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Democratic Services



PLANNING COMMITTEE

Thursday 7 September 2023 at 7.30 pm

Place: Council Chamber - Epsom Town Hall

Online access to this meeting is available on YouTube: [Link to online broadcast](#)

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 Steven McCormick (Vice-
Chair)
Councillor Kate Chinn
Councillor Neil Dallen
Councillor Julian Freeman

Councillor Jan Mason
Councillor Bernie Muir
Councillor Phil Neale
Councillor Peter O'Donovan
Councillor Clive Woodbridge

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. King'.

Chief Executive

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

EMERGENCY EVACUATION PROCEDURE

No emergency drill is planned to take place during the meeting. If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions.

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move to the assembly point at Dullshot Green and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Please note that this meeting will be held at the Town Hall, Epsom and will be available to observe live using free YouTube software.

A link to the online address for this meeting is provided on the first page of this agenda. A limited number of seats will be available on a first-come first-served basis in the public gallery at the Town Hall. If you wish to observe the meeting from the public gallery, please arrive at the Town Hall reception before the start of the meeting. A member of staff will show you to the seating area. For further information please contact Democratic Services, email: 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 this 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.

A [glossary of Planning terms and acronyms](#) is available to view on the Council's website.

Public speaking

Public speaking in support or against planning applications is permitted at meetings of the Planning Committee. Two speakers can register to speak in support (including the applicant/agent) and two can register to speak against any single application. Speakers will be registered in the order that submissions to register are received. An individual can waive their right to speak in favour of an individual who attempted to register at a later time, or alternatively, several members of the public may appoint one person to speak on their behalf, provided agreement to this arrangement can be reached amongst themselves.

Speakers shall have a maximum of 3 minutes to address the Committee and remarks must be confined to the application upon which the speaker registered.

For more information on public speaking protocol at Planning Committee meetings, please see [Annex 4.8](#) of the Epsom & Ewell Borough Council Operating Framework.

If you wish to register to speak on an application at a meeting of the Planning Committee, please contact Democratic Services by email at democraticservices@epsom-ewell.gov.uk, or by telephone on 01372 732000 in advance of the deadline for registration. Please state the application(s) on which you wish to speak, and whether you wish to speak in support or against the application.

The deadline for registration to speak on an application at a meeting of the Planning Committee is Noon on the day of the meeting.

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 Chair agree to discuss any other such matters on the grounds of urgency, the Committee may 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

The Council allows filming, recording and photography at its public meetings. By entering the Council Chamber and using the public gallery, you are consenting to being filmed and to the possible use of those images and sound recordings.

Members of the Press who wish to film, record or photograph a public meeting should contact the Council's Communications team prior to the meeting by email at: communications@epsom-ewell.gov.uk

Filming or recording must be overt and persons filming should not move around the room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non-handheld devices, including tripods, will not be allowed.

Guidance on Predetermination /Predisposition

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

Predisposition

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

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

Pre-determination / Bias

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

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

AGENDA

1. DECLARATIONS OF INTEREST

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

2. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 24)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on the 20 July 2023 (attached) and to authorise the Chair to sign them.

3. 22/00316/TPO - 8 GRAFTON ROAD, WORCESTER PARK KT47QP (Pages 25 - 32)

Confirmation of Tree Preservation Order (TPO) No. 476A made in respect of a Scots Pine tree at 8 Grafton Road.

4. 23/00656/REM - 15 BOLEYN AVENUE, EWELL KT17 2QH (Pages 33 - 48)

Variation of Condition 2 (Approved Plans) of planning permission 23/00257/FUL (Additional detached two-storey house with associated vehicular access; new vehicular access at No.15) to convert the garage to a habitable room and add a first-floor extension.

Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber, Epsom Town Hall on 20 July 2023

PRESENT -

Councillor Humphrey Reynolds (Chair); Councillor Steven McCormick (Vice-Chair); Councillors Chris Ames (as nominated substitute for Councillor Kate Chinn), Neil Dallen, Julian Freeman, Bernie Muir, Phil Neale, Peter O'Donovan and Clive Woodbridge

Absent: Councillor Kate Chinn and Councillor Jan Mason

Officers present: Simon Taylor (Planning Development & Enforcement Manager), Gemma Paterson (Principal Planning Officer), Virginia Johnson (Principal Planning Officer), Alex Awoyomi (Solicitor), and Dan Clackson (Democratic Services Officer)

7 DECLARATIONS OF INTEREST

23/00532/FUL Parkside House, Ashley Road, Epsom KT18 5BS

Councillor Neil Dallen, Other Interest: Stating that he believed items 4 and 5 of the agenda to be pertinent to the business of the Strategy and Resources Committee, Councillor Neil Dallen wished to declare that he was the Chair of the Strategy and Resources Committee. He confirmed that he maintained a clear and open mind.

8 MINUTES OF THE PREVIOUS MEETING

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on 8 June 2023 and authorised the Chair to sign them.

9 22/01537/FUL 12-16 HIGH STREET, EPSOM KT19 8AH

The Committee received a presentation on the application from the Principal Planning Officer.

Description:

Extension and conversion of redundant upper floor office space to build 1 x 4-bed flat and 4 x studio flats.

Officer Recommendation:

To grant planning permission subject to conditions and informatives.

Public Speaking:

The Applicant spoke in favour of the application.

Decision:

Following consideration, Councillor Steven McCormick proposed that a condition be added requiring timber framed windows on the side elevation of the building, consistent with the design and character of those on the front elevation.

The proposal was seconded by Councillor Bernie Muir.

The Committee voted unanimously in favour of the proposal.

Following consideration, Councillor Neil Dallen proposed that the application be refused for the following reasons:

- a) Substantial harm to the Epsom Town Centre Conservation Area.
- b) Pedestrian and vehicular safety arising from likelihood of parking and deliveries on High Street.
- c) Inadequate and unsatisfactory refuse storage capacity and collection arrangements.
- d) Non-compliance with internal space standards for Flats 2, 3 and 4.

The proposal was seconded by Councillor Phil Neale.

The Committee voted (3 For, 5 Against, and the Chair not voting) against the proposal.

