

# Public Document Pack

Democratic Services



## PLANNING COMMITTEE

Thursday 3 November 2022 at 7.30 pm  
Place: Council Chamber - Epsom Town Hall

Link for public online access to this meeting:

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The members listed below are summoned to attend the Planning Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Humphrey Reynolds  
(Chair)  
Councillor Phil Neale (Vice-Chair)  
Councillor Kate Chinn  
Councillor Monica Coleman  
Councillor Alex Coley  
Councillor Nigel Collin  
Councillor Neil Dallen

Councillor David Gulland  
Councillor Previn Jagutpal  
Councillor Jan Mason  
Councillor Steven McCormick  
Councillor Lucie McIntyre  
Councillor Peter O'Donovan

Yours sincerely

Interim Chief Executive

For further information, please contact Democratic Services, email:  
democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

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- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
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- Do not re-enter the building until told that it is safe to do so.

## Public information

**Please note that this meeting will be held in the Town Hall, Epsom and will be available to observe live on the internet.**

This meeting will be 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. A limited number of seats will also be available in the public gallery at the Town Hall. For further information please contact Democratic Services, email: [Democraticservices@epsom-ewell.gov.uk](mailto:Democraticservices@epsom-ewell.gov.uk) , telephone: 01372 732000.

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).

### Public speaking

Public speaking in support or objection to planning applications is permitted at meetings of our Planning Committee. If you wish to speak at a Planning Committee meeting, you should come to the reception area of the town hall in person between 6.00pm and 7.00pm on the night of the meeting to register. It is not possible to pre-register prior to this. If a number of people wish to speak on a particular application you will normally be asked to nominate a single representative from amongst you. Further information is available from our [website](#) or by contacting [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 below 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.

### Filming and recording of meetings:

Those wishing to take photographs or record meetings are asked to read the Council's 'Recording, Photography and Use of Social Media Protocol and Guidance' ([Section 10, Part 5 of the Constitution](#)), which sets out the processes and procedure for doing so.

### Security:

Please be aware that you may be subject to bag searches and will be asked to sign in at meetings. Failure to comply with these requirements could mean you are denied access to the meeting. There is also limited seating which is allocated on a first come first serve basis, you should aim to arrive at least 15 minutes before the meeting commences.

## **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 - 18)**

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 6 October and authorise the Chair to sign them.

### **3. GREEN GABLES, ASHLEY ROAD, EPSOM, KT18 5BB (Pages 19 - 62)**

Demolition of existing building and erection of two linked, two storey buildings containing 22 student bedrooms, associated parking and cycle parking.

**Minutes of the Meeting of the PLANNING COMMITTEE held on 6 October 2022**

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**PRESENT -**

Councillor Humphrey Reynolds (Chair); Councillor Phil Neale (Vice-Chair); Councillors Steve Bridger (as nominated substitute for Councillor Previn Jagutpal), Kate Chinn, Alex Coley, Nigel Collin, Neil Dallen, David Gulland, Jan Mason and Steven McCormick

Absent: Councillor Monica Coleman, Councillor Previn Jagutpal, Councillor Lucie McIntyre and Councillor Peter O'Donovan

Officers present: Lidia Harrison (Principal Solicitor), Jason Ofosu (Principal Solicitor), Justin Turvey (Planning Development and Enforcement Manager), Virginia Johnson (Principal Planning Officer) and Dan Clackson (Democratic Services Officer)

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**14 DECLARATIONS OF INTEREST**

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

Councillor Alex Coley, Other Interest: In the interest of openness and transparency, Councillor Alex Coley stated that he had been involved with previous discussions surrounding some of the meeting's applications, and that he and his fellow Councillors were aware that the Council owns and draws revenue from land on the Hobbledown site, but confirmed that he had come to the meeting with an open mind.

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

Councillor Jan Mason, Other Interest: In the interest of openness and transparency, Councillor Jan Mason stated that she had been involved with previous discussions and was very familiar with the Hobbledown site, but confirmed that she had come to the meeting with a clear and open mind.

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

Councillor Neil Dallen MBE, Other Interest: In the interest of openness and transparency, Councillor Neil Dallen explained that he knows the general manager of Hobbledown personally and has previously been involved with a local firework display that uses Hobbledown's car park as a park-and-ride, but confirmed that he had come to the meeting with an open mind.

**15 MINUTES OF THE PREVIOUS MEETING**

The Minutes of the Previous Meeting of the Planning Committee held on 1 September 2022 were agreed as a true record by the Committee and signed by the Chair.

**16 DEVELOPMENT SITE AT 65 LONDON ROAD, EWELL, SURREY, KT17 2BL****Description**

Construction of a four storey building plus basement for use as a care home (Use Class C2) with up to 70 bedrooms and associated communal spaces and services, together with associated car and cycle parking, refuse storage and ancillary works.

**Decision**

The Committee noted a presentation from the Principal Planning Officer.

Following consideration, the Committee resolved (9 in favour, 0 against, 0 abstaining and the Chair not voting) to APPROVE the application subject to the following conditions:

**Conditions:**

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

Reason: To comply with Section 91 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:

420(SP)01 - Location Plan

420(SP)02 – Existing Site Plan

420 (EX)20 - Existing Streetscape Elevations

420(SP)03 Rev P1 - Proposed Site Plan

420(SP)04 Rev P1 - Proposed Ground Floor Site Plan

420(GA)01 - Proposed Basement Floor GA

420(GA)02 - Proposed Ground Floor GA

420(GA)03 - Proposed First Floor GA

420(GA)04 - Proposed Second Floor GA

420(GA)05 - Proposed Third Floor GA

420(GA)06 - Proposed Roof Plan GA

420(GA)20 - Proposed Elevations GA – Proposed Streetscapes

420(GA)21 - Proposed Elevations GA – Southwest

420(GA)22 - Proposed Elevations GA – Southeast

420(GA)23 - Proposed Elevations GA – Northwest

420(GA)24 - Proposed Elevations GA – Northeast

D0456\_001 Rev A - Landscape Proposal Hard works

D0456\_002 Rev B - Landscape Proposal Soft works

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) 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.

- (4) 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.

- (5) 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.

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

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

- (7) The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles within the development site has been provided in accordance with the approved plans and thereafter shall be retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2021.

- (8) The development hereby approved shall not be occupied unless and until each of the proposed 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 order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2021.

- (9) No part of the development shall be first occupied unless and until the proposed vehicular access to London Road 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 (in general accordance with drawing SK01 Rev G) 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. To support the sustainable development objectives of the National Planning Policy Framework 2021.

- (10) 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 London Road, the depth measured from the back of the footway and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

The development hereby approved shall not be first occupied unless and until the existing access from the site to London 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. To support the sustainable development objectives of the National Planning Policy Framework 2021.

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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2021.

- (12) 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
  - (e) provision of boundary hoarding behind any visibility zones
  - (f) HGV deliveries and hours of operation
  - (g) vehicle routing
  - (h) measures to prevent the deposit of materials on the highway

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

(j) on-site turning for construction vehicles (or measures for traffic management) 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. To support the sustainable development objectives of the National Planning Policy Framework 2021.

- (13) A desk study has been submitted with this planning application. If ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval, prior to the commencement of development.

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 2015 and the National Planning Policy Framework.

- (14) Prior to any occupation of the site, the approved remediation scheme prepared under Condition 14 must be carried out in accordance with its terms. Following completion, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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 2015 and the National Planning Policy Framework.

- (15) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. In that event, an investigation and risk assessment must be undertaken and where remediation is deemed necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning

Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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 2015 and the National Planning Policy Framework.

- (16) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non- Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
  - b) Evidence that the proposed 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. The final solution should follow the principles set out in the approved drainage strategy. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of **1 l/s**.
  - c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
  - d) 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 from increased flood risk.
  - 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.

- (17) 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 surface water 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), and confirm any defects have been rectified.

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

- (18) The development hereby approved shall be carried out in accordance with the protection, mitigation, recommendation and enhancement measures detailed in the (WE) Ecological Appraisal Report, dated April 2022 and the (WE) Reptile Survey, dated June 2020. The approved measures shall thereafter be maintained.

