

Public Document Pack

Legal and Democratic Services



To: All Members of the Planning Committee

Dear Councillor

PLANNING COMMITTEE - TUESDAY, 17TH SEPTEMBER, 2019

Please find attached an amended Update Report which includes a new version of the Highways report, for the meeting of the Planning Committee to be held on Tuesday, 17th September, 2019. This was not included in the original Agenda pack published previously.

1. **UPDATE REPORT** (Pages 3 - 12)

Updated information relating to South Hatch stables, Burgh Heath Road, Epsom, KT17
4LX – 18/00308/FUL – *Note Amended Highways Report*

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

Yours sincerely

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

Chief Executive

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Update Report - Planning Committee 17 September 2019

Please note that all the additional material/amendments are marked in '**bold**'

Item 2 South Hatch Stables Burgh Heath Road Epsom Surrey
KT17 4LX – 18/00308/FUL

Paragraph 9.151

The Councils expert has stated that “the revitalized stable complex will have an asset value to the applicant. On a normal residential scheme, this asset value would be taken in to consideration when assessing the level of affordable housing/ S.106 provision that is available on a scheme, however in this instance we are advised the applicant will not sell the stables on when completed.”

Paragraph 9.152

To mitigate the effect of this anomaly, the Councils expert has recommended that a “claw back” clause be incorporated within the S106 legal agreement. This would ensure that the Council is paid the equivalent value of the cost of the affordable housing provision, due at the time planning was granted on the residential scheme (i.e. 40% Affordable Housing), if the applicant/ owner sold the stables in part or as a whole, within a 15 year period from completion of the residential development. In the event the stable complex is sold, the value of the affordable housing provision due to the Council, would be indexed linked up to the date of sale. This would be in addition to the initial CIL contribution of £419,400 already agreed by the applicant.

Paragraph 9.153

The Council’s expert has also recommended that a viability review mechanism is included in the S106 agreement. Review mechanisms should be carried out prior to the implementation of the residential scheme or prior to the implementation of individual phases on a large scheme. Officers consider that to ensure that the scheme is started in a timely manner it is recommended that the review is carried out if Phase 4 of the residential scheme has not reached slab level within two years of consent being granted.

Paragraph 9.182

Notwithstanding the Highways Authorities view that the site cannot be considered sustainable from a transportation perspective, they acknowledge that part of the Borough's remit is to assess the economic and social aspects of sustainable development in addition to my considerations of sustainable development from a transport perspective. In this regard The Highways Authority has provided recommendations should the Local Planning Authority be of a mind to support the proposal, and these include the use of travel plans for all future residents, accommodating all construction vehicles and activity on the site, and construction traffic management. The Highways Authority also advises that the proposal includes adequate numbers of car parking spaces and manoeuvring areas so that vehicles can leave in a forward facing gear. All of these aspects would need to be secured by conditions to make the proposal acceptable in planning terms.

The Highways Comments on this application are attached as Annex 1 to this report

Paragraph 9.254

9.254 The following draft Heads of Terms are likely to form the basis of the Section 106 Agreement if the application is to be approved, all of which are considered to satisfy the three Regulation 122 tests and paragraph 56 of the NPPF:

- (a) Reptile translocation site and Management Plan
- (b) Enabling Housing Delivery – Delivery of the enabling housing in accordance with an approved phasing plan so as to be staged against the delivery of the RTE
- (c) Trainer and stable hand accommodation – to be retained for this purpose in perpetuity
- (d) Residents Mini bus to Epsom train station- to reduce reliance on private transport in order to encourage sustainable travel
- (e) Travel Plan – Providing measures to encourage sustainable travel to the site with monitoring.
- (f) A mechanism to review the viability of the development if Phase 4 of the residential scheme has not reached slab level within two years of consent being granted.**
- (g) a “claw back” clause to ensure that the Council is paid the equivalent value of the cost of the affordable housing provision, due at the time planning was granted on the residential scheme (i.e. 40% Affordable Housing), if the applicant/ owner sold the stables in part or as a whole, within a 15 year period from completion of the enabling residential development.**

11 Recommendation

Part B:

11.2 Following confirmation from the Secretary of State that the matter is not to be called in, delegation be given to the Head of Planning to determine the application subject to Section 106 Agreement being signed by 25 October 2019, and securing:

- Reptile translocation site and Management Plan
- Delivery of the enabling housing development in accordance with the approved phasing plan
- Securing the trainer and stable hand accommodation in perpetuity
- Community mini bus
- Travel Plan with monitoring fee
- **A mechanism to review the viability of the development if Phase 4 of the residential scheme has not reached slab level within two years of consent being granted.**
- **A “claw back” clause to ensure that the Council is paid the equivalent value of the cost of the affordable housing provision, due at the time planning was granted on the residential scheme (i.e. 40% Affordable Housing), if the applicant/ owner sold the stables in part or as a whole, within a 15 year period from completion of the enabling residential development.**

and in accordance with the proposed conditions listed below.