Following consideration, the Committee resolved (5 for, 3 against, and the Chair not voting) to:

Grant planning permission subject to the following conditions and informatives:**Conditions:**

- (1) **Timescale:** The development hereby permitted shall be commenced within three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- (2) **Approved Plans:** Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be carried out in accordance with the following approved plans:

- (1) Location and Block Plan numbered 969-A010A, dated 11 December 2020

- (2) Floor Plans numbered 969-A101F and 969-A102C (dated 19 August 2022), 969-A1919F (dated 14 July 2022), 969-A201L and 969-A301N and 969-A501K (dated 13 July 2023), 969-A401M (dated 18 July 2022)
- (3) Elevations numbered 969-701C and 969-A721F (dated 23 June 2023), 969-A711H (dated 19 July 2022), 969-A801C (dated 18 August 2022), 969-A802A (dated 10 June 2022) and 969-A506B (dated 23 June 2022)

Reason: For 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) **Construction Management Plan:** Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the Development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:
- a) parking of vehicles of site personnel and visitors;
 - b) storage of plant and materials;
 - c) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
 - d) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
 - e) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
 - f) siting and design of temporary buildings;
 - g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
 - h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded;
 - i) Arrangements for deliveries, including routing, drop off locations and timing;
 - j) Routing of deliveries from the drop off point to the site;

- k) Measures to protect pedestrian flows and safety along the public footpath.

The development shall be carried out in accordance with the approved scheme and statement.

Reason: To ensure a satisfactory management of construction and deliveries in accordance with Policy CS16 of the Core Strategy 2007.

- (4) **Materials:** Prior to the commencement of the development hereby permitted, details of the materials to be used in the construction of the external surfaces of the extension (including but not limited to the green roof and green wall, doors, windows and bricks (bricks should be laid in English bond)) shall be submitted to and approved in writing by the local planning authority. The development is to be undertaken in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory external appearance in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM9 and DM10 of the Development Management Policies Document 2015.

- (5) **Cycle Parking:** Prior to the occupation of the development hereby permitted, final details of the cycle parking shall be submitted to and approved on writing by the local planning authority. The approved details shall be implemented prior occupation of the development and the storage shall thereafter be used for no purpose other than the parking of bicycles.

Reason: To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy 2007 and Policies DM35 and DM37 of the Development Management Policies 2015.

- (6) **Compliance with the Ecology Report:** The development hereby permitted shall not be occupied until the biodiversity measures as outlined in Section 4 of the Ecology Report (Crossman Associates, ref: C1186.001 Issue 1, dated 6 June 2022) have been implemented in full. Thereafter, the measures are to be maintained for the life of the development.

Reason: To provide biodiversity benefits in accordance with Section 15 of the NPPF, Policy CS3 of the Core Strategy 2007 and Policies DM4 of the Development Management Policies 2015.

- (7) **Compliance with the Drainage Report:** The development hereby permitted shall not be occupied until the sustainable drainage measures as outlined in Section 5 of the Drainage Strategy (Urban Water, ref: 236 - Rev - V1) have been implemented in full. Thereafter, the drainage and management of the drainage measures are to be maintained for the life of the development.

Reason: To ensure the development does not increase flood risk on or off site and is maintained for the lifetime of the development in accordance with Section 15 of the NPPF, Policy CS6 of the Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015.

- (8) **Triple glazing:** The development hereby permitted shall not be occupied until the rear openings, including windows and doors are fitted with triple glazing, and maintained thereafter for the life of the development.

Reason: To provide noise attenuation in accordance with paragraphs 130 and 157 of the NPPF, Policy CS6 of the Core Strategy 2007 and Policies DM10 and DM12 of the Development Management Policies 2015.

- (9) **Obscure Glazing:** Prior to the occupation of the development hereby permitted, the western side of the third floor rear terrace is to be fixed with a privacy screen to 1.7m in height above finished floor level, either solid in form or glazed with obscure glass of no less than obscurity level and shall thereafter be permanently retained as such.

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

- (10) **Provision of Bin Storage:** The development hereby permitted shall not be occupied until the bin storage has been provided in accordance with the approved plans. The storage shall thereafter be used for no purpose other than the storage of bins.

Reason: To ensure that the development provides sufficient bin storage and to ensure the safe and effective storage and collection of refuse and recycling in accordance with Policy CS5 and CS6 of the Core Strategy 2007.

- (11) **No Large HMO:** The permission does not allow for the use of the 4-bed unit to be occupied as a large House of Multiple Occupation (ie more than six occupants).

Reason: To protect the character of the area in accordance with Policy DM10 of the Development Management Policies 2015.

- (12) **Timber Window Frames:** Prior to occupation of the building, all windows to the front and northern side elevation of the building shall comprise timber frames, consistent with the design and character of those on the front elevation.

Reason: To ensure a satisfactory external appearance in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM9 and DM10 of the Development Management Policies Document 2015.

Informatives:

- (1) **Refuse and Recycling Collection:** It will not be appropriate to collect bins from the High Street, due to the location clashing with a significant, busy traffic junction that would be unacceptably impacted by a waiting bin collection vehicle. Therefore, the collection vehicle would have to park behind the property (accessed via the roadway past the NCP Ebbisham Car Park).
- (2) **Materials:** 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 Sections 131, 148, 149).
- (3) **Damage:** 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.
- (4) **Public Obstruction:** 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.
- (5) **Positive and Proactive Discussion:** 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.
- (6) **Building Control:** 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.
- (7) **Working Hours:** When undertaking building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. 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.

- (8) Party Wall Agreement:** 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 or 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.

- (9) Protected Species:** The applicant is reminded that it is an offence to disturb protected species under the Wildlife and Countryside Act 1981. Should a protected species be found during the course of the works, the applicant should stop work and contact Natural England for further advice on 0845 600 3078.
- (10) Archaeological Artifacts:** In the event of any archaeological artifacts are found on site during the construction phase, the applicant is advised to stop work and contact the SCC Archaeology Team for further advice on 0345 600 9009.
- (11) Changes to the Approved Plans:** Should there be any change from the approved drawings during the build of the development, this may require a fresh planning application if the changes differ materially from the approved details. Non-material changes may be formalised by way of an application under s.96A Town and Country Planning Act 1990.

10 23/00532/FUL PARKSIDE HOUSE, ASHLEY ROAD, EPSOM KT18 5BS

The Committee received a presentation on the application from the Principal Planning Officer.

Description:

Change of use to dual use Office (Use Class E (g)(i)) and Education (Use Class F1(a)) and associated works.

Officer Recommendation:

To grant planning permission subject to conditions and informatives.

Public Speaking:

The Agent Spoke in favour of the application.

