

## Minutes of the Meeting of the PLANNING COMMITTEE held on 12 March 2020

---

### PRESENT -

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

In Attendance:

Absent: Councillor Debbie Monksfield

Officers present: Ruth Ormella (Head of Planning), Tom Bagshaw (Planner), Euan Cheyne (Planning Officer), Virginia Johnson (Planner), Steven Lewis (Planning Development Manager) and Danny Surowiak (Principal Solicitor)

### 65 DECLARATIONS OF INTEREST

The following declarations of interest were made in relation to the business to be considered at the meeting:

Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT

Councillor Monica Coleman, Other Interest: In the interests of openness and transparency Councillor Monica Coleman declared that she was a visitor to Hobbledown.

Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT

Councillor Jan Mason, Other Interest: In the interests of openness and transparency Councillor Jan Mason declared that she was a visitor to Hobbledown.

Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT

Councillor Lucie McIntyre, Other Interest: In the interests of openness and transparency Councillor Lucie McIntyre declared that she was a visitor to Hobbledown.

Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT

Councillor Neil Dallen, Other Interest: In the interests of openness and transparency Councillor Neil Dallen declared that he was a visitor to Hobbledown and knows the General Manager.

Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT

Councillor Peter O'Donovan, Other Interest: In the interests of openness and transparency Councillor Peter O'Donovan declared that he knew Hobbledown's marketing manager, who was a parent at the same school.

The Royal Automobile Country Club (RAC), Old Barn Road, Epsom, Surrey, KT18 7EW

Councillor Clive Woodbridge, Other Interest: In the interests of openness and transparency Councillor Clive Woodbridge declared that his son was a member of the RAC.

The Lodge, West Street, Ewell, Surrey, KT17 1XU

Councillor David Reeve, Other Interest: In the interests of openness and transparency Councillor David Reeve declared that he thought he knew one of the speakers.

## 66 MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting of the Planning Committee held on 16 January 2020 were agreed as a true record and signed by the Chair.

## 67 MAPLINS, 42 HIGH STREET, EPSOM, SURREY, KT19 8AH

### Description

Change of use at ground floor from retail to A3 Restaurant use and the conversion of first second and third floor of the building to nine residential apartments.

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.

### Recommendation

An amendment to the recommendations of the report was moved and seconded. The proposed amendment put an additional obligation on the applicant to enter into a Section 106 agreement to prevent owner/occupiers from applying for a parking permit for the Epsom CPZ area. The reason for this condition was that the premises is located in a sustainable area, in the town centre.

Following consideration, this amendment was agreed.

### Decision

Planning Permission is **PERMITTED** subject to the Applicant entering into a legal agreement to make the development car free, by amending the Traffic regulation orders to prevent owner/occupiers of the new residential properties from obtaining a parking permit and following conditions:

**General Conditions:**

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

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

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

19.3166.110 Rev.P1 – Proposed Site / Ground Floor

19.3166.111 Rev.P1 – Proposed Floor Plans

19.3166.112 Rev.P1 – Proposed Floor Plans

19.3166.113 Rev.P1 – Proposed Elevations

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

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

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

**Upper Floors Conditions:**

- (4) The rooflight window(s) hereby approved shall be of a 'conservation style' and shall not project beyond the plane of the roof.

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

- (5) The development shall not be occupied until details of all boundary treatment on the eastern side of the terrace to apartment 9 have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall thereafter be retained.

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

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

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

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

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

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

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

- (9) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for 16 cycles to be parked, in a secure and covered location. Thereafter the cycle parking areas shall be retained and maintained for their designated purposes.

**Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and DM 37 Parking Standards of the Epsom & Ewell Borough Council Development Management Policies Document September 2015.**

**Restaurant specific conditions:**

- (10) The application notwithstanding the Town and Country Planning (General Permitted Development) order (England) 2015 (as amended) or any future iterations of permitted development rights this site shall remain as an A3 Use Class and any change of use shall require consent from the local planning authority in the form of planning consent.