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

- (19) The development hereby approved shall be carried out in accordance the Energy and Sustainability Report, dated May 2022. The approved measures shall thereafter be maintained.

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).

- (20) Prior to residential occupation, the applicant shall submit a report to be approved in writing by the LPA, setting out the approach to reducing levels of nitrogen dioxide in the ground floor residences to acceptable concentrations. The report shall include modelling to predict internal concentrations under a range of circumstances, demonstrate the degree by which occupants can open windows, the frequency of filter changes necessary to maintain efficiency, report the specification of the proposed mechanical system and include sufficient calculations to show the necessary filter dwell time and air volume movement is being achieved.

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

- (21) Prior to residential occupation, the applicant shall submit a report to be approved in writing by the LPA setting out the proposed glazing specification and room ventilation approach to include sufficient calculations for compliance with the internal noise criteria contained within BS 8233:2014 and the ANC/loA Acoustics Ventilation and Overheating

Residential Design guide. Such a report shall form the basis of noise and overheating assessment and sufficient mitigation strategies for both shall be defined.

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

- (22) No development shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of noise has been submitted to and approved in writing by the local planning authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and thereafter retained as such.

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

**Informatives:**

The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway 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 (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see: <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see: [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).

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).

The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings,

highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

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.

It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

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.

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.

Sub ground structures should be designed so they do not have an adverse effect on groundwater.

#### 17 HOBbledown, HORTON LANE, EPSOM, SURREY, KT19 8PT

The Chair explained that on account of there being five items on the agenda relating to the same site (HOBbledown, HORTON LANE, EPSOM, SURREY, KT19 8PT), the order of proceedings would be adjusted as follows:

- a) The time provided to public speakers would be increased to fifteen minutes (three minutes per item) to allow time for speakers to cover all five items relating to Hobbledown collectively.
- b) The Principal Planning Officer would provide a single presentation that would cover all five items relating to Hobbledown.
- c) The Committee would be invited to address any and all of the five items relating to Hobbledown during discussion.

The Chair clarified that each item was to be voted on separately, as normal.

Description

Agenda Item 4 - Siting and installation of restroom facilities.

Agenda Item 5 - Erection of perimeter boundary timber fencing, relocation of entrance gates and installation of gas tank holder (Retrospective).

Agenda Item 6 - Installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective).

Agenda Item 7 - Variation of Condition 14 (vehicular access) of planning application 11/00511/FUL to allow deliveries to the farm shop and cafe via McKenzie Way access (Retrospective).

Agenda Item 8 - Variation of condition 20 of planning permission 11/00511/FUL to allow for Zones 9 and Zone 10 to be accessed by the public for the purposes of over-flow car parking at times of peak demand.

Decision

The Committee noted a presentation on all five items relating to Hobbledown from the Principal Planning Officer.

Councillor Steven McCormick proposed a deferral of all five of the items relating to Hobbledown (items 4, 5, 6, 7 and 8). This proposal was seconded by Councillor Jan Mason. The reason for deferral was to allow time for a Flood Risk Assessment to be created for the entire site, in order to be compliant with DM19 and NPPF policies.

Following consideration, the Committee resolved (6 in favour, 3 against, 0 abstaining and the Chair not voting) that:

The five items relating to Hobbledown (items 4, 5, 6, 7 and 8) be DEFERRED to a future meeting.

**18 PLANNING APPEALS UPDATE**

The Committee noted the report setting out the recent planning appeal decisions received by the Planning Service in relation to non-householder developments.

**19 GREEN GABLES, ASHLEY ROAD, EPSOM - VERBAL UPDATE**

The Planning Development and Enforcement Manager provided a verbal update regarding the item deferred from the meeting held on 1 September 2022 (GREEN GABLES, ASHLEY ROAD, EPSOM), stating it will likely be going to the November meeting of the Committee, and that a Member site visit will be arranged prior to the meeting.

*The meeting began at 7.30 pm and ended at 9.47 pm*

COUNCILLOR HUMPHREY REYNOLDS (CHAIR)

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<b>Ward:</b>	<b>Woodcote Ward;</b>
<b>Site:</b>	<b>Green Gables, Ashley Road, Epsom, KT18 5BB</b>
<b>Application for:</b>	<b>Demolition of existing building and erection of two linked, two storey buildings containing 22 student bedrooms, associated parking and cycle parking</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: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R93R8WGYFK500>

## 2 Comments from Third Parties

- 2.1 The proposal has been amended as part of the application process, thus the application was re-advertised by means of letter to those notified on the original proposal and to anyone else who submitted a representation on the original proposal. A planning site notice was displayed on 29/09/2022. To date (25/10/2022), 18 letters of objection have been received on the amended proposal regarding:
- lack of substantial factual evidence on the need for student accommodation/how it meets relevant planning policies
  - adverse visual impact
  - design
  - impact on character
  - overdevelopment / over-crowding; high density accommodation in a family area
  - generation of noise and disruption; students likely to cause noise at anti-social hours
  - propose that no private amenity space is provided to reduce noise and disturbance etc.; surprised that additional amenity space is added to the front of the curtilage

- impact on neighbour amenities
- loss of privacy
- loss of light
- overshadowing
- overbearing; Building B will be 5.5 metres higher than the existing single storey garage
- loss of outlook
- light pollution; atrium glazing treatment still unclear
- traffic/parking implications; increase on-street parking pressure
- impact on drainage/flooding etc.
- maximum sound insulation should be included in building construction and materials
- streetscene drawings fail to show the cycle shed and bin store
- rearrangement of front layout to show more consideration to occupiers of Malvern Court; propose that bike shelter and bin stores positions are swapped, or the bin stores repositioned to the current front amenity space
- the revisions go no way to remove any of the previous concerns; appear to only make things worse / amended plans do not alter previous objection or deal with previous concerns raised at the planning committee meeting
- no warden on site; little confidence in student management strategy between students and private landlord
- contrary to local plan policies

**Woodcote (Epsom) Residents' Society:** The minor revisions are not considered to adequately address our substantive objections relating to the impact on neighbouring residential amenity, visual amenities, and townscape. Inadequate detail about the decorative panelling across stairwell and lobby area; cannot be conditioned as needs to be assessed from outset. The repositioning of Building A to within 0.5 metres of Ashley Road frontage further serves to undermine the open front garden townscape identified as a positive street element in the Environmental Character Study.

### 3 Consultations

- 3.1 **Epsom and Ewell Borough Council (EEBC) Waste Services Manager:** No objections.
- 3.2 **Surrey County Council Highway Authority (CHA):** No objections. The amendments support the CHA's position on supporting reduced, or zero, car parking provision on sites that are considered sustainable in transport terms as per the original site specific comment.
- 3.3 **Surrey County Council Lead Local Flood Authority (LLFA):** There is no change to the surface water drainage strategy at the site and therefore we have no comments. Please refer back to our response dated 26/05/2022.
- 3.4 No further comments were received from the other original statutory, non-statutory and internal consultees.

### 4 Amendments

- 4.1 The application was deferred from the September meeting of the Planning Committee to allow for a Member site visit to be undertaken. The applicant has made amendments to the scheme, in response to the discussion and concerns raised by Members at the September meeting of the Planning Committee. This report should be read together with the main committee report (Appendix 1).

#### Siting of Building A

- 4.2 Building A and the glazed link element connecting Building A to Building B has been moved a further 0.4 metres from the shared boundary with the rear gardens of Ladbroke Road. The west part of Building A containing the hallway, bathroom and one bedroom has been moved a further 0.6 metres from the boundary and the east part of Building A containing the kitchen, living room, bathroom and other three bedrooms has been moved a further 0.935 metres from the boundary. It would display a slight staggered rear elevation.
- 4.3 The amendments result in the set in distance from the rear of Building A to the rear elevation of No. 2 Ladbroke Road being increased from 10.4 metres to between 10.9 metres and 11.3 metres (ground floor) and 12.9 metres and 13.3 metres (first floor).
- 4.4 This results in a widening of the rear pathway, allowing for increased landscaping.