Decision:

Following consideration, the Committee unanimously resolved to:

Grant planning permission subject to the following conditions and informatives:**Conditions:**

- (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:

630439.01 – Site Location Plan

630439.02 - Existing Site Plan

630439.04 – Existing Lower Car Park Plan

630439.06 - Existing Upper Car Park Plan

630439.08 - Existing Ground Floor Plan

630439.10 - Existing First Floor Plan

630439.12 – Existing Second Floor Plan

630439.14 – Existing Elevation 1

630439.16.17 – Existing Elevation 2 and 3

630439.20 – Existing Elevation 4

630439.03 – Proposed Site Plan

630439.05 – Proposed Lower Car-Park

630439.07 – Proposed Upper Car-Park

630439.09 – Proposed Ground Floor Plan

630439.11 – Proposed First Floor Plan

630439.13 – Proposed Second Floor Plan

630439.15 – Proposed Elevation 1

630439.18.19 - Proposed Elevation 2 and 3

630439.21 – Proposed Elevation 4

Reason: For avoidance of doubt and in the interests of proper planning 4.

- (3) The dual Office (Class E (g)(i)) and Education (Class F1(a)) hereby permitted, under Class V of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), shall be limited for a period of 10 years from the date of this decision. The use of the building at the time of the expiry of the 10-year period shall become the established use of the building. Any further change of use after that period shall require a further planning permission.

Reason: In order to provide greater flexibility to the use of the building and to clarify the lawful uses hereby permitted and to clarify the criteria relating to this permission

- (4) Works related to the construction of the development hereby permitted, including works of 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

- (5) (a) The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with the approved plans by the Local Planning Authority 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 areas shall be retained and maintained for their designated purposes

(b) The existing vehicle parking (and turning) area at the premises (as shown on the existing site plan, the existing upper car park and the existing lower car park (dated 04 May 2023) shall be permanently retained and maintained for their designated purpose

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users namely pedestrians and

cyclists and to satisfy policies DM35, DM36 and DM37 of the Epsom & Ewell Borough Council Development Management Policies Document (2015)

- (6) The development hereby approved shall not be occupied unless and until at least 23 car parking spaces are provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with the approved proposal 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 Epsom & Ewell Borough Council Development Management Policies Document (2015)

- (7) The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with the approved plans by the Local Planning Authority for the secure parking of bicycles. All cycle parking should be secure, covered and lit. Thereafter the parking areas shall be retained and maintained to the satisfaction of the Local Planning Authority. Furthermore, an Electric Charging Point nearby to any bicycle parking to increase the take up of electric bicycles and to be in line with recent SCC parking guidance released in February 2023 shall be installed prior to first occupation and maintained thereafter.

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 Epsom & Ewell Borough Council Development Management Policies Document (2015)

- (8) The development shall accord with the Flood Risk Assessment, Lustre, dated April 2023, including its mitigation measures and recommendations, for the entirety of the development.

Reason: To prevent an increased risk of flooding, to prevent pollution of the water environment and to ensure principles of sustainable drainage are incorporated into the development in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015

- (9) On collection days, refused and recycling bins serving the development must be sited for collection within six metres of the vehicular entrance.

Reason: In the interests of residential and visual amenity, and to encourage waste minimisation and recycling of refuse, in the interests of sustainable development in accordance with Policies CS5 and CS6 of the Core Strategy (2007), Policy DM10 and DM12 of the Development Management Policies 2015 and '*Guidance on the storage and collection of household waste*' (dated November 2018)

Informatives:

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
- (2) Your attention is drawn to the 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) 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 and in some circumstances, carry out groundworks within 6 metres of an adjoining building.

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

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

- (6) The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, (www.ccscheme.org.uk) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.
- (7) 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.
- (8) The applicant is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway.

11 23/00488/FUL THE WELLS, 3 - 13 CHURCH STREET, EPSOM KT17 4PF

The Committee received a presentation on the application from the Principal Planning Officer.

Description:

Change of use from Office (Use Class E (g)(i)) to Education (Use Class F1(a)) and associated works.

Officer Recommendation:

To grant planning permission subject to conditions and informatives.

Public Speaking:

The Agent Spoke in favour of the application.

Decision:

In the interest of sustainability, Councillor Phil Neale proposed that a condition be added requiring that solar panels to be mounted on the building prior to occupation of the building.

The proposal was seconded by Councillor Julian Freeman.

The Committee voted (3 for, 4 against, 1 abstention, and the Chair not voting) against the proposal.

Following consideration, the Committee resolved (7 for, 1 abstention, and the Chair not voting) to:

Grant planning permission subject to conditions and informatives.

Conditions:

- (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:

630438.01 – Site Location Plan

630438.02 - Existing Site Plan

630438.04 - Existing Basement Plan

630438.06 - Existing Ground Floor Plan

630438.08 - Existing First Floor Plan

630438.10 - Existing Second Floor Plan

630438.12.13 - Existing Elevations 1 and 2

630438.16.17 - Existing Elevations 3 and 4

630438.20.21 - Existing Section A-A and B-B

630438.24.25 - Existing Section C-C and D-D

630438.03 - Proposed Site Plan

630438.05 - Proposed Basement Plan

630438.07 - Proposed Ground Floor Plan

630438.09 - Proposed First Floor Plan

630438.11 - Proposed Second Floor Plan

630438.14.15 - Proposed Elevations 1 and 2

630438.18.19 - Proposed Elevations 3 and 4

630438.22.23 - Proposed Section A-A and B-B

630438.26.27 - Proposed Section C-C and D-D

Reason: For avoidance of doubt and in the interests of proper planning 4

- (3) The building(s) hereby permitted shall be used for education/teaching space, Use Class F1(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties, visual amenity and highway safety in accordance with Policies CS5 and CS16 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015

- (4) Works related to the construction of the development hereby permitted, including works of 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

- (5) The development shall accord with the Flood Risk Assessment, Lustre, dated April 2023, including its mitigation measures and recommendations, for the entirety of the development.

Reason: To prevent an increased risk of flooding, to prevent pollution of the water environment and to ensure principles of sustainable drainage are incorporated into the development in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015

- (6) The existing vehicle parking (and turning) area at the premises shall be permanently 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. Also, to support sustainable development objectives of the National Planning Policy Framework (2021) and policies DM36 and DM37 of the Development Management Policies Document (2015)

- (7) The development hereby approved shall not be occupied unless and until at least 10 of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. Also, to support sustainable development objectives of the National Planning Policy Framework (2021) and policies DM36 and DM37 of the Development Management Policies Document (2015)

- (8) The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for:
- a) The secure parking of bicycles within the development site
 - b) Facilities within the development site for cyclist to change into and out of cyclist equipment/shower
 - c) Facilities within the development site for cyclists to store cyclist equipment

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. Also, to support sustainable development objectives of the National Planning Policy Framework (2021) and policies DM36 and DM37 of the Development Management Policies Document (2015)

Informatives:

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
- (2) Your attention is drawn to the 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) 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 and in some circumstances, carry out groundworks within 6 metres of an adjoining building.