**Reason: To ensure the vitality of the Primary Retail frontage in accordance with Plan E - Epsom Town Centre Area Action Plan (2011), and the development management policies document (2015)**

- (11) No development shall take place until a scheme detailing the noise and vibration attenuation measures to be adopted between the ground Floor A3 use and the first floor and above residential C3 use is submitted and approved in writing by the local planning authority. Such a scheme must achieve an airborne noise design target of at least 55 dB DnTw + Ctr. Thereafter the use hereby approved shall not commence until the approved scheme has been fully implemented and the approved measures shall thereafter be maintained in perpetuity.

**Reason: To ensure the occupiers of the development and nearby properties are not unduly affected by noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015.**

- (12) No occupation of the residential units shall take place until pre completion testing has been submitted to the local planning authority demonstrating the above design target has been achieved or exceeded.

**Reason: To ensure the occupiers of the development and nearby properties are not unduly affected by noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015.**

- (13) The proposed use shall not operate outside of the hours of 07:30: and 23:30

**Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy DM10 of the Development Management Policies 2015.**

- (14) No occupation shall take place until a schematic plan and design specification for the fitting of suitable ventilation and filtration equipment has been submitted to and approved in writing by the local planning authority. Such a scheme and details must include equipment to suppress and disperse all Fumes/smoke/grease/steam/odour/gases and proposals to treat the plant and machinery against the transmission of sound and/or vibration. The approved equipment shall be installed before the use commences and thereafter must be operated and maintained in full working order in accordance with manufacturer's instructions throughout the proposed use.

**Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy DM10 of the Development Management Policies 2015.**

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

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

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

- (4) The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

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

- (5) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149).
- (6) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.

**68** HOBbledown, HORTON LANE, EPSOM, SURREY, KT19 8PT

Description

Amendment to play structure permitted under 17/00988/FUL to provide new smaller play structure for younger children.

This application was referred to the Planning Committee as the land is owned by the Council.

Decision

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

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Submitted Elevation Plan 1.0 dated 29/10/2019, Proposed Site Plan 1.0 dated 29/10/2019 and agent's letter dated 21/11/2019.

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

- (3) The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials dated 21/11/2019.

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

Informative(s):

- (4) 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.

**69 THE ROYAL AUTOMOBILE COUNTRY CLUB (RAC), OLD BARN ROAD, EPSOM, SURREY, KT18 7EW**

**Description**

Variation of Condition 15 of Planning Permission ref: 17/00542/FUL, dated 7 December 2017, to extend the opening hours of the external play facilities and café area in the walled garden from 6:00pm to 8:00pm between April and September (inclusive) and in the winter months 5pm on any given day

**Decision**

Planning Permission is **PERMITTED** subject following conditions

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of the Planning Permission dated 7 December 2017



**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) Ground works shall be carried out strictly in accordance with the approved details, approved under application ref: 18/01341/COND, dated 28.02.2019

**Reason: To ensure that the works are in keeping with the historic setting of the listed wall and to ensure a satisfactory external appearance of the building in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM8 and DM10 of the Development Management Policies Document - 2015**

- (3) The development shall be carried out in accordance with the approved details and samples of materials for the external surfaces of the development, approved under ref: 18/01341/COND, dated 28.02.2019

**Reason: To ensure a satisfactory external appearance of the building in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies Document – 2015**

- (4) The development shall be carried out in strict accordance with the approved details of the children's outdoor play equipment, approved under ref: 19/01067/COND, dated 15.10.2019

**Reason: To ensure a satisfactory external appearance of the building in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies Document - 2015**

- (5) The development shall be carried out in accordance with the Construction Management Transport Plan and Logistics Plan and other approved documents and drawings, approved under ref: 18/01339/COND, dated 27.03.2019.

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

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

**Reason: To promote sustainable means of travel and ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users as required by Policy CS16 of the Core Strategy 2007**

- (7) The landscaping shall take place in strict accordance with the approved details of the landscaping scheme, approved under ref: 18/01341/COND, dated 28.02.2019. The landscaping shall take place in strict accordance with the phased programme and the planting in each phase shall be maintained for a period of five years, such maintenance to include the replacement of any plants that die.