Letter received from the Tree Advisory Board (attached as Annex B)

In a letter dated 13 September, The Tree Advisory Board has requested that consideration be given to the planting of a row of “decent” trees for the future’ just behind the hedge that lines the Burgh Heath Road boundary of the field that runs from the new flats right the way down to Beech Road.

Officers agree that this would enhance the streetscene, and the proposed landscaping conditions (4 and 34) would address the area within the application site. However the lower field is not under the ownership of the applicant and does not form part of the application site. The requirement for additional trees along this section of the field would need to be secured by a legal agreement which would not meet Regulation 122 tests

Additional Condition

- (34) No development shall take place until a Landscape Masterplan is submitted to and approved in writing by the local planning authority. The masterplan shall be implemented as approved and any subsequent variations shall be agreed in writing by the local planning authority.**

Reason: To secure opportunities for enhancing the site's nature conservation value and to ensure the provision and establishment of an appropriate landscaping scheme, in line with national planning policy and adopted Policies DM4 and DM5 of the Development Management Policies Document 2015



APPLICATION NUMBER	EP/18/0308
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DEVELOPMENT AFFECTING ROADS
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1992

Applicant: Mrs Lisa Allison

Location: South Hatch Stables Burgh Heath Road Epsom Surrey KT17 4LX

Development: Demolition of the existing Racehorse Training Establishment (RTE) and the erection of a new RTE comprising of a main yard stable complex of 40 boxes, a secondary stable block of 20 boxes, an isolation yard, a trainer and assistant trainers house, stable staff accommodation, horse walkers, muck pits, a therapy barn, trotting ring and outdoor school, a lunge ring, turnout paddocks and a machinery store and storage barn and enabling residential development comprising 47 apartments.

Contact Officer	Scott Dickson	Consultation Date	9 July 2018	Response Date	30 July 2019
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Revision C

The proposed development has been considered by THE COUNTY HIGHWAY AUTHORITY who has assessed the application on safety, capacity and policy grounds and recommends the proposal be refused on the grounds that:

The site is likely to be accessible by means of the private motor car only due to the location of the site being in excess of 400 metres from a bus stop, in excess of 800 metres from a train station and in excess of 1.6 km to Epsom which is the maximum distance most people would be prepared to walk to reach a destination contrary to the National Planning Policy Framework 2018 and policy DM 36 Sustainable Transport for New Development, of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

If the Planning Authority is minded to approve the application I would like to recommend the following conditions.

1. Notwithstanding the submitted plans showing vehicle visibility zones of 52 metres in both directions from a point 2.4 metres back along the access from the carriageway edge and a geometry to accommodate the tracking of a 12 metres long horse transporting vehicle as demonstrated in the Motion Transport Planning plan numbered 1711006-TK05 no part of the development shall be first occupied unless and until the proposed belmouth access to Burgh Heath Road has been constructed and provided with tactile paving and dropped kerbs at the pedestrian crossing points in accordance with a revised scheme to include tactile paving and dropped kerbs at the pedestrian crossing points and

thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6 metres high above the ground.

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 DM 35 Transport and New Development, of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

2. The development hereby approved shall not be first occupied / unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking turning area shall be retained and maintained for their designated purpose.

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 2012 and DM 35 Transport and New Development, DM 36 Sustainable Transport for New Development, DM 37 Parking Standards, Policy DM 38 Rear Servicing of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

3. The approved Travel Plan Statement dated 03 September 2018 shall be implemented upon first occupation and for each and every subsequent occupation of the development for a minimum of three years.

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 of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

4. Construction Transport Management Plan (* Note: Notice in writing must be given by the Local Planning Authority to the Applicant that if planning permission is granted this condition is intended to be imposed, or pre-authorisation from the applicant must be sought before recommending the imposition of this condition. The Validation requirements for planning applications needing the submission of a Construction Management Plan will provide this notice.)

No development shall commence until a Construction Transport Management Plan, to include details of:

(a) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused

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: 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 DM 35 Transport and New Development, of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

Informatives

1. Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
2. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
3. 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/flooding-advice.
4. 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).
5. 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.

Note

The location of the development is not sustainable being in excess of 400 metres from the closest bus stop with frequent services and in excess of 800 metres the nearest train station. In addition the site in relation to Epsom is in excess of 1.6 km which is the maximum distance most people would walk to a destination according to research quoted by the developer's transport consultant. However the site is within cycling distance of Epsom and its train station, albeit the site is in an elevated position relative to Epsom. Epsom has ample bicycle parking in public areas.

Notwithstanding this I have recommended a condition above for the developer to provide travel information packs to residents should the planning authority be minded to approve the application. The travel information packs would maximise the use of sustainable modes of transport, but they would not make the site sustainable.