- (4) 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) 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. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this
- (6) 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 offender (Highways Act 1980 Sections 131, 148, 149)
- (7) 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
- (8) The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, (www.ccscheme.org.uk) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm

12 22/01518/FUL MAJESTIC WINE WAREHOUSES LTD

The Committee received a presentation on the application from the Principal Planning Officer. The Officer wished to highlight an error in the text of paragraph 28.16 of the report, explaining that the word 'not' should be removed in order for the paragraph to read as follows:

28.16 Overall, the adverse effects in respect of this development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.

She explained that this would be consistent with paragraph 3.16 of the report.

Description:

Demolition of the existing building and the construction of a self-storage facility (Use Class B8) and flexible office space (Use Class E(g)(i)), together with vehicle parking and landscaping.

Officer Recommendation:

To agree that the Planning Inspectorate be informed that the Local Planning Authority would have refused permission.

Decision:

Councillor Clive Woodbridge proposed that the wording of the reason for refusal '(1) Harm to the Character of the Area', be updated to include reference to Policy E15 of Epsom Town Centre Area Action Plan 2011 with respect to the Committee's concerns regarding the application's impact on the future development of the utility site as part of the Draft Local Plan, and to the fact that the development would frustrate the Council's plans for the Town Centre area.

The proposal was seconded by Councillor Phil Neale.

The Committee voted (6 for, 1 against, 1 abstention, and the Chair not voting) in favour of the proposal.

Following consideration, the Committee unanimously resolved to:

Agree that the Planning Inspectorate be informed that the Local Planning Authority would have REFUSED permission for the following reasons:

Reasons:

- (1) Harm to the Character of the Area:** As a result of its overall layout, scale, massing, design and materials, the proposed development would represent an overdevelopment that would fail to respect the predominate pattern of development in the locality and would appear as an overly

dominating and incongruous addition that would fail to respond architecturally to surrounding built form. The proposal would therefore fail to integrate with the prevailing character and appearance of the area, contrary to paragraph 130 of the NPPF 2021, Policies CS1 and CS5 of the Epsom and Ewell Core Strategy 2007, Policy E15 of Epsom Town Centre Area Action Plan 2011 and Policies DM9 and DM10 of the Epsom and Ewell Development Management Policies 2015.

- (2) **Harm to Existing Trees:** It has not been sufficiently demonstrated that the proposal development, as a result of its layout and scale, would not significantly reduce the stature and environmental benefits of TPO trees T4 (Ash) and T5 (Sycamore), as well as G6 (2 no. Sycamore) by preventing their future crown growth, to the detriment of their future wellbeing.

Furthermore, the layout and scale of the proposed development prevents any meaningful landscaping on the site, particularly to the rear, to the detriment of the emerging verdancy of the area. It has also not been sufficiently demonstrated that the landscaping scheme proposed can be fully established in the long term, as a result of the proximity of the site to underground services that could prevent root growth and/or impact on future health and wellbeing. As such, the proposal would fail to comply with paragraph 131 of the NPPF 2021 and Policy DM5 of the Development Management Policies Document 2015.

- (3) **Harm to Neighbour Amenity:** The proposed development would create poor living conditions for the occupiers of bedrooms F01/R8, F01/R9, F01/R10, F01/R11, F02/R8 and F02/R10 at Crossways House due to inadequate daylight and would create insufficient levels sunlight to bedrooms F01/R10, F01/R11 and F02/R10 at Crossways House, resulting in dark and gloomy accommodation that would create significant and unacceptable effects on the occupier's amenity. As such, the proposal would fail to comply with paragraph 130 of the NPPF 2021 and Policy DM12 of the Development Management Policies Document 2015.

- (4) **Lack of Car Parking:** In the absence of details and robust justification demonstrating that 14.0 vehicle parking spaces, including spaces that can facilitate for the parking of larger vehicles and small vans, can be accommodated on the site, it has not been adequately demonstrated that the level of parking proposed can be achieved and there would not be adverse impact on the surrounding area in terms of the street scene or the availability of on street parking. In the absence of any supporting evidence to demonstrate this, the proposal fails to meet Section 12 of the National Planning Policy Framework 2021 and Policy DM37 of the Development Management Policies Document 2015.

Informatives:

- (1) The plans relating to this application are as follows:

Drawing Number 2303-X01-A

Drawing Number 2303-P01

Drawing Number 2303-P02

Drawing Number 2303-P03

Drawing Number 2303-P04

Drawing Number 2303-P05

Drawing Number 2303-P06

Drawing Number 2303-P07

Drawing Number 2303-P08

Drawing Number 2303-P09

Drawing Number L001 P02

Drawing Number L002 P01

Drawing Number SP02 Rev C

- (2) In dealing with the application, the Council has implemented the requirement of 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 Documents and other informal written guidance, as well as offering a full pre-application advice service.

13 PLANNING APPEALS REPORT

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

The meeting began at 7.30 pm and ended at 9.40 pm

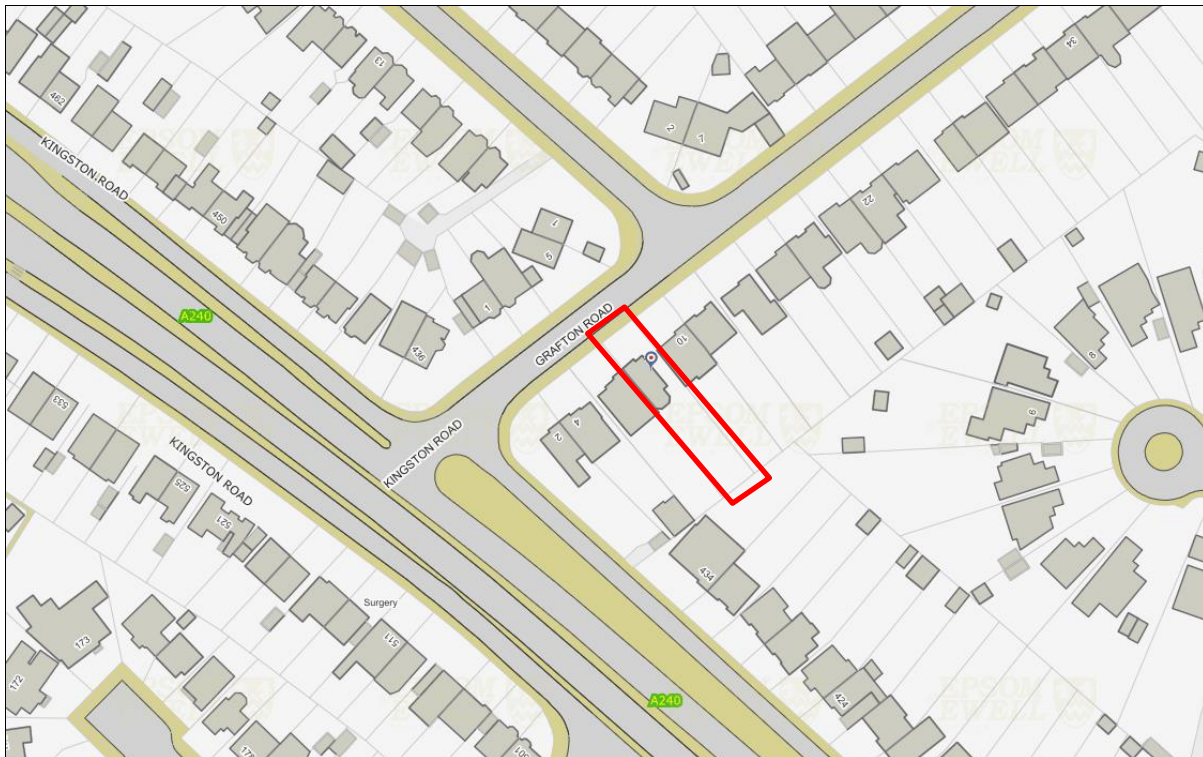
COUNCILLOR HUMPHREY REYNOLDS (CHAIR)

