Listed Building Consent for any works the Local Planning Authority or the Secretary of State 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.
- 9.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid by Local Planning Authorities to the desirability of preserving or enhancing the character or appearance of that area.
- 9.4 The National Planning Policy Framework (NPPF) (2019) attaches great importance to the design of the built environment. Paragraph 130 states 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.
- 9.5 Paragraph 3.7.5 of the Council's Core Strategy (2007) sets out that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 states 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.

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- 9.6 Policy DM8 (Heritage Assets) of the Council's Development Management Policies Document (2015) states [inter alia] that development proposals that involve, or have an effect upon Heritage Assets must establish the individual significance of the Asset as part of the application or consent process. As part of the assessment process the significance of the Asset will be taken into account when determining whether the impact of any proposed development is acceptable.
- 9.7 Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's Development Management Policies Document (2015) states that development proposals will be required to incorporate good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced include, but are not limited, to 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.
- 9.8 The site comprises a Grade II Listed Building. There is no principle objection to internal or external works or extensions to Listed Buildings, subject to the works and extensions preserving or enhancing the established character and architectural interest of a heritage asset, its fabric or its setting.
- 9.9 The extent of any repair should typically be limited to what is reasonably necessary to make the failing elements sound and capable of continuing to fulfil their intended functions.
- 9.10 Ewell Court House Grotto consists of a free standing wall built in red clay brick. It has a height of approximately 3 metres. The Grotto's central arch is the only one open and has suffered from some structural movement and large vertical cracks are evident at both the left hand side pier and the top of the left hand side of the arch resulting in the wall becoming unstable.

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- 9.11 The proposed rebuilding of part of the central arch of the freestanding wall would improve both its stability and appearance and is considered to be essential repair works. The proposal would comprise of reusing all saveable materials and to carefully rebuild using lime mortar to match the existing as well as supplying and installing additional bed reinforcement to effected courses and further wall ties screwed back into the stonework. The Council's Conservation & Design Officer has stated that the proposed works are completely justified and the method statement provided shows a conscientious approach to the historic fabric of the structure.
- 9.12 As such, it is considered that the proposal would preserve and enhance the character and appearance of the Grade II Listed Building as one of special architectural or historic interest and would comply with the NPPF, Policy CS5 (The Built Environment) of the Council's LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's Development Management Policies Document (2015).

## 10 Conclusion

- 10.1 The works would enhance and preserve the special historic and architectural character of the building and therefore is recommended for approval.

## 11 Recommendation

### 11.1 To refer to the Secretary of State with a recommendation to Grant Listed Building Consent subject to the following **CONDITION(S)**:

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

**Reason:** In order to comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Block Plan [1:500] (Received 10/02/2020)

GRP001/1 Rev 2 Grotto Front Elevation and Extent of Works (Received 10/02/2020)

GRP001/2 Rev 2 Grotto Front Elevation and Extent of Works (Received 10/02/2020)

GRP001/3 Rev 2 Grotto Front Elevation and Extent of Works (Received 10/02/2020)

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GRP001/4 Rev 2 Grotto Front Elevation and Extent of Works (Received 10/02/2020)

GRP001/5 Rev 2 Grotto Front Elevation and Extent of Works (Received 10/02/2020)

Heritage Design and Access Statement [February 2020] (Received 10/02/2020)

Ewell Court House Grotto Repairs Specification of Works [January 2020] (Received 10/02/2020)

**Reason:** For the avoidance of doubt and in the interests of proper planning.

- (3) All works of making good and repair associated with these proposed works shall match the existing adjacent fabric in material details, finish and design detail, unless otherwise agreed in the approved plans or in writing by the Local Planning Authority.

**Reason:** In order that the special architectural and historic character of the Grade II Listed Building is safeguarded in accordance with Policy CS5 (The Built Environment) of the Council's LDF Core Strategy (2007) and Policies DM8 (Heritage Assets), DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's Development Management Policies Document (2015).

- (4) Prior to commencement of works a sample of all new bricks shall be made available to and approved in writing by the Local Planning Authority on site. These shall match those present in place on the affected parts of the wall. The work shall be carried out in accordance with the approved samples.