#### Impact upon Neighbouring Residential Amenities

- 4.5 The amendments to the siting of Building A, allowing for an increased set in distance from the shared boundary with No. 2 Ladbroke Road would be a minor improvement.

- 4.6 Building A has been broken up, creating a slight staggered rear elevation, in an attempt to break up the overall mass/bulk/dominance of Building A when viewed from No. 2 Ladbroke Road. There would be three false windows and an additional ground floor window to break up the brick and create a more articulated appearance.

#### Light Pollution

- 4.7 The glazed link element remains an enclosed, lightweight structure between Building A and Building B. The amendments include an additional layer of decorative panelling fixed to the exterior of the glass for the south/rear elevation of the link element.
- 4.8 Dwg No. J003868-DD-20 A Proposed Elevations 3 and 4, the panelling is shown as a corten cladding with a gradient of perforations. The indicative bronze colour of the corten material is also shown. The lower half (ground floor) of the panelling would be more perforated to retain the open and lightweight feel of the glazed link, designed to break up the brick of both Building A and Building B. The perforation in the cladding would decrease to an opaque finish moving to the first floor to address light spillage and overlooking impacts. The lights within the glazed link would be controlled by both switches with a time, and sufficient daylight sensors, so would not be on permanently.
- 4.9 The roof of the glazed link element would be of a monopoly membrane finish with sedum.

#### Highways, Parking and Cycle Parking

- 4.10 The car parking arrangements have been amended to reduce the number of on-site car parking spaces from four standard car parking spaces to one disabled car parking space, measuring 5 metres by 2.5 metres. It would be served by an Electric Charging Point.
- 4.11 The CHA have reviewed the amended plans, and raise no objection on capacity or highway safety grounds. They further state that the amendments support the CHA's position on supporting reduced, or zero, car parking provision on sites that are considered sustainable in transport terms.
- 4.12 A bike shelter is proposed to the front of Building B, adjacent to the front boundary fronting Ashley Road. It would accommodate 12 bicycles. It would be of a rectangular footprint, measuring 2.197 metres by 4.86 metres. It would have a height of 2.365 metres. It would have a flat sedum roof and sliding doors (see Dwg No. J003968-DD-25 A Proposed Bike Shelter).

#### Refuse/Recycling Facilities

- 4.13 The proposed two dedicated bin stores to the front right hand side of the site have been slightly pushed back from the front boundary line with a hedge proposed around the sides and rear of the bin stores. This would provide some visual screening.
- 4.14 The proposed bin stores would measure 2.829 metres by 3.8 metres and 2.829 metres by 4.3 metres. They would both have a height of 1.5 metres and would be uncovered, allowing for the height to be less than if headroom had to be accounted for. The proposed materials and finishes would comprise of a galvanised steel frame clad with treated wood cladding and swing doors (see Dwg No. J003968-DD-26 Proposed Bin Store).

#### Quality of Accommodation

- 4.15 The car parking arrangements have been amended, thus allowing for the creation of a new additional amenity space (29.83sqm) to the front of the site. This would be in addition to Amenity Space A (18sqm) and Amenity Space B (15.65sqm). This would give a total amenity space of 63.48sqm.

#### Other Matters

- 4.16 Dwg No. J003968-DD-15 E Proposed Site Plan has been updated to include further details of the proposed boundary treatments for the shared side boundary with Malvern Court. The existing 1.2 metre wall and railings to the front of the existing building is to be retained and towards the rear along the side boundary it is proposed to replace the existing fence with a 1.8 metre high fence.

## **5 Conclusion**

- 5.1 Paragraph 11(d) of the NPPF (2021) states that for decision-making the Council should approve planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 5.2 The Council are unable to demonstrate a 5 year supply of land for the delivery of housing. As such, the presumption in favour of sustainable development and Paragraph 11(d) of the NPPF (2021) is a material planning consideration.
- 5.3 The proposed student accommodation would meet an identified need for specialised types of accommodation within the Borough and the provision of additional housing comprises a significant social benefit.
- 5.4 Taking all the matters into account, including the above amendments and all other material planning considerations, it is found that the benefits would significantly and demonstrably outweigh the negative impacts when assessed against the policies of the NPPF as a whole. The proposal would represent sustainable development.

**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:

J003968-DD-01 Site Location Plan (Received 23/03/2022)  
J003968-DD-13 D Proposed Site Plan with Ground Floor Plan (Received 22/09/2022)  
J003968-DD-14 D Proposed Site Plan with First Floor Plan (Received 22/09/2022)  
J003968-DD-15 E Proposed Site Plan with Dimensions and Levels (Received 14/10/2022)  
J003968-DD-16 A Proposed Ground Floor Plan (Received 22/09/2022)  
J003968-DD-17 A Proposed First Floor Plan (Received 22/09/2022)  
J003968-DD-18 A Proposed Roof Plan (Received 22/09/2022)  
J003968-DD-19 A Proposed Elevations 1 & 2 (Received 22/09/2022)  
J003968-DD-20 A Proposed Elevations 3 & 4 (Received 22/09/2022)  
J003968-DD-21 A Proposed Elevations 5 & 6 (Received 22/09/2022)  
J003968-DD-22 C Proposed Sections 1, 2 and 3 (Received 22/09/2022)  
J003968-DD-23 B Street Scene (Received 14/10/2022)  
J003968-DD-24 Proposed Amenity Space B (Received 15/06/2022)  
J003968-DD-25 A Proposed Bike Shelter (Received 14/10/2022)  
J003968-DD-26 Proposed Bin Storage (Received 14/10/2022)  
Tree Development Report (Received 23/03/2022)  
C2751-R1-REV A Flood Risk Assessment & SuDS Report (Received 13/05/2022)

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

3. The student accommodation hereby approved shall only be occupied by students enrolled full or part time in an institution of higher education.

Reason: The accommodation due to its size and layout would not be appropriate for permanent residential use, and in order to comply with Policy DM12 (Housing Standards) of the LDF Development Management Policies Document (2015).

4. The development hereby approved shall not be first occupied until a detailed student management strategy has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented throughout the lifetime of the building.

Reason: To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

5. Prior to above ground works, details and samples of all external materials (including boundary treatment) 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 on completion of the development in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

6. Prior to first occupation, details of the design and external appearance of the boundary treatment shall be 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 to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies (2015).

7. Prior to above ground works, details of a scheme of hard and soft landscaping (to include appropriate replacement tree planting to replace the previously lost TPO) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or shrubs which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that purpose only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to secure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

8. Prior to above ground works, details of existing and proposed finished site levels, finished floor and ridge levels of the proposed dwelling to be erected, and finished external surface levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In order to safeguard the visual amenities of the area / in order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies (2015).

9. The approved areas of hardstanding will be porous or permeable, or shall direct surface water to a porous or permeable area within the site and shall thereafter be maintained as such.

Reason: To reduce surface water runoff from the site in accordance with Policy CS6 (Sustainability in New Developments) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

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

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy DM35 (Transport and New Development) of the LDF Development Management Policies Document (2015).

11. The development hereby approved shall not be occupied unless and until 100% of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a



scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In recognition of Section 9 “Promoting Sustainable Transport” of the NPPF (2021) and to accord with Policy DM36 (Sustainable Transport for New Development) of the LDF Development Management Policies Document (2015).

12. The development hereby approved shall not be first occupied unless and until space has been laid out within the site for a minimum of 12 bicycles to be parked in a secure, covered and lit location. Thereafter the cycle parking areas shall be retained and maintained for their designated purposes.

Reason: In recognition of Section 9 “Promoting Sustainable Transport” of the NPPF (2021) and to accord with Policy DM36 (Sustainable Transport for New Development) of the LDF Development Management Policies Document (2015).

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 existing access, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy DM35 (Transport and New Development) of the LDF Development Management Policies Document (2015).

14. The development hereby approved shall not be first occupied unless and until improvements to the existing bus stops on Ashley Road north of the site have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority to allow for improved accessibility for future occupiers of the site to the public transport network. Such improvements may include where appropriate a kerb build out, suitable kerbing heights, provision of bus shelter and Real Time Passenger Information.