**Reason: To ensure the provisions and maintenance of soft landscaping, in the interest of visual amenity as required by Policies CS1, CS2, CS5 of the Core Strategy (2007) and Policy DM5 of the Development Management Policies Document 2015**

- (8) The development shall be carried out in accordance with the agreed details of the Arboricultural Method Statement and Tree Protection Plans, agreed under ref: 18/01439/COND, dated 27.03.2019. No equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

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

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

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

- (10) The development shall be implemented strictly in accordance with the mitigation and enhancement measures outlined in the Ecological Appraisal dated October 2014 (Report Reference - EDP1297\_07e) and the principles set out in the Landscape and Biodiversity Management Strategy November 2014, Family Facility, Woodcote Park, Royal Automobile Club, Epsom Ecology Position Statement 2017 C\_EDP1297\_18, Technical Note: Ecological Update 2016

(ref:C\_EDP1297\_14); and Ecological Management Plan (EMP) (ref: C\_EDP1297\_15b).

**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**

- (11) The developers shall give at least two weeks' notice to Surrey County Council's Principal Archaeologist of their intention to start work on the site, and shall afford access at all reasonable times to any qualified person nominated by the Local Planning Authority, so that they shall have the opportunity to observe any works involving disturbance of the ground, and record any items of archaeological interest.

**Reason: It is possible that minor items or features of archaeological interest will be disturbed in the course of the development, and these should be rescued or recorded before they are lost, as required Policy DM8 of the Development Management Policies Document 2015.**

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

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

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

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

- (14) The development permitted by this planning permission shall only be carried out in accordance with the approved FRA produced by Atkins dated November 2014 reference no. 5127703\_200/072/DG/007 and

Drainage Strategy produced by Precision dated 13/09/17 reference no.002/RAC Drainage Strategy Rev.8

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

- (15) The external play facilities and café area in the Walled Garden shall not be used before 8am or after 8pm between April and September (inclusive) and in the remaining months 5pm on any given day. The facilities within the pool house (within the Walled Garden) shall not be used before 6am or after 10pm on any given day.

**Reason: To protect the amenities of neighbouring occupiers in accordance with Policy DM10 of the Development Management Policies Document 2015**

- (16) No construction work shall be carried out before 07:30 hours or after 18:30 hours Monday to Friday; no construction work before 08:00 or after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank/Public Holidays.

**Reason: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers in accordance with Policy DM10 of the Development Management Policies Document 2015**

- (17) Vehicle service deliveries to the walled garden facilities shall only take place between 8am and 6pm weekdays and between 9am to 1pm on Saturdays

**Reason: To protect the amenities of neighbouring occupiers in accordance with Policy DM10 of the Development Management Policies Document 2015**

- (18) Prior to the commencement of the development (other than ground works and access construction) the applicant shall submit detailed hydraulic calculations of the final drainage calculation to include the following:

Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+Climate change allowance) for storm events. Detailed hydraulic calculation of each SUDs feature shall be included.

Detailed drawings to include: a finalised drainage layout detailing the location of SUDs elements, pipe diameters, levels, details of how SuDS elements will be protected from root damage and long and cross sections of each SuDS element and including details of any flow restrictions.

Half drain time of 24 hours shall be achieved for at least the 1:30 year storm

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

- (19) The development shall be carried out in strict accordance with the details of a Sustainable Drainage System, approved under application ref: 18/01543/COND, dated 25.03.2019

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

- (20) The development shall be carried out in strict accordance with the approved details relating to surface water, pollution risk and Sustainable Drainage System, as approved under ref: 18/01475/COND, dated 25.03.2019

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

- (21) The scheme detailing maintenance regimes and responsibilities of the drainage and SUDs elements during the operation and lifetime of the systems were approved under ref: 19/00037/COND, dated 29.03.2019. The development shall thereafter be managed and maintained in accordance with the approved details

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

- (22) 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 to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

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

- (23) The development shall be carried out in accordance with the MUGA noise management and monitoring plan, approved under ref: 19/01379/COND, dated 09.01.2020

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

- (24) Any weldmesh fencing, panels or similar materials used to enclose the MUGAs shall be securely clamped with resilient fixings to avoid vibrations, and any advertising signs in proximity to the playing surface shall be made from vinyl or other material which is resistant to the generation of impact noise.