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22/00316/TPO 8 GRAFTON ROAD, WORCESTER PARK KT47QP

Application Number	22/00316/TPO
Application Type	Making of a Tree Preservation Order
Address	8 Grafton Road, Worcester Park KT47QP
Ward	Cuddington
Proposal	Confirmation of Tree Preservation Order (TPO) No. 476A made in respect of a Scots Pine tree at 8 Grafton Road
Recommendation	Approval
Expiry Date	27 October 2023
Contact Officer	Jeremy Young
Reason for Committee	Objection received to making of TPO

A [glossary of Planning terms and acronyms](#) is available to view on the Council's website.



SUMMARY

1 Summary and Recommendation

- 1.1 This report is for the Planning Committee to consider whether to confirm Tree Preservation Order (TPO) No. 476A made in respect of a Scots Pine tree at 8 Grafton Road, following an objection to the order being received from the tree owner and the neighbour.
- 1.2 8 Grafton Road is a semi-detached property. The Scots Pine tree marked T1 in the Tree Preservation Order is prominently situated in the front garden. Historically, it was thought that the tree was protected as T17 in TPO No.6 made on 13 November 1962. However, upon receiving an application to fell the tree (application 22/00316/TPO) it became apparent that the plan in the Tree Preservation Order was incorrect as the tree was marked in the front garden of No.10 but was given the address of No.8 in the TPO schedule. Officers conducted a site visit and verified the tree's location and condition and undertook an amenity appraisal. Having established that the Pine was in a good condition, had a good degree of landscape amenity but was plotted in the wrong garden, it was recommended that a new tree preservation order should be made to correct the error and give the tree provisional protection.
- 1.3 The Tree Preservation was made on 22 November 2022. TPO 476 and served on the owner/occupier and neighbour (where the tree overhangs). A letter was received on 21 December 2022 setting out concerns about the tree from the neighbour at 6 Grafton Road.
- 1.4 Originally it was proposed to report the objection to the TPO to the Planning Committee on 20 April 2023, but following the cancellation of the Committee, the Tree Preservation Order lapsed and a new order was created to replace it. TPO 476A was made on 30 May 2023 and was hand delivered to 8 and 6 Grafton Road on that day. A Stage 1 complaint was also made by the tree owner dated 9 May 2023, escalated to Stage 2 on 6 July 2023. The complaint was not upheld.
- 1.5 The concerns raised by both parties, including from the complaint, are in relation to the height of the tree, shedding of branches during strong winds and damage to paving caused by birds. In addition, the owner has complained about the length of time it is taking for this application and tree preservation order objection to be considered. These enduring concerns have been taken to constitute an objection to the Tree Preservation Order.
- 1.6 Officers recommend that despite the objection, the Order should be confirmed because the tree is healthy and has an appreciable degree of public amenity.

- 1.7 This item is for the Planning Committee to consider the amenity value of the tree and whether it is appropriate to confirm the tree preservation order in light of the objection made. A decision is required as to whether:
- i. TPO No. 476A should be confirmed or revoked
 - ii. TPO 476 is revoked
 - iii. Reference to T17 in TPO 6 removed as a modification required due to the original error

SITE AND PROPOSAL

2 Description of Site

- 2.1 8 Grafton Road is a semi-detached house that was built in 1935. It has recently been extended. The property is close to Kingston Road and the junction between The Warren with Grafton Road. The Pine therefore has more open visibility than a tree within the street realm alone and makes a positive environmental contribution to this busy urban setting.
- 2.2 The Scots Pine is a middle-aged tree estimated to be 85 years old. It is potentially older as Scots Pine tend to grow slowly on clay soil. Scots Pines have a life expectancy of 150 to 200 years. They are native to the UK and have one of the widest distribution of Pines. They are found across all of Eurasia. The tree has attained a height of approximately 12m and has a crown spread of 7 to 8m. The stem diameter at 1.5m above ground level measures 461mm.
- 2.3 There are companion Scots Pine trees of similar age and stature in the front gardens of 64, 54 and 52 Grafton Road which are also protected by Tree Preservation Order No. 6. Tree Preservation Order No. 6 was made in 1962 and protected Scots Pine trees in the front gardens of 8, 36, 42, 44, 52-56 and 64-68 Grafton Road. In 1950`s aerial photographs, there are conical shaped shadows in the road extending from all of these addresses and a few others in the row. Houses in the road were predominantly built in the 1930`s but the 1913 map shows the area was scrub reverting to woodland and called Taylors Shrubbery. Conifer symbols are also shown on the 1913 map, but it is unlikely that the front garden Scots Pines in the road date back that far (over 110 years old). Certainly, they are believed to be nearly as old as the houses.
- 2.4 Condition assessment of the tree has confirmed that it is in a good healthy specimen. There is no sign of stem or basal decay or red banded needle blight. Branch structure appears biomechanically sound.
- 2.5 The Pine has a flattened top indicating that apical growth has virtually ceased. The canopy is relatively dense. Needle size and colour is normal. Despite recent ground disturbance from development and hardstanding around the base of the tree it appears to have good vitality.

3 Description of Proposal

- 3.1 The proposal is for the making of Tree Preservation Order (TPO) No. 476A made in respect of a Scots Pine tree at 8 Grafton Road.