Reason: In recognition of Section 9 “Promoting Sustainable Transport” of the NPPF (2021) and to accord with Policy DM36 (Sustainable Transport for New Development) of the LDF Development Management Policies Document (2015).

15. The development hereby approved shall not be first occupied unless and until a pedestrian crossing has been provided along Ashley Road in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority to facilitate the movement of pedestrians associated with the site.

Reason: In recognition of Section 9 "Promoting Sustainable Transport" of the NPPF (2021) and to accord with Policy DM36 (Sustainable Transport for New Development) of the LDF Development Management Policies Document (2015).

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

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) provision of boundary hoarding behind any visibility zones
- (e) HGV deliveries and hours of operation
- (f) vehicle routing
- (g) measures to prevent the deposit of materials on the highway
- (h) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (i) no HGV movements to or from the site shall take place between the hours of 7.30 and 9.30 am and 2.45 and 5.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Ashley Road (B290), Worple Road, Caithness Drive and Ladbroke Road during these times
- (j) on-site turning for construction vehicles (or measures for traffic management)

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 would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy DM35 (Transport and New Development) of the LDF Development Management Policies Document (2015).

17. 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 LDF Development Management Policies Document (2015).

18. Prior to commencement of works hereby permitted, an updated Arboricultural Method Statement and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the Local Planning Authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

Reason: To protect the trees on and adjacent to the site which are to be retained in the interests of visual amenities in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM5 (Trees and Landscape) and DM9 (Townscape Character and Local Distinctiveness) of the LDF Development Management Policies Document (2015).

19. Unless otherwise agreed by the Local Planning Authority, the following must be undertaken following any demolition and prior occupation of the new development, in accordance with current best practice guidance:

- (i) a site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including hydrocarbons) and contaminants (including asbestos) with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the Local Planning Authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and
- (ii) if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval.
- (iii) the site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and

approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site and verification report shall incorporate the approved additional measures.

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 (Contaminated Land) of the LDF Development Management Policies Document (2015).

20. Prior to occupation of the development hereby permitted the applicant shall supply details of locations of bird and bat boxes, as well as swift bricks, to be located within the proposed development. The approved details shall be retained in perpetuity for the lifetime of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard and enhance biodiversity in accordance with Policy CS3 (Biodiversity) of the LDF Core Strategy (2007) and Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015).

21. 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 (Sustainability in New Development) of the LDF Core Strategy (2007).

22. Prior to first occupation of the development hereby permitted, the rear facing first floor window on the south elevation, serving a hallway, kitchen and bathroom, shall be constructed so that no part of the framework less

than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing to a minimum of level 3 on the standard scale. Any film used to achieve the requisite obscurity level shall be non-perishable and tamper-proof, and must be replaced in the event that it ceases in obscurity level 3.

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 (2015).

23. Prior to first occupation of the development hereby permitted, details of the rear glazing treatment (e.g. obscure glazing, gradient of perforations) on the south elevation of the atrium/common lobby at a scale of 1:20/1:50 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and permanently retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce light spillage and 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 (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 groundwork's within 6 metres of an adjoining building.

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

5. The permission hereby granted shall not be construed as authority to carry out any works on the highway 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](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice)

6. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:  
  
<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
7. 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).
8. Section 59 of the Highways Act 1980 permits the Highway Authority to charge developers for damage cause 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.
9. The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to streetlights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

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<b>Ward:</b>	<b>Woodcote Ward;</b>
<b>Site:</b>	<b>Green Gables, Ashley Road, Epsom, KT18 5BB</b>
<b>Application for:</b>	<b>Demolition of existing building and erection of two linked, two storey buildings containing 22 student bedrooms, associated parking and cycle parking</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: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?keyVal=R93R8WGYFK500&activeTab=summary>

## 2 Summary

- 2.1 The application seeks planning permission for the demolition of the existing building and erection of two linked, two storey buildings (Building A and Building B) containing 22 student bedrooms, associated parking, and cycle parking.
- 2.2 The application is classified as a major planning application, therefore the case is referred to the Planning Committee, in accordance with the Council's Scheme of Delegation.
- 2.3 The application site and existing property has been left in an unsightly condition. It is considered that the proposal would meet an identified need for specialised types of accommodation within the Borough and the net gain of 8 units would weigh in favour of the scheme.
- 2.4 The proposal is considered to be of modest architectural ambitions, however it is considered to be contextually appropriate and would be in keeping with the surrounding buildings, therefore there is not considered to be any significant impact upon character and appearance, nor to the setting of the Worple Road Conservation Area.

- 2.5 It is accepted that there would be some limited impact upon neighbouring residential amenities, including visual impact (loss of outlook) and overbearing impact to No. 2 Ladbroke Road, however any impact is not considered to be significant enough to warrant grounds for refusal. It is acknowledged that the proposed use as student accommodation has the potential to cause increased noise and disturbance, however there is other legislation to address any anti-social behaviour.
- 2.6 The proposal would be provided with 4 on site-car parking spaces which is considered sufficient, by reason of the highly sustainable location and that student accommodation typically doesn't generate high occupier demand. Further details of the cycle parking storage facilities will be secured via a planning condition.
- 2.7 There is a presumption in favour of granting sustainable development unless the application of policies provides a clear reason for refusing permission (Paragraph 11(d)(i) of the NPPF). The adverse impacts of the development are not held to significantly and demonstrably outweigh the benefits, when assessed against the NPPF, as a whole.
- 2.8 **The application is recommended for APPROVAL subject to planning conditions being imposed.**

### 3 Site Description

- 3.1 The site comprises a two storey detached dwelling located on the south west side of Ashley Road. The site has a triangular configuration with an approximate 39 metre frontage along Ashley Road, reducing to an approximate 3 metres along the rear (west) boundary. The site is approximately 769m<sup>2</sup> in size.
- 3.2 The surrounding area is predominantly residential in character and appearance, consisting of a mix of two storey detached properties and semi-detached maisonettes, although the University for the Creative Arts (UCA) is located immediately to the north east of the site across Ashley Road.
- 3.3 The site does not contain a Listed Building and is not located within a Conservation Area, however the site does back onto the Worple Road Conservation Area.

### 4 Proposal

- 4.1 The application proposes the demolition of the existing building and erection of two linked, two storey buildings (Building A and Building B) containing 22 student bedrooms, associated parking, and cycle parking.

## 5 Comments from Third Parties

5.1 The application was advertised by means of letters of notification to 26 neighbouring properties. To date 22 letters of objection have been received regarding:

- adverse visual impact; scale inappropriate for the site
- overdevelopment
- impact on character; out of keeping with neighbouring properties, lack of soft landscaping
- lack of outdoor amenity space
- impact upon Conservation Area
- overbearing
- loss of outlook, sight line blocked due to siting of proposal along boundary line
- overlooking
- loss of privacy
- overshadowing
- loss of daylight/sunlight
- light pollution
- generation of noise and disruption; a large number of unsupervised and unmanaged students is likely to be very noisy and disruptive
- concern use could revert to a HMO or hostel
- traffic/parking implications; increase parking demand/stress in Ladbroke Road
- impact upon drainage, flooding etc.
- impact on ecology/wildlife etc.
- contrary to local plan policies

**Epsom Civic Society:** Generally, support the nature of the proposal, however, have several concerns and observations that need to be addressed.

**Woodcote (Epsom) Residents' Society:** Objection. Concerned about the effective loss of the existing front garden, question why 4 car parking spaces are required in a highly sustainable location, excessive scale would be visually obtrusive, over-shadow the rear gardens and result in significant light spillage from the glazed stairwell and lobby area at night. The amenity area would give rise to unacceptable levels of noise and disturbance and the narrow footpath between the proposed buildings and the boundary with Ladbroke Road properties being a potential area for antisocial behaviour and security concerns.

All of this indicates that the scheme is overdevelopment of the plot and requires significant amendment with a reduced number of bedrooms allowing much greater separation with the site boundaries, a greater level of useable private amenity space for the occupiers, more soft landscaping to respect the character of the area and enable net gain in biodiversity. The scheme is contrary to Policies DM9 and DM10.