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

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

1524\_105 P7; 1524\_110 P15; 1524\_111 P14; 1524\_112 P2; 1524\_120 P9; 1524\_121 P2; 1524\_125 P2; 1524\_126 P1; 1524\_130 P6; (90)LP001 R09 - General Arrangement Plan; (90)LP002 R01 - Landscape Colour Masterplan

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

**Informative(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) The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds. Any works to trees should take place outside of the bird breeding season and if this is not possible an inspection for breeding birds should be carried out by a qualified ecologist no more than 24 hours prior to any works taking place.
- (3) The applicants are reminded of the need to secure a European Protected Species Mitigation Licence from Natural England prior to the commencement of any works hereby approved.

**70      57 SALISBURY ROAD WORCESTER PARK SURREY KT4 7DE****Description**

Redevelopment of the site for 15 apartments (1 x studio unit, 9 x 1 bed and 5 x 2 bed apartments) with car port, car parking, cycle store, bin store and associated external works.

**Decision**

Planning Permission is **PERMITTED** subject to the completion of a legal agreement to secure the following heads of terms:

A mechanism to review the viability of the development, if slab level is not completed or the occupation of 9 or less flats, within two years from the date of the planning permission. Subject to the viability testing the agreement secure a financial contribution towards affordable housing in the borough of Epsom and Ewell in lieu of any dwellings as affordable, payable up to a maximum of £444,981 Index Linked and subject to the conditions.

In the event that the section 106 Agreement referred to in Part A is not completed by 12th June 2020 the Head of Planning be authorised to extend the deadline to complete the agreement or refuse the application for the following reason:

In the absence of a completed legal obligation under section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy CS9 (Affordable Housing and meeting Housing Needs) in relation to the provision of a commuted sum in lieu of the on-site provision of affordable housing.

**Conditions:**

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - 2019 - P0043 - LP (Site Location Plan) (1:1250)
  - 2019 - P0043 – 200 (Coloured Site Layout) (1:250)
  - 2019 - P0043 - 201 (Proposed Site Information Plan) (1:250)
  - 2019 - P0043 - 202 (Proposed Floor Plans) (1:100)

- 2019 - P0043 - 203 (Proposed Elevations) (1:100)
- 2019 - P0043 - 204 (Proposed Street Scene) (1:250)
- 2019 - P0043 - 205 (Proposed Bin Store) (1:100)
- 2019 - P0043 - 206 (Proposed Cycle Store) (1:100)

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

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

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

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

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

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

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

- (6) The first floor flank kitchen window(s) Flat 7 of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in



which the window is installed and shall thereafter be permanently retained as such.

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

- (7) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown on Drawing Number DPA-69908-02, DPA-69908-03 in the Arboricultural Method Statement by DPA dated January 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.**

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

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

- (9) The demolition works hereby permitted shall not be carried out before a contract for the carrying out of the works of redevelopment has been made and evidence of the construction contract has been submitted to and approved in writing by the local planning authority.

**Reason: To ensure that premature demolition does not take place before development works start in order to safeguard the visual amenities of the area Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015**

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

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

- (11) Notwithstanding the submitted plans, no part of the development shall be first occupied unless and until a vehicular bell-mouth access, with tactile paving and dropped kerbs at the pedestrian crossing point, has been constructed in accordance with a revised scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter all shall be permanently retained.

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

- (12) The means of access to the development shall be from Salisbury Road only. The development hereby approved shall not be first occupied unless and until the existing access from the site to Cromwell Road has been permanently closed and any kerbs, verge, footway, fully reinstated.