CONSULTATIONS

4 Comments from third parties

- 4.1 The Tree Preservation Order was served on the tree owner and the neighbour where the tree overhangs. The comments have been made by the owner of the Pine tree and the neighbour at 6 Grafton Road which is detailed further in the validity of the objection below.

PROPERTY HISTORY

App No	Proposal	Decision
22/00316/TPO	Felling of Pine	Pending consideration of TPO
The applicant's agent advised that an appeal for non-determination has been lodged with the Planning Inspectorate for application 22/00316/TPO. However, this is the wrong appeal as it should have been against non-validation, the explanation for this delay being the need to correct the Tree Preservation Order first. The Planning Inspectorate has not commenced the appeal and it remains to be seen whether they will proceed with the appeal, hold it in abeyance or turn the appeal away until the Council has had the opportunity to consider the correction of the TPO and make a decision on the application.		
21/00071/FLH	Two storey side extension, two storey rear extension, loft conversion and side passage	Approved 29 April 2021
20/01407/FLH	Two storey side extension, two storey rear extension and loft conversion	Refused 23 December 2020
250591	Garage addition	Approved 1964

SITE CONSTRAINTS

- Built Up Area
- Site of Special Scientific Interest Risk Area
- Great Crested Newt Impact Zone

PLANNING POLICY AND GUIDANCE

National Policy Planning Framework (NPPF) 2021

- Section 4: Decision-Making
- Section 12: Achieving Well-Designed Places
- Section 15: Conserving and Enhancing the Natural Environment

National Planning Policy Guidance 2021 (NPPG)

- Tree Preservation Orders and Trees in Conservation Areas

Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS5: Built Environment

Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM5: Trees and Landscape
- Policy DM9: Environmental Character

APPRAISAL

5 Amenity Considerations

- 5.1 The Town and Country Planning Act 1990, Section 198 provides that Local Planning Authorities may make a Tree Preservation Order (TPO) if it appears to them to be “expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”. Tree preservation orders and trees in conservation areas planning practice guidance recommends that “TPO’s should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order, they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.
- 5.2 To define what amenity means in practice, the Council’s procedure is to use a systematic scoring system to evaluate whether a tree/s has sufficient amenity to justify the serving of a TPO. This also ensures a consistent approach to tree protection across the Borough. In considering the amenity value such factors as the size, age, condition, form, rarity, prominence, screening value, appropriateness to setting and presence of other trees are taken into account.
- 5.3 Before considering the making of this TPO, an amenity value assessment was undertaken using The Tree Evaluation Method for Preservation Order (TEMPO). The system was used to evaluate whether a TPO is defensible and justified. Under this appraisal system, the tree achieved a high score which is felt justified the making of the TPO. The amenity appraisal demonstrates that it is both expedient and appropriate to protect the Scots Pine in the interest of amenity. The tree amenity evaluation appraisal is attached to this report.

- 5.4 The Scots Pine is a healthy tree of medium proportions which is clearly visible in the street realm. It forms a composition of similar Scots Pines which enhance the street realm by providing a pleasant contribution to the amenity of the landscape. The only negative element associated with the Pine is its fairly confined front garden growing environment, but this is balanced by the slow growing nature of the tree meaning it is not disproportionate to its setting. Only limited maintenance is ever likely to be required.

6 Validity of the Objection

- 6.1 The Objection to the TPO centres on concerns relating to the tree's height and safety of branches.
- 6.2 Trees are naturally shedding organisms and the occasional fracturing of branches during storm force winds can occur as an unforeseeable event. Whilst this provides occupants with a sense of apprehension over the risk of branches falling on property – the actual risk is generally low. More major damage is normally covered by standard household or vehicle insurance policies. To reduce the risk, naturally occurring dead wood can be removed and the tree inspected periodically by arborists for defects. The Pine currently has no observable defects and has a visually sound biomechanical structure therefore there is no quantified risk of structural failure.
- 6.3 At 12m, height the Pine is not considered to be a large overly dominant tree to the setting. There is scope to lightly reduce branch tips if they become over-extended in the direction of the house. A comparison of street view images between 2008 and 2020 show the slow growth rate of these front garden Pines. It is not anticipated that the Pine will get significantly taller as the upper crown has started growing more horizontally. The flattening of apical growth is a natural characteristic of Pines and often indicates a transition to a second phase of growth the trees experience as they mature.
- 6.4 The justification given for felling the Pine in the application does not appear to be compelling. No evidence has been submitted to substantiate that the Scots Pine is unsuitable for its location or has suffered storm damage that has harmed the tree. Light loss is not excessive and needle loss is a natural biological consequence the accumulation of which can be remedied by garden maintenance.
- 6.5 Although the clearance of needle debris and associated tree detritus is a chore this has to be considered against the environmental benefits of the tree including the biodiversity it provides, and natural capital benefits such as carbon storage, oxygen generation and absorption of particulates. For a tree in an urban environment, it has caused virtually no damage to its hard surface setting. The tree does not appear to be causing a high degree of nuisance despite its restricted location.

- 6.6 On balance, Officers feel the environmental benefits and amenity of the tree outweighs the disadvantages. Nothing in the objection challenges the assertion the Council makes about the amenity contribution that the tree provides.

7 Sustainability

- 7.1 The National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7). It sets out that sustainable development has overarching economic, social and environmental objectives. The environmental objectives include mitigating and adapting to climate change. Paragraph 9 of the Framework states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account. requirements of construction and incorporates waste management processes.
- 7.2 Consideration of sustainability and climate change are embedded within the Council's current adopted Core Strategy and Development Management Policies Document. Specifically, Policy CS1 sets out that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development - both in Epsom and Ewell, and more widely. Changes should protect and enhance the natural and built environments of the Borough and should achieve high quality sustainable environments for the present, and protect the quality of life of future generations. Policy CS6 sets out that development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change.
- 7.3 The making of the TPO will ensure the protection of the tree in support of the above policies.

CONCLUSION

8 Planning Balance

- 8.1 The Pine tree is visible in the street scene and makes a good contribution to the treescape of the street realm. It reinforces the sylvan composition with other similar Scots Pines in front gardens along this road.
- 8.2 The slow growth rate of the Pines on this soil mean that whilst they have longevity, they are not overly dominant to the site.
- 8.3 If the TPO is not confirmed, the Pine could be felled which would be harmful to the landscape character of the area. If it is felled without

compelling justification, this could potentially place other Pines in the road at risk of felling requests which could cause further harm to amenity.