The developer is proposing an adequate number of car parking spaces commensurate

with Epsom and Ewell Parking Standards. The site layout includes adequate space for refuse and horse transporting vehicles to enter and leave the site in forward gear.

The developer is providing an access with adequate vehicle visibility for the posted 30 mph speed limit. In terms of geometry the access would be able to accommodate the largest horse transport vehicles likely to use the site, however it would involve the vehicles being driven into the opposing traffic lane in order to complete a left turn out of the access. Although not ideal this is unlikely to cause a highway safety problem because the carriageway is straight in alignment, meaning that drivers would have adequate forward visibility of a large vehicle entering the opposing traffic lane in order to complete the turn left out of the access, before returning to the correct lane. In addition Burgh Heath Road has speed cushions that would constrain vehicle speeds to or below 30 mph therefore allowing time for drivers to react in time to a large vehicle entering the highway from the access.

The site is large enough to accommodate the following facilities during construction:

- (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) on-site turning for construction vehicles

In addition the site is located on a main road the B284, which itself is accessible to the wider highway network via the A240. It is therefore not necessary to seek the following measures

- (a) programme of works (including measures for traffic management)
- (b) HGV deliveries and hours of operation
- (c) vehicle routing

I have recommended informatives to cover the following matters that are controlled by the Highways Act 1980.

- (a) provision of boundary hoarding behind any visibility zones
- (b) measures to prevent the deposit of materials on the highway

However I have added a condition requiring the developer to submit before construction and after construction photographic evidence of the condition of the highway. I have also recommended an informative that the Highway Authority has powers under the Highways Act 1980 section 59 to recover the cost of repairs to the highway due to construction traffic.



To: Planning Committee members
Epsom & Ewell Borough Council

September 13, 2019

Re: South Hatch Stables: Tree Advisory Board suggestion

Apologies for contacting you in this 'group' fashion – but time is short and, conscious of the fact that the South Hatch Stables development proposals are due to be determined on Tuesday, with an officers' recommendation for acceptance, the *Epsom and Ewell Tree Advisory Board* would like to make an urgent suggestion which we believe could provide at least some benefit to the local environment, whichever way this highly controversial application is determined.

Just to be clear, the *Tree Advisory Board* does not support the application, and did indeed lodge an objection early in the planning process on the basis that we are opposed to the erosion of the Green Belt. While supportive of the continuation of a thriving equestrian industry in Epsom, we believe this proposal is disproportionate to its stated 'enabling development' aims and has the potential to set a dangerous precedent at a time when the edge of the Green Belt is coming under intense pressure.

As such, the *Tree Advisory Board* still hopes that this particular development proposal will be rejected on Tuesday – but, conscious of the fact that a wide range of complex and difficult considerations will need to be weighed up by the Committee, has a suggestion that could at least provide some public realm benefit should the Council ultimately be minded to approve this application.

While documents are not currently viewable on the planning portal for technical reasons, we recall that initial landscaping plans included the planting of a number of new trees on the Burgh Heath Road frontage of the development site – and we believe that it is absolutely essential this is adhered to in full should permission be granted. **The proposed landscaping scheme at the frontage did NOT, however, extend beyond the part of the site where the new flats will be located, and the *Tree Advisory Board* always believed this represented a missed opportunity and one which, if addressed, could at least provide some tangible community benefit with regards to the overall quality of the Burgh Heath Road street scene.**

Should the Committee be edging towards granting permission to this deeply divisive development proposal, we believe serious consideration should be given to the planting of a row of decent 'trees for the future' just behind the hedge that lines the Burgh Heath



Tree Advisory Board

A partnership between the local Community
and Epsom & Ewell Borough Council
to safeguard the Borough's trees





Road boundary of the field that runs from the new flats right the way down to Beech Road. While it is true that there are some rather stunted existing trees in the lower part of the hedgerow (the part closer to Beech Road), the upper stretch of the front boundary is currently largely tree-free – allowing for the planting of around five or six decent sized specimens there. The existing trees closer to Beech Road, meanwhile could be supplemented/ gapped-up with several new ones to provide higher quality tree cover for the future.

Such a planting scheme could be transformational to the Burgh Heath Road street scene in a comparatively short time period, and would come at negligible cost for the developer, given it would only represent a small extension of the soft landscaping they are already proposing to conduct.

As such, even at this late stage the *Tree Advisory Board* urges serious consideration to be given to this idea.

While we don't pretend this additional planting can ever be a 'panacea' for the many concerns this application throws up, if the development proposal is, indeed, heading for approval, it would be very sad if any potential for it to provide a tangible public realm benefit to 'counterbalance' the negatives isn't seized – especially in the light of the wider urgent need for additional tree planting if we are to avoid a climate catastrophe.

Yours sincerely,

Simon Alford

Simon Alford
Epsom & Ewell Tree Advisory Board publicity officer



Tree Advisory Board

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