**Reason:** In order that the special architectural and historic character of the Grade II Listed Building is safeguarded in accordance with Policy CS5 (The Built Environment) of the Council's LDF Core Strategy (2007) and Policies DM8 (Heritage Assets), DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's Development Management Policies Document (2015).

- (5) Prior to commencement of works a sample of the existing original lime mortar from the wall shall be sent for analysis by a mortar specialist and the mortar mix shall be prepared in accordance the report from that specialist to achieve a matching mix. This report shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In order that the special architectural and historic character of the Grade II Listed Building is safeguarded in accordance with Policy CS5 (The Built Environment) of the Council's LDF Core Strategy (2007) and Policies



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DM8 (Heritage Assets), DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's Development Management Policies Document (2015).

- (6) A survey of the wall together including a photographic survey shall be prepared to record its condition prior and during the development and which shall show all areas of exposed historic fabric. The said report shall be submitted to and approved in writing by the Local Planning Authority and copies sent to the borough library at Bourne Hall.

**Reason:** In order that the special architectural and historic character of the Grade II Listed Building is safeguarded in accordance with Policy CS5 (The Built Environment) of the Council's LDF Core Strategy (2007) and Policies DM8 (Heritage Assets), DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's Development Management Policies Document (2015).

- (7) Any damage to the wall caused by or during the course of carrying out of the works permitted shall be made good within 3 months of completion of the development, in accordance with a specification agreed in writing by the Local Planning Authority.

**Reason:** In order that the special architectural and historic character of the Grade II Listed Building is safeguarded in accordance with Policy CS5 (The Built Environment) of the Council's LDF Core Strategy (2007) and Policies DM8 (Heritage Assets), DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's Development Management Policies Document (2015).

**INFORMATIVE(S):**

- (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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**Longmead Depot, Blenheim Road, Epsom, KT19 9DL**

Building reconfiguration, installation of additional roller shutter and vehicular ramp, adjusting electrics and changes to the existing fire alarm system.

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

**1 Plans and Representations**

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q58EY0GYH4Q00>

**2 Summary**

- 2.1 The application is submitted to Committee as the site and buildings are owned by the Council
- 2.2 This application seeks permission for internal and external alterations to an industrial unit, which is currently occupied by a specialist vehicle maintenance company, which services and maintains the Council's vehicles.
- 2.3 The proposal would accord with residential and highways policies contained in the Local Development Framework Core Strategy 2007 and the Development Management Policies Document 2015
- 2.4 The application is recommended for APPROVAL.

**3 Site description**

- 3.1 The application site is located on the eastern side of Blenheim Road, in the Longmead Industrial Estate. The yard/depot comprises a single story workshop/administrative office building aligned along the Blenheim Road frontage, with a large open yard to the rear, around 50m deep and 78m wide.

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- 3.2 It is bounded to the north and south by industrial buildings and to the east by the railway line. Immediately to the south of the workshop building, there is a three-storey block of flats, the upper floors overlooking the yard.
- 3.3 The surrounding area is predominantly industrial in character, with the block of flats being visually and functionally at odds with the neighbouring properties.

#### 4 Proposal

- 4.1 This application seeks permission for the reconfiguration of the unit's layout, which currently comprises a double unit and a single unit. It is proposed to remove an internal dividing wall to create a single "3 bay" workshop, requiring the comprising the installation of an additional roller shutter door and vehicular ramp,(and internal adjustment of electrics and changes to the existing fire alarm system, which do not require planning permission).

#### 5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 12 neighbouring properties. To date 01.06.2020, 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
10/01028/FUL	03.06.2011	New LED floodlighting to depot yard, (Erection of 1 No 5m high, 8 No 10m high floodlight columns and 4 No wall mounted floodlights)	GRANTED

#### 8 Planning Policy

National Policy Planning Framework (NPPF) 2019

Chapter 6: Building a strong, competitive economy  
Chapter 12 Achieving well-designed places

Core Strategy 2007

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Policy CS1 - General policy

Policy CS5 - The built environment

Policy CS11 - Employment provision

Development Management Policies Document 2015

Policy DM9 - Townscape character/distinctiveness

Policy DM10 - Design for new developments

Policy DM25 - Development of employment premises

## **9 Planning considerations**

### Principle of Development

- 9.1 The use of the existing application site is consistent with Policy CS11 and DM25, which seek to meet the needs of local businesses and encourage intensification of employment uses within the Longmead industrial estate.