- 8.4 The neighbour and tree owner have concerns over the trees size and safety, but these sensibilities appear to be based on apprehension rather than arboricultural evidence. Making of the new tree preservation order only corrects the previous plotting error and serves to formalise the protection of a tree which all the parties already thought was the case.
- 8.5 Should the TPO be confirmed it is felt this would not unduly prejudice the rights of the tree owner as their non-determination appeal may be considered by the Planning Inspectorate. The appeal process normally evaluates both the case for the Council and the case for the Appellant after considering the amenity value of the tree. Should the Inspectorate turn the appeal away, then the Council can consider the application and there would be the right to appeal to the Planning Inspectorate if the Council refused the application.
- 8.6 It is the Officers view that the objection raised against the making of Tree Preservation Order No. 476A does not override the public interest to protect the trees as an amenity and natural feature.

RECOMMENDATION

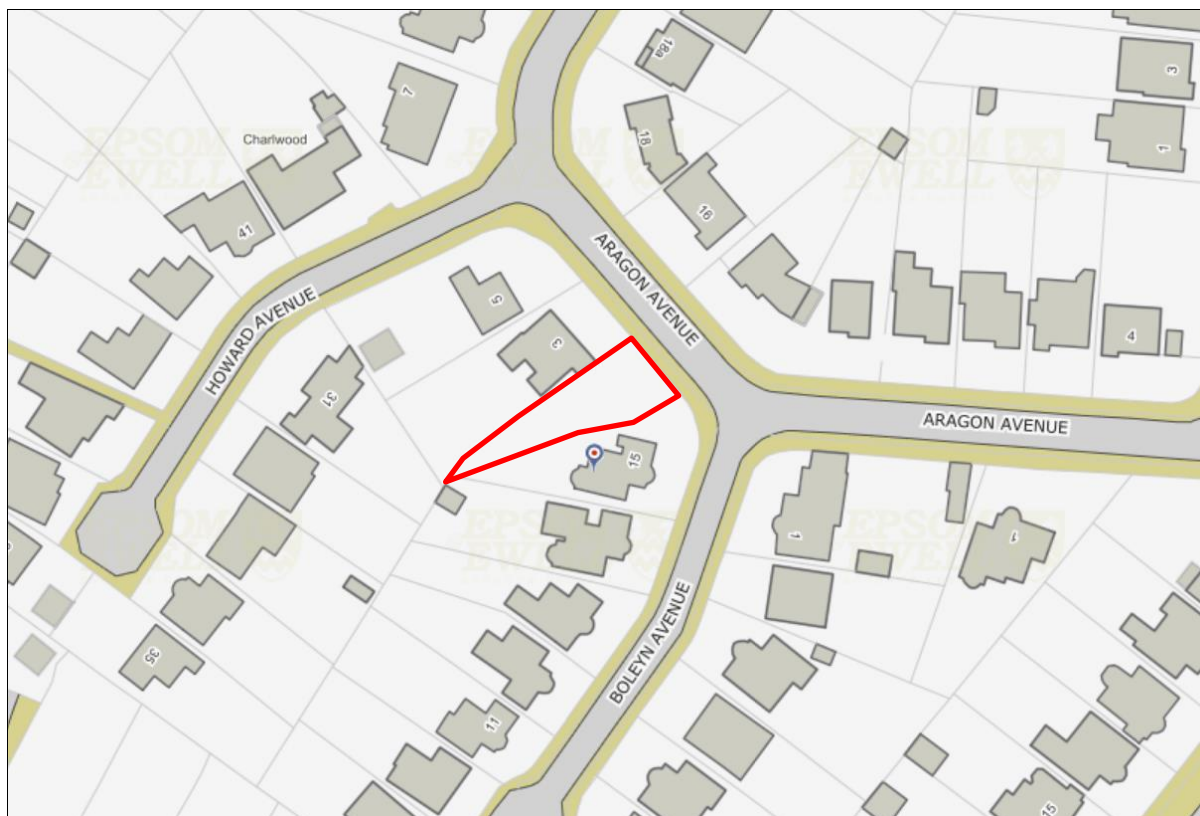
9 Recommendation

- (1) **Tree Preservation Order No. 476A is confirmed without modification.**
- (2) **Tree Preservation Order No. 476 is revoked.**
- (3) **Tree Preservation Order No. 6 is modified to remove the reference to the Pine T17.**

23/00656/REM 15 BOLEYN AVENUE, EWELL KT17 2QH

Application Number	23/00656/REM
Application Type	Section 73 variation
Address	15 Boleyn Avenue, Ewell KT17 2QH
Ward	Nonsuch Ward
Proposal	Variation of Condition 2 (Approved Plans) of planning permission 23/00257/FUL (Additional detached two-storey house with associated vehicular access; new vehicular access at No.15) to convert the garage to a habitable room and add a first-floor extension
Recommendation	Approval, subject to conditions and informatives
Expiry Date	08 September 2023
Contact Officer	Dana Nickson
Reason for Committee	Called in by Ward Member

A [glossary of Planning terms and acronyms](#) is available to view on the Council's website.



SUMMARY

1 Summary and Recommendation

- 1.1 The application was called to Planning Committee by Councillor Leach due to concerns of over development and amount of amenity space.
- 1.2 23/00257/FUL granted approval for the subdivision of the existing plot and erection of a two storey, 2 bed plus study, infill dwelling house with vehicular access on its northern side. The subject application seeks to modify the approved plans with:
 - The conversion of the single attached garage to a living room
 - A first-floor southern side extension comprising an ensuite bedroom
- 1.3 There were two previous refusals for an infill dwelling house within the vacant land. The scale and form of the proposed development, as varied in this application, is sufficiently different from those refused schemes and it is not significantly larger than the approved scheme. Four resident objections have been received relating primarily to over development and references to previous refusals on the site.
- 1.4 The impression on the character of the area is acceptable, neighbour amenity is not adversely affected and SCC Highways raised no objection. The proposal is recommended for approval, subject to a variation to Condition 2 to accommodate the amendments to the approved plans, Condition 4 to require additional obscure glazing and other conditions to reflect their discharged status.
- 1.5 The plans and supporting documentation for the planning application and representations for or against the proposal, if any, are held electronically on the [Council's website](#), correct at the time of publication.

KEY INFORMATION

	Existing	Proposed
Site Area	355m ²	
Units	One dwelling	One dwelling
Floorspace	113m ² including garage	128m ²
Density	28 dwellings/hectare	Unchanged
Affordable Housing Units	Nil	Nil
Car Parking Spaces	4 spaces including garage	3 driveway spaces
Cycle Parking Spaces	2 spaces	2 spaces

SITE AND PROPOSAL

2 Description of Site

2.1 The site currently includes a detached two storey house on a corner plot on the north-western side of Boleyn Avenue with a side return on Aragon Avenue. The immediately surrounding area is predominantly residential and comprises mainly two storey detached dwellings that display some variations in design and external materials but of an overall similar scale and character. Most dwellings benefit from small front gardens and medium sized rear gardens that generally follow the parallel side boundary lines at the front of the properties.