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

- (13) Notwithstanding the proposed Construction Transport Management Plan, no development shall commence until a Construction Transport Management Plan, to include details of:
- (a) Parking for vehicles of site personnel, operatives and visitors
  - (b) Loading and unloading of plant and materials
  - (c) Storage of plant and materials
  - (d) Programme of works (including measures for traffic management)
  - (e) Provision of boundary hoarding behind any visibility zones
  - (f) Measures to prevent the deposit of materials on the highway

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

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

- (14) No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for a maximum of 17 cars and a minimum of 15 cycles to be parked, and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose.

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

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

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

- (16) 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)**

- (17) The development shall not be occupied until the bat boxes and wildlife log pile have been installed in accordance with the submitted Biodiversity Enhancement Plan - Bat Boxes & Log Piles.

**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.**

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

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

- (19) The development hereby approved shall not be first occupied unless and until four parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with scheme to be submitted to and approved in writing by the Local Planning Authority.

**Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy DM 36 Sustainable Transport for New Development, of the Epsom & Ewell Borough Council Development Management Policies Document September 2015.**

- (20) The flat roof to the carport hereby permitted shall not be converted or used as a balcony or a sitting out area, and no access shall be gained except for maintenance purposes.

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

- (21) Prior to the first occupation of the first unit hereby permitted, details of bird 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.

**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).**

**Informative(s):**

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 38 of the National Planning Policy Framework 2018.
- (2) The water efficiency standard required under condition 12 has been adopted by the local planning authority through the Development Management Policies 2015. This standard is the 'optional requirement' detailed in Building Regulations 2010, Part G Approved Document (AD) Buildings Regulations (2015), at Appendix A paragraph A1.

The applicant is advised that this standard can be achieved through either using the 'fittings approach' where water fittings are installed as per the table at 2.1 in the AD or using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

- (3) 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 floor space generated by a development. You will receive more information regarding the CIL in due course.

More information and the charging schedule are available online:

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

- (4) No construction work shall be carried out in such a manner as to be audible at the site boundary before 07:30 hours or after 18:30 hours Monday to Friday; no construction work shall be audible at the site boundary before 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.
- (5) 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)

## 71 THE LODGE, WEST STREET, EWELL, SURREY, KT17 1XU

### Description

Demolition of existing detached house and construction of two houses and three flats.

The Committee received a report seeking to build two houses and three flats with direct access to West Street, Ewell Village and bounded by Gibraltar Recreation ground to the north west of the site. The development would accommodate

parking spaces on the site and it was proposed that the parking demand would be accommodated by this.

The report outlined paragraphs 7 and 8 of the National Planning Policy Framework (NPPF) and Members were encouraged to view the proposed development in terms of sustainable development i.e. in terms of economic, social and environmental impact. The Standardised Method of Housing Need that required the Borough to build 695 dwellings per year was also emphasized and the Council's commitment to maximising the five year land supply.

It was acknowledged that the proposed development would optimise the density of the site. Members deliberated the balance between potential less than significant harm to the character of a conservation area and the benefits associated with the provision of an additional five dwellings.

The Committee noted that an application for the site had been considered at its meeting on 17 November 2019 but had been refused by the Committee on two grounds. The Committee considered that the application in front of it at this meeting provided mitigation for one of those two grounds (parking standards), but not the other (that its scale, massing, bulk and detail would fail to preserve or enhance the character of the Ewell Village Conservation Area).

#### Decision

Planning permission is **REFUSED** for the followings reason:

- (1) The design of the development by reason of its scale, massing, bulk and detail would fail to preserve or enhance the character and appearance of the Ewell Village Conservation Area, resulting in less than substantial harm to the designated heritage asset. The development does not achieve public benefits that outweigh the harm and adverse impacts of the scheme when assessed against the policies in the National Planning Policy Framework taken as a whole. The proposal is contrary to the NPPF, policies DM8, DM9, and DM10 of the Development Management Policies Document 2015 and CS5 of the Core Strategy 2007.

## 72 MONTHLY REPORT ON APPEALS AND HOUSING NUMBERS

The Committee noted the appeal decisions from 1 January 2020 to 20 February 2020.

*The meeting began at 7.00 pm and ended at 9.55 pm*

COUNCILLOR CLIVE WOODBRIDGE (CHAIR)