### Visual Impact

- 9.2 Paragraph 124 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 9.3 Policy DM9 of the Development Management Policies document (2015) states that we will seek enhancement of the townscape through new development. Planning permission will be granted for proposals, which make a positive contribution to the Boroughs visual character and appearance.
- 9.4 Policy DM10 sets out that development proposals will be required to incorporate principles of good design, the most essential element identified as contributing to the character and local distinctiveness of a street, which should be respected, maintained or enhanced. As such the prevailing typology, scale, layout, height, form and massing should be respected.
- 9.5 The proposed alterations to the front elevation of the building would not be visible in the streetscene. The insertion of a new roller shutter door would not have an adverse impact on the appearance of the building, which has an archetypical utilitarian design and appearance.
- 9.6 The proposed scheme would therefore comply with Policies DM9 and DM10.

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Neighbouring Amenity

- 9.7 Policy DM10 sets out those development proposals should (inter alia) have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.
- 9.8 The proposed development would not give rise to any additional material impact or raise concerns with regard to loss of privacy, overlooking or noise and disturbance.
- 9.9 The proposed scheme would therefore comply with Policy DM10

Community Infrastructure Levy

- 9.10 The proposed development would not be CIL liable.

**10 Conclusion**

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

**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:**

**01919-020 Ground Floor Plan – Proposed**

**01919-023 Elevations - Proposed**

**01919-024 Sections - Proposed**

**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).**

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**Informative(s):**

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

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## MONTHLY REPORT ON PLANNING APPEAL DECISIONS

Report by Steven Lewis, Planning Development Manager/Viv Evans, Head of Planning

The Planning Service has received the following Appeal decisions from 1<sup>st</sup> May 2020 to 1<sup>st</sup> June 2020.

Site Address	Planning reference	Description of development	Decision and Costs
The Lodge, West Street, Ewell, Surrey KT17 1XU	APP/P3610/W/19/3242731  19/00801/FUL	Extension to the Forge building to create an additional meeting room and improved WC and kitchen facilities.	<b>Dismissed</b> – No costs awarded

### Summary of Appeal Decision:

#### **The Lodge, West Street, Ewell, Surrey**

The item came before the Planning Committee in November 2019 recommended for approval. The Committee resolved to refuse the item on two grounds:

1. The design fail to preserve or enhance the character and appearance of the Ewell Village Conservation Area, resulting in less than substantial harm to the area and that it did not achieve public benefits to outweigh the harm and adverse impacts of the scheme when assessed against the policies in the National Planning Policy Framework taken as a whole.
2. That the development not meet the parking standards as set out Development Plan resulting in harm on the surrounding area in terms of streetscene and availability of on street parking

The Inspector considered that proposal would not be in keeping with and would be harmful to the character and appearance of the immediately surrounding area and to that of the conservation area, resulting in less than substantial harm and that sufficient justification had not been provided in this case.

The Inspector weighted the benefits of the new additional housing giving it great weight against the harm identified. However, the Inspector judged that the harm to the significance of the conservation area would in this case outweigh the public benefits arising from a small number of new housing.

On the subject of parking the Inspector assessed that the site is in a reasonably accessible location in terms of connectivity to public transport options and is not far from shops and services in the centre of Ewell. Nonetheless, as it is not a town centre

location he considered it unlikely that most future residents would be able to meet all needs without use of a private car. Having regard to local car ownership levels, he assessed that it is likely that many occupiers of the proposed units would own a car and that overspill parking on to surrounding streets would occur.

The overspill of parking he conclude would not be limited to night time and during the day occupiers would have to compete for the limited parking opportunities available. The proposal was then held to have a harmful impact on the surrounding area in terms of street scene and the availability of on-street parking. This harm was weighed into the final planning balance.

**Net No. of dwellings for which planning permission has been granted (Till 31<sup>st</sup> May 2020)**

<b>Month</b>	<b>Committee</b>	<b>Delegated</b>	<b>Appeal</b>
April	0	2	1
May	55	2	0
<b>Total</b>	<b>60</b>		

**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.