## 6 Consultations

- 6.1 **Epsom and Ewell Borough Council (EEBC) Conservation and Design Officer:** No objections - stated that the amenity space is limited and the units are small.
- 6.2 **EEBC Arboricultural Officer:** There is insufficient provision of landscaped space incorporated into the layout of the site. Concern that it will be unsustainable to retain some of the trees. Provision to replace the removed Tree Preservation Order with a new tree is recommended to provide continuity of the TPO. There needs to be a condition requiring the submission of a tree protection plan and arboricultural method statement as currently it is not shown where underground services can be installed.
- 6.3 **EEBC Contaminated Land Officer:** No objections, subject to a planning condition.
- 6.4 **EEBC Waste Services Manager:** No objections.
- 6.5 **Surrey County Council (SCC) Highway Authority (CHA):** No objections, subject to planning conditions.

The applicant should note that the cycle parking provision (11 cycles) is the minimum required. Given the sites sustainable location, the reduced provision of on site car parking and the anticipated future occupiers, this provision may need to be significantly increased in order to encourage this mode of transport and cater for the higher than expected use of bicycles by future occupiers.

The reduced on site car parking provision is supported by the CHA and it is recognised that in highly sustainable locations "no car" and "low car" developments are likely to provide significant benefits in encouraging more sustainable transport choices by future occupiers. In addition, Surrey County Council's Parking Guidance refers to maximum, rather than minimum car parking standards, in this respect the proposed provision is policy compliant.

However, the CHA notes that concerns have been raised regarding the potential for overspill car parking to occur on local residential roads. The roads within the immediate vicinity of the site include provision for multiple parking restrictions including residents only CPZ (Controlled Parking Zones), so any hazardous parking should be minimised and enforceable. An additional assessment of these roads suggests that additional parking restrictions are unlikely to be required.

It should be noted that all parking restrictions across the whole of Surrey are subject to ongoing review. Therefore while it is not considered necessary at this stage, should additional restrictions be required in the future there is a mechanism in place to allow for this.

Increasing parking stress/demand in the existing on street parking spaces is considered by the CHA more of an amenity issue rather than a highway safety or capacity issue. It is also noted that the University for the Creative Arts actively discourages car use (through their own travel plan/car parking management), thereby discouraging car ownership and use for potential students arriving to study.

Given the above circumstances, the size of the site and the expected trip rates, destinations and modes of transport associated with the proposal, the CHA considers that the proposal could be made sustainable in transport terms, with a reduced/mitigated impact on the local highway network as a result of the above mentioned conditions

- 6.6 **SCC Lead Local Flood Authority (LLFA):** No objections. The applicant has considered the surface water flood risk to and from the site and has suggested appropriate mitigation measures to inform the planning application.

## 7 Relevant Planning History

Application Number	Decision Date	Application Detail	Decision
20/00417/FUL	11/02/2021	Erection of two storey rear extension, alterations to roofspace (including two front dormer roof extensions) and other associated external alterations to convert existing dwelling into 3 x 1 bedroom flats and 2 x 2 bedroom flats with off-street car parking (resubmission of 19/01165/FUL)	Refused

## 8 Planning Policy

The National Policy Planning Framework (NPPF) (2021)

LDF Core Strategy (2007)

- Policy CS1 Creating Sustainable Communities in the Borough
- Policy CS3 Biodiversity and Designated Nature Conservation Areas
- Policy CS5 The Built Environment
- Policy CS6 Sustainability in New Developments
- Policy CS7 Housing Provision
- Policy CS13 Community, Cultural and Built Sport Facilities

Policy CS16 Managing Transport and Travel

LDF Development Management Policies Document (2015)

Policy DM4 Biodiversity and New Development

Policy DM5 Trees and Landscape

Policy DM9 Townscape Character and Local Distinctiveness

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

Policy DM12 Housing Standards

Policy DM17 Contaminated Land

Policy DM19 Development and Flood Risk

Policy DM21 Meeting Local Housing Needs

Policy DM35 Transport and New Development

Policy DM36 Sustainable Transport for New Development

Policy DM37 Parking Standards

Making the Efficient Use of Land – Optimising Housing Delivery Report (May 2018)

Parking Standards for Residential Development SPD (December 2015)

Surrey County Council Vehicular and Cycle Parking Guidance (January 2018)

Surrey County Council Vehicle, Cycle and Electric Vehicle Parking Guidance for New Development (November 2021)

## **9 Planning Considerations**

9.1 The main issues for consideration in relation to the determination of this application are:

- Principle of Development
- Quality of Accommodation
- Impact upon Character and Appearance and the setting of the Worple Road Conservation Area
- Trees and Landscaping
- Impact upon Neighbouring Residential Amenities

- Highways, Parking and Cycle Parking
- Refuse and Recycling Facilities
- Flood Risk and Surface Water Drainage
- Sustainability
- Land Contamination
- Community Infrastructure Levy (CIL)
- Conclusion/Planning Balance

Principle of Development

- 9.2 Paragraph 60 of the NPPF (2021) 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 specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.3 Paragraph 69 of the NPPF (2021) states [inter alia] that small and medium sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.
- 9.4 Paragraph 125 of the NPPF (2021) states [inter alia] that where there is an existing or anticipated shortage of land it is important to ensure that developments make optimal use of the potential of each site.
- 9.5 Policy CS7 (Housing Provision) of the Council's LDF Core Strategy (2007) states that the Council will seek to ensure sufficient housing is provided to meet the Borough's housing requirement. The Council's annual housing target has increased significantly since the adoption of the LDF Core Strategy (2007) and Epsom and Ewell Borough Council currently has an annual housing target of 695 (including 20% buffer) new residential dwellings per year.
- 9.6 The proposal would comprise of the demolition of the existing dwelling, therefore there will be the loss of 1 residential unit.
- 9.7 The National Planning Practice Guidance states that all student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not is on campus, can in principle count towards contributing to an LPA's housing land supply. A reduction factor is applied based upon calculations on the average number of students living in student only households, using the published census data. This is stated to be 2.5.

- 9.8 The equivalent of 9 residential units (22 bedrooms/2.5 = 8.6) will help contribute to the above annual housing targets. In addition, the Council are currently unable to demonstrate a 5 year supply of land for the delivery of housing. As such, the presumption in favour of sustainable development and Paragraph 11(d) of the NPPF (2021) is a material planning consideration.
- 9.9 The equivalent of 8 residential units would provide a significant public benefit, which weighs in favour of the scheme.
- 9.10 Policy DM21 (Meeting Local Housing Needs) of the LDF Development Management Policies Document (2015) states that the Council will grant planning permission for specialised forms of residential accommodation subject to the following requirements being met:
- That the application documentation includes clear and robust evidence that demonstrates that there is a need for the new accommodation; and
  - The delivery of the new accommodation does not result in an over-provision of that particular type of accommodation; and
  - The design of the proposal is demonstrated as being sufficiently flexible to readily accommodate conversion to other appropriate uses, either residential or non-residential, in the event that the need for the permitted use declines.
- 9.11 The applicant was asked as part of the application process to provide an objective assessment of actual need for student accommodation, and in response to the Strategic Housing Market Assessment (SHMA) which concludes that there does not seem to be a great demand for additional Purpose-Built Student Accommodation (PBSA) at the moment. The applicant contacted the University of Creative Arts (UCA) to get their feedback on the need for student accommodation, in which they responded with the following:

*“We can confirm that UCA is broadly supportive of an increase in provision of student accommodation in and around Epsom and Farnham, both in Surrey. We have opened a dialogue with the local authorities in both towns, with a view to enlisting their support in addressing what is an increasing need for suitable accommodation for our students.*

*For the current year 2021/2022, UCA has approximately 1,800 students enrolled on our Epsom campus, of which 321 first years were housed in university provided accommodation. The others rely on the local private rental sector, or commute further away. Recently UCA also commenced a February intake into our Business School for the Creative Industries which is proving quite attractive to students, especially those from abroad.*



*Our student number projections and grown plans indicate there will be increasing need for good quality and suitably priced residential accommodation within easy reach of our campuses”.*

9.12 As such, given the additional housing provision and that the UCA have indicated that there will be an increasing need for student accommodation as result of their future plans for the site, it is considered that the principle of development for a building of student accommodation is considered to be acceptable, helping to ensure that the UCA continues to be a viable educational establishment that positively contributes to the economy of the Borough, subject to the below other material considerations.

Quality of Accommodation

9.13 Policy DM12 (Housing Standards) of the Council’s LDF Development Management Policies Document (2015) states that all new developments, including conversions, are required to comply with external and internal space standards.

9.14 There are no specific standards for student accommodation, however the Nationally Described Space Standards (2015) states that in order to provide one bedspace, a single bedroom has a floor area of at least 7.5sqm..

	Unit 1 (GF)	Unit 2 (FF)	Unit 3 (GF)	Unit 4 (FF)
Bedroom 1	8sqm	8sqm	8sqm	8sqm
Bedroom 2	8sqm	8sqm	8sqm	8sqm
Bedroom 3	8sqm	8sqm	8sqm	8sqm
Bedroom 4	8sqm	8sqm	8sqm	8sqm
Bedroom 5			8sqm	8sqm
Bedroom 6			8sqm	8sqm
Bedroom 7			8sqm	8sqm
Kitchen	14.8sqm	14.8sqm	7.6sqm	7.6sqm
Living Area			18sqm	18sqm

9.15 The table above demonstrates that the proposed bedrooms would all exceed 7.5sqm and are considered to be of an adequate size and typical for student accommodation. There would be dedicated day spaces (living area and kitchen) within Unit 1, 2, 3 and 4, all of which are considered to be of an adequate size.

9.16 Policy DM12 (Housing Standards) of the Council’s LDF Development Management Policies Document (2015) states that amenity space for all new dwellings should be:

- private, usable, functional, safe and bio-diverse;
- easily accessible from living areas;
- orientated to take account of the need for sunlight and shading;

- of a sufficient size to meet the needs of the likely number of occupiers; and
  - provide for the needs of families with young children where the accommodation is likely to be occupied as such.
- 9.17 There would be dedicated amenity space (Amenity Space A and Amenity Space B). This would comprise of seating areas (totally approximately 32sqm in size). It is acknowledged that this is not a large area of private amenity space, however, it does provide adequate sitting out and amenity areas and the site is located in very close proximity to Rosebery Park, the closest entrance to the park being just over 100m from the site.
- 9.18 It is considered that the proposed student accommodation should only be occupied by students enrolled in institutions of higher education, by reason that the accommodation due to its size and layout would not be appropriate for permanent residential use. This aspect will be secured via a planning condition.
- 9.19 As such, it is considered that the proposal would comply with Policy DM12 (Housing Standards) of the LDF Development Management Policies Document (2015).

Impact upon Character and Appearance and the setting of the Worple Road Conservation Area

- 9.20 The National Planning Policy Framework (NPPF) (2021) attaches great importance to the design of the built environment. Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 9.21 Paragraph 3.7.5 of the Council's LDF 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.
- 9.22 Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's LDF 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.
- 9.23 The proposal is to be made up of two linked, two storey buildings (Building A and Building B). The glass linked element with aluminium framing connecting the two buildings would comprise of the shared entrance lobby area and stairs.
- 9.24 It is acknowledged that the footprint would be significantly larger than the existing footprint of the dwelling, however it considered that the development would still sit relatively comfortably within the site curtilage.
- 9.25 Building A would have a maximum depth of approximately 11.1 metres and a maximum width of approximately 12.8 metres. It would have a maximum height of approximately 7.5 metres. The proposed brickwork would be Ibstock Mosely Grey Brick.
- 9.26 Building B would have a maximum depth of approximately 10.6 metres and a maximum width of approximately 18.7 metres. It would have a maximum height of approximately 8.5 metres. The proposed brick work would be Ibstock Wigston White Brick:
- 9.27 The proposal has been designed to be contextually appropriate to the character and appearance of surrounding properties, influenced by the architecture of immediately neighbouring properties. The proposed materials and finishes of both buildings would comprise of slate tiles with lead effect rolled hips for the roof and uPVC sash style windows.
- 9.28 The proposal is considered to be of modest architectural ambitions; however, it is considered to be appropriate and would not give rise to any harm upon the character and appearance or visual amenities of the surrounding area, nor impact the setting of the surrounding Worple Road Conservation Area. The existing building is of no significant architectural merit and is not considered to contribute positively to the surrounding streetscene or the Conservation Area.

- 9.29 As such, it is considered, that the proposal would comply with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

#### Trees and Landscaping

- 9.30 Policy DM5 (Trees and Landscape) of the Council's LDF 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]:

- continuing to maintain trees in streets and public open spaces and selectively removing, where absolutely necessary, and replacing and replanting trees;
- 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 trees and other planting.

- 9.31 The site historically contained a tree protected by a Tree Preservation Order (ref. 17/T7; Cherry Tree) within the front garden. The Order was made in 1968 and records are not clear as to when consent was granted for its removal; however, it is not evident on site in photography from 2008. The Council's Arboricultural Officer has stated that the provision to replace the tree with a new tree is recommended to provide continuity of the Tree Preservation Order. It is suggested that suitable replacement trees could be *Acer campestre* (Filed Maple) or *Styphnolobium japonicum* (Japanese Pagoda Tree). The applicant has submitted a Tree Development Report, including an Arboricultural Impact Assessment and Arboricultural Method Statement. It identifies 9 trees within and adjacent to the site, none of which would require removal to facilitate the development. The Council's Arboricultural Officer has advised that currently it is not shown where underground services can be installed, therefore an updated Arboricultural Method Statement and Tree Protection Plan is required. This aspect will be secured via a planning condition.

- 9.32 The proposal would comprise of some new planting and hedgerow. It is imperative that where possible every effort is made to incorporate as much soft landscaping as possible to avoid an over dominance of hard landscaping.

- 9.33 It is considered that further details of the hard and soft landscaping shall be secured via a planning condition, including the provision of tree planting to replace the previously lost Cherry Tree. As such, it is considered that the proposal would comply with Policy DM5 (Trees and Landscape) of the LDF Development Management Policies Document (2015).

Impact upon Neighbouring Residential Amenities

- 9.34 Policy DM10 (Design Requirements for New Developments (including House Extensions)) Council's LDF Development Management Policies Document (2015) seeks to safeguard residential amenities in terms of privacy, outlook, daylight/sunlight and noise and disturbance.

Privacy/Overlooking

- 9.35 Building A would be located between approximately 1 metre and 1.3 metres from the rear shared boundary with No. 2 Ladbroke Road. It would extend along almost the full width of the shared boundary. It would be set approximately 10.4 metres (ground floor) and approximately 12.4 metres (first floor) from the rear elevation of No. 2 Ladbroke Road. It would have an eaves height of approximately 5.8 metres and a maximum ridge height of approximately 7.5 metres.
- 9.36 Building B would be angled away and would be located between 0.9 metres and 9.5 metres from the rear shared boundary with No's. 4 and 4C Ladbroke Road. It would have an eaves height of approximately 5.6 metres and a maximum ridge height of approximately 8.5 metres. Building B would largely utilise the footprint of the existing dwelling (maximum height of approximately 7.9 metres) to be demolished (it is noted that it would be sited closer to the rear shared boundary).
- 9.37 There are a number of windows at first floor level in close proximity to the shared boundary with No's. 2 and 4/4a Ladbroke Road. It is considered that these (hallway, kitchen and bathroom) should be obscure glazed and non-opening below 1.7 metres to ensure there would be no undue overlooking or issues regarding privacy. This aspect will be secured via a planning condition.

Overbearing

- 9.38 It is considered that there would be some visual impact (loss of outlook) and overbearing impact to the garden of No. 2 Ladbroke Road, particularly as the existing set up has no built form along the shared boundary, therefore the current occupiers of No. 2 Ladbroke Road have a clear view towards Ashley Road.
- 9.39 It is considered that there may be some increased visual impact and overbearing impact to the garden of No. 4/4a Ladbroke Road, however by reason of the existing built form any impact is not considered to be significant enough to warrant grounds for refusal.

#### Daylight and Sunlight

- 9.40 The applicant has submitted Dwg No. J003968-DD-22 A 'As Proposed Sections 1, 2 and 3'. This indicates that the topography of the application site is lower than the surrounding properties on Ladbroke Road. It demonstrates that Building A would comply with the 25 BRE degree rule and would not encroach on the centre of the lowest window, therefore any impact is not considered to be significant enough to warrant grounds for refusal. Furthermore, the properties on Ladbroke Road are located to the south of the application site.

#### Overshadowing

- 9.41 The BRE guidance suggest that for an amenity area, e.g. garden, to appear sunlit throughout the year, at least 50% of the garden or amenity area should receive two hours of sunlight on 21<sup>st</sup> March (21<sup>st</sup> March is the equinox month and is the set day for testing overshadowing in accordance with the BRE criteria).
- 9.42 The rear gardens of No's. 2 and 4/4a/4b/4c Ladbroke Road are located to the south of the application site, therefore by reason of the site orientation there is not considered to be any significant overshadowing. It is noted that No. 2 Ladbroke Road also benefits from generous amenity space to the side of the property too, which many other properties do not benefit from.

#### Noise and Disturbance

- 9.43 The objections/concerns contained within a number of objection letters in relation to the general noise, disturbance and possible anti-social behaviour generated by students are noted. It is acknowledged that the proposed use as student accommodation has the potential to cause increased noise and disturbance, however there is other legislation to address any anti-social behaviour and the site is ideally suited to provide residential accommodation for students given its proximity to UCA. It is considered that a detailed Student Management Strategy should be secured via a planning condition. This would set out the framework for the supervision, welfare and support of the student occupiers and help alleviate concerns over possible anti-social behaviour.
- 9.44 As such, it is considered that the proposal would not have any significant detrimental impact upon the residential amenities of neighbouring properties in terms of loss of natural light, overshadowing, loss of privacy, overlooking or loss of outlook and would comply with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

#### Highways, Parking and Cycle Parking

- 9.45 Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.46 Policy DM37 (Parking Standards) of the Council's LDF Development Management Policies Document (2015) states developments, redevelopments, conversions and extensions will have to demonstrate that the new scheme provides an appropriate level of off-street car parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.
- 9.47 Policy CS16 (Managing Transport and Travel) of the Council's LDF Core Strategy (2007) states [inter alia] that development proposals should provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.
- 9.48 Surrey County Council Vehicular and Cycle Parking Guidance (2018) advises that there are no specific standards for car parking for student accommodation and suggests an individual assessment/justification for a Sui Generis use.
- 9.49 The application proposes 4 on-site car parking spaces.
- 9.50 Surrey County Council Vehicle, Cycle and Electric Vehicle Parking Guidance for New Development (2021) requires an individual assessment/justification for a Sui Generis use.
- 9.51 Dwg No. J003968-DD-13 B demonstrates space for bicycle stands to the front right hand side of the site, able to accommodate 10 bicycles. The CHA have advised that the proposal should be provided with a minimum of 11 cycle parking spaces. The parking should be undercover, lit and secure as per government guidance. It is considered that further details should be secured via a planning condition.
- 9.52 Surrey County Council Highway Authority (CHA) have reviewed the proposal and raise no objection, subject to a number of planning conditions. The CHA consider that Paragraph 110 of the NPPF (2021) is relevant to the proposal, which states [inter alia] that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users;

- 9.53 The CHA have stated that in the case of promoting bus use for example (by requiring the provision of high quality infrastructure from new developments) to increase the sustainability values of a development, the Council would need to ensure that safe crossing points are provided where pedestrians are likely to use them – along desire lines. Therefore, both bus stop improvements and crossing points are considered necessary and reasonable for sustainability and safety reasons. These aspects will be secured via planning conditions.
- 9.54 The CHA acknowledge that while bus use at the moment is considered relatively low, this doesn't mean it will always be and if we are to tackle congestion (amongst other problems on the local highway network) then providing good quality public transport infrastructure as part of new developments should be one of the roles of the CHA to manage the transition from a private car based network to a wider choice network fit for all modes of transport.
- 9.55 As such, it is considered that the proposal would comply with the NPPF (2021), Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007) and Policy DM37 (Parking Standards) of the LDF Development Management Policies Document (2015).

#### Refuse/Recycling Facilities

- 9.56 Annex 2 of the Council's Sustainable Design SPD (2016) sets out the requirements for the storage and collection of waste. The Council's Waste Services Manager has stated that the requirements for waste and recycling for this size of development would be:
- 4 x 1100-litre refuse bins
  - 4 x 1100-litre mixed recycling bins
  - 4 x 240-litre glass recycling bins
  - 3 x 180-litre food waste recycling bins
- 9.57 Dwg No. J003968-DD-13 B demonstrates two dedicated bin stores to the front right hand side of the site. This fully complies with the above requirements and no objection is raised by the Council's Waste Services Manager.
- 9.58 As such, it is considered that the proposal would comply with Policy CS6 (Sustainability in New Development) of the LDF Core Strategy (2007) and Annex 2 of the Council's Sustainable Design SPD (2016).

#### Flood Risk and Surface Water Drainage



- 9.59 Paragraph 167 of the NPPF (2021) states that when determining any planning applications, LPAs should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.
- 9.60 Paragraph 168 of the NPPF (2021) sets out that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments.
- 9.61 Policy CS6 (Sustainability in New Developments) of the LDF Core Strategy (2007) states [inter alia] that the Council will ensure that new development avoids increasing the risk of, or from, flooding.
- 9.62 Policy DM19 (Development and Flood Risk) of the LDF Development Management Policies Document (2015) states [inter alia] that the Council will expect development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SuDS) at a level appropriate to the scale and type of development.
- 9.63 The site is located within Flood Risk Zone 1 (Low Probability of Flooding) with a small area to the front of the existing building identified as a Critical Drainage Area. The site is 760m<sup>2</sup> in size.
- 9.64 The applicant has submitted a Flood Risk Assessment and SuDS Report. It states that the impermeable areas of the site prior to development are approximately 521m<sup>2</sup> with the proposed development increasing this to approximately 625m<sup>2</sup>. The applicant proposes raingarden planters, a wall mounted rainwater harvesting tank, sedum green roofing (on the small flat roof areas), porous surfacing to mitigate the surface water flood risk to and from the site.
- 9.65 The Lead Local Flood Authority (Surrey County Council) have reviewed the submitted Flood Risk Assessment and SuDS Report and have stated that the mitigation measures are appropriate. As such, it is considered that the proposal would comply with the NPPF (2021), Policy CS6 (Sustainability in New Developments) of the LDF Core Strategy (2007) and Policy DM19 (Development and Flood Risk) of the LDF Development Management Policies Document (2015).

#### Sustainability

- 9.66 Policy CS6 (Sustainability in New Developments) of the Council's LDF Core Strategy (2007) states [inter alia] that development should result in a sustainable environment and ensure that new development minimises the use of energy in the scheme, minimises the emission of pollutants into the wider environment, minimises the energy requirements of construction and incorporates waste management processes.

- 9.67 It is considered that environmental sustainability should be integral to all development. The applicant makes reference to Policy CS6 in the submitted design and access statement, however there are no proposals as to how the development would accord with this policy. As such, further details of sustainability measures will be secured via a planning condition.
- 9.68 It is considered that the proposal would be able to secure a sustainable development outcome and would comply with the NPPF (2021), Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015) and Policy CS6 of the LDF Core Strategy (2007).

#### Land Contamination

- 9.69 Paragraph 186 of the NPPF (2021) states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 9.70 Policy DM17 (Contaminated Land) of the LDF Development Management Policies Document (2015) states [inter alia] that where it is considered that land may be affected by contamination, planning permission will only be granted if it is demonstrated that the developed site will be suitable for the proposed use without the risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.
- 9.71 The Council's Contaminated Land Officer has reviewed the proposal and stated that a site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas and contaminants with the potential to impact sensitive receptors on and off site is needed. This aspect will be secured via a planning condition. As such, it is considered that the proposal would comply with Policy DM17 (Contaminated Land) of the LDF Development Management Policies Document (2015).

#### Inclusive Access

- 9.72 The applicant has made reference to inclusive access with the submitted design and access statement stating that the proposed development has been designed to fully comply with national and local policies and guidelines in terms of transport and access. The submitted drawings indicate that the ground floor would have a level access, therefore accessible for future occupants who use a wheelchair etc.

#### Community Infrastructure Levy (CIL)

- 9.73 The proposal would be CIL liable.

Conclusion/Planning Balance

- 9.74 Paragraph 11(d) of the NPPF (2021) states that for decision-making the Council should approve planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 9.75 The Council are unable to demonstrate a 5 year supply of land for the delivery of housing. As such, the presumption in favour of sustainable development and Paragraph 11(d) of the NPPF (2021) is a material planning consideration.
- 9.76 The proposed student accommodation would meet an identified need for specialised types of accommodation within the Borough and the provision of additional housing comprises a significant social benefit.
- 9.77 Taking all the matters into account, including all other material planning considerations, it is found that the benefits would significantly and demonstrably outweigh the negative impacts when assessed against the policies of the NPPF as a whole. The proposal would represent sustainable development.

**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:

J003968-DD-01 Site Location Plan (Received 23/03/2022)

J003968-DD-13 C Proposed Site Plan with Ground Floor Plan (Received 12/08/2022)

J003968-DD-14 C Proposed Site Plan with First Floor Plan (Received 12/08/2022)

J003968-DD-15 C Proposed Site Plan with Dimensions and Levels (Received 12/08/2022)

J003968-DD-16 B Proposed Ground Floor Plan (Received 15/06/2022)

J003968-DD-17 Proposed First Floor Plan (Received 23/03/2022)

J003968-DD-18 Proposed Roof Plan (Received 23/03/2022)

J003968-DD-19 Proposed Elevations 1 & 2 (Received 23/03/2022)

J003968-DD-20 Proposed Elevations 3 & 4 (Received 23/03/2022)

J003968-DD-21 Proposed Elevations 5 & 6 (Received 23/03/2022)

J003968-DD-22 B Proposed Sections 1, 2 and 3 (Received 15/06/2022)

J003968-DD-23 A Street Scene (Received 12/08/2022)

J003968-DD-24 Proposed Amenity Space B (Received 15/06/2022)  
Tree Development Report (Received 23/03/2022)  
C2751-R1-REV A Flood Risk Assessment & SuDS Report (Received  
13/05/2022)

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

3. The student accommodation hereby approved shall only be occupied by students enrolled full or part time in an institution of higher education.

Reason: The accommodation due to its size and layout would not be appropriate for permanent residential use, and in order to comply with Policy DM12 (Housing Standards) of the LDF Development Management Policies Document (2015).

4. The development hereby approved shall not be first occupied until a detailed student management strategy has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented throughout the lifetime of the building.

Reason: To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

5. Prior to above ground works, details and samples of all external materials (including boundary treatment) 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 on completion of the development in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

6. Prior to beneficial occupation, details of the design and external appearance of the boundary treatment shall be 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 to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 (The Built Environment) of the LDF Core

Strategy (2007) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies (2015).

7. Prior to above ground works, details of a scheme of hard and soft landscaping (to include appropriate replacement tree planting to replace the previously lost TPO) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or shrubs which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that purpose only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to secure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

8. Prior to above ground works, details of existing and proposed finished site levels, finished floor and ridge levels of the proposed dwelling to be erected, and finished external surface levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In order to safeguard the visual amenities of the area / in order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies (2015).

9. The approved areas of hardstanding will be porous or permeable, or shall direct surface water to a porous or permeable area within the site and shall thereafter be maintained as such.

Reason: To reduce surface water runoff from the site in accordance with Policy CS6 (Sustainability in New Developments) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

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

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy DM35 (Transport and New Development) of the LDF Development Management Policies Document (2015).

11. The development hereby approved shall not be occupied unless and until 100% of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In recognition of Section 9 "Promoting Sustainable Transport" of the NPPF (2021) and to accord with Policy DM36 (Sustainable Transport for New Development) of the LDF Development Management Policies Document (2015).

12. The development hereby approved shall not be first occupied unless and until space has been laid out within the site for a minimum of 11 bicycles to be parked in a secure, covered and lit location. Thereafter the cycle parking areas shall be retained and maintained for their designated purposes.

Reason: In recognition of Section 9 "Promoting Sustainable Transport" of the NPPF (2021) and to accord with Policy DM36 (Sustainable Transport for New Development) of the LDF Development Management Policies Document (2015).

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 existing access, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy DM35 (Transport and New Development) of the LDF Development Management Policies Document (2015).

14. The development hereby approved shall not be first occupied unless and until improvements to the existing bus stops on Ashley Road north of the site have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority to allow for improved accessibility for future occupiers of the site to the public transport network. Such improvements may include where appropriate a kerb build out, suitable kerbing heights, provision of bus shelter and Real Time Passenger Information.

Reason: In recognition of Section 9 “Promoting Sustainable Transport” of the NPPF (2021) and to accord with Policy DM36 (Sustainable Transport for New Development) of the LDF Development Management Policies Document (2015).

15. The development hereby approved shall not be first occupied unless and until a pedestrian crossing has been provided along Ashley Road in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority to facilitate the movement of pedestrians associated with the site.

Reason: In recognition of Section 9 “Promoting Sustainable Transport” of the NPPF (2021) and to accord with Policy DM36 (Sustainable Transport for New Development) of the LDF Development Management Policies Document (2015).

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

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) provision of boundary hoarding behind any visibility zones
- (e) HGV deliveries and hours of operation
- (f) vehicle routing
- (g) measures to prevent the deposit of materials on the highway
- (h) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (i) no HGV movements to or from the site shall take place between the hours of 7.30 and 9.30 am and 2.45 and 5.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Ashley Road (B290), Worple Road, Caithness Drive and Ladbroke Road during these times
- (j) on-site turning for construction vehicles (or measures for traffic management)

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 would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy DM35 (Transport and New Development) of the LDF Development Management Policies Document (2015).

17. Prior to commencement of works hereby permitted, an updated Arboricultural Method Statement and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the Local Planning Authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

Reason: To protect the trees on and adjacent to the site which are to be retained in the interests of visual amenities in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM5 (Trees and Landscape) and DM9 (Townscape Character and Local Distinctiveness) of the LDF Development Management Policies Document (2015).

18. Unless otherwise agreed by the Local Planning Authority, the following must be undertaken following any demolition and prior occupation of the new development, in accordance with current best practice guidance:

- (i) a site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including hydrocarbons) and contaminants (including asbestos) with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the Local Planning Authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and
- (ii) if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed



scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval.

- (iii) the site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site and verification report shall incorporate the approved additional measures.

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 (Contaminated Land) of the LDF Development Management Policies Document (2015).

19. Prior to occupation of the development hereby permitted the applicant shall supply details of locations of bird and bat boxes, as well as swift bricks, to be located within the proposed development. The approved details shall be retained in perpetuity for the lifetime of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard and enhance biodiversity in accordance with Policy CS3 (Biodiversity) of the LDF Core Strategy (2007) and Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015).

20. 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 (Sustainability in New Development) of the LDF Core Strategy (2007).

21. Before any occupation of the development hereby permitted, the rear facing first floor window on the south elevation, serving a hallway, kitchen and bathroom, shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing to a minimum of level 3 on the standard scale. Any film used to achieve the requisite obscurity level shall be non-perishable and tamper-proof, and must be replaced in the event that it ceases in obscurity level 3.

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 (2015).

22. Before any occupation of the development hereby permitted, details of the rear glazing treatment (e.g. obscure glazing, one way glass, retrofitted films) on the south elevation of the atrium/common lobby shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To reduce light spillage and 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 (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 groundwork's within 6 metres of an adjoining building.

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

5. The permission hereby granted shall not be construed as authority to carry out any works on the highway 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](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice)

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

<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

7. 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).
8. Section 59 of the Highways Act 1980 permits the Highway Authority to charge developers for damage cause 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.
9. The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to streetlights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.