3 Description of Proposal

3.1 The original approval involved:

- Subdivision of the existing plot at 15 Boleyn Avenue
- Erection of a detached two-storey (9m height) infill house with attached garage
- Parking for three vehicles and new access from Aragon Avenue
- New vehicular crossover from Boleyn Avenue for the existing dwelling
- Associated works including bin and cycle stores, boundary fencing and landscaping

3.2 The proposal involves the following:

- Conversion of the single garage to a living room with the removal of a side door and inclusion of a front window and rear bi-fold doors
- Addition of a first floor ensuite bedroom with pitched roof on the southern side of the dwelling/above the converted garage

CONSULTATIONS

Internal Consultees

Highway Authority	No objection.
Flood Authority	

Public Consultation

Neighbours	<p>The application was advertised by means of notification to ten neighbouring properties, concluding on 05 July 2023. Four submissions were received. They raised the following issues:</p> <ul style="list-style-type: none"> • Adverse visual impact and harm to the character of the area • Out of character with Nonsuch Court Estate • Lack of garage not in keeping with the area • Over development • Lack of site area to accommodate development of this scale • Increasing from 3 to 8 double bedrooms <p><u>Officer comment:</u> The scale and form of the dwelling is appropriate in the context of the site area and its relationship with the surrounding area, as outlined in Section 6. The number of bedrooms within the dwelling has limited relevance in the consideration of overall density though it is appropriate for the site given there are no adverse implications for neighbour amenity, the proper use of the site by future occupiers and provision of parking.</p> <ul style="list-style-type: none"> • Planning by stealth • Previous schemes for 4-5 bedroom dwelling have been refused in the past • Previous proposal had fewer bedrooms and was refused • Proposal was always intended to be submitted and would result in a loft conversion <p><u>Officer comment:</u> Each application is considered on its own merits and includes a review against the past planning history. The variations are also considered against the original approval.</p> <ul style="list-style-type: none"> • Lack of garden space and poor triangular shape not suitable for a large family dwelling <p><u>Officer comment:</u> The proposal includes a rear garden of at least 100m², which accords with policy as outlined in paragraph 7.4.</p> <ul style="list-style-type: none"> • Impact upon on street parking
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	<u>Officer comment:</u> The proposal includes three parking spaces, which accords with policy as outlined in paragraph 9.1.
Ward Member	Councillor Leach called the item to Planning Committee due to concerns with over development of the site and lack of amenity space. These matters are addressed in the body of the report.

PROPERTY HISTORY

App No.	Description	Status
22/01173/FUL	Two storey infill dwelling house	Refused 8 February 2022
22/01917/FUL		Refused 8 November 2022
23/00257/FUL		Approved 11 May 2023
23/00411/FLH	Two storey front extension and relocation of access (existing dwelling)	Approved 1 June 2023
23/00630/FLH	Rear roof extension and side dormers (existing dwelling)	Pending
23/00651/COND	Discharge of conditions for 23/00257/FUL	Approved 9 August 2023

SITE CONSTRAINTS

- Built Up Area
- Site of Special Scientific Interest Risk Area
- Great Crested Newt Impact Zone
- Flood Zone 1
- Critical Drainage Area
- Unclassified Road

PLANNING POLICY AND GUIDANCE

National Planning Policy Framework 2021 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 9: Promoting Sustainable Transport
- Section 12: Achieving Well-Designed Places
- Section 15: Conserving and Enhancing the Natural Environment

Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS5: The Built Environment
- Policy CS16: Managing Transport and Travel

Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM12: Housing Standards
- Policy DM16: Backland Development
- Policy DM37: Parking Standards

Other

- Single Plot and Other Types of Residential Infill 2003
- Parking Standards for Residential Development Supplementary Planning Document 2015
- Sustainable Design Supplementary Planning Document 2016
- Technical Housing Standards – Nationally Described Space Standards 2015
- Community Infrastructure Levy Charging Schedule 2014

APPRAISAL

4 Presumption in Favour of Sustainable Development

- 4.1 Paragraph 11 of the NPPF stipulates that development proposals which accord with an up-to-date development plan should be approved and where a proposal conflicts with an up-to-date development plan, permission should not usually be granted. Currently, the Council does not have an up-to-date development plan on account of not being able to demonstrate a five-year supply of housing.
- 4.2 Paragraph 11(d) is engaged where the Council's policies which are most important for determining the application are out-of-date. The practical application and consequence of this is that unless the site is in an area or affects an asset of particular importance that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

5 Principle of Development

- 5.1 The principle of the development was established in the original permission and nothing in this application alters this conclusion. The scope of the amendments is material and are appropriate within the scope of the s73 application. The site is located within the built-up area of Stoneleigh and the principle of development is acceptable, subject to the consideration of the principles, objectives, and policies in the CS, the DMPD and supporting guidance and documents.

- 5.2 One such policy is Policy DM16 of the DMPD which indicates a presumption against the loss of rear gardens to maintain local character, amenity space, green infrastructure, and biodiversity, unless there is retention of green infrastructure for residents and wildlife and of neighbour amenity, avoidance of long access roads, development of a lesser scale and protection of trees, shrubs, and wildlife habitats.
- 5.3 The scope of the changes is relatively limited and as advanced below, the proposal retains a suitable relationship within its plot and the surrounding area and no in principle objection is raised.

6 Design and Character

- 6.1 Paragraphs 125, 130 and 134 of the NPPF refer to the need for functional and visually attractive development that is sympathetic to local character and history. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area. Policy DM9 of the DMPD requires a positive contribution to and compatibility with the local character and the historic and natural environment and Policy DM10 requires good design that respects, maintains or enhances the prevailing house types and sizes, density, scale, layout, height, form and massing, plot width and building separation, building lines and key features.
- 6.2 The conversion of the garage for habitable use includes provision of a window at the front and bi-fold doors at the rear. This aspect of the development does not involve any other change to the built form and there is a satisfactory relationship with the street and no objection is raised. Resident concerns include that the lack of a garage is atypical of the locality however there is no policy requirement that a development must include a garage. The façade of the dwelling remains appropriate, and three vehicles can still be parked forward of the dwelling which already partially obscure the front elevation. On this basis, no objection is raised.
- 6.3 The extension above the garage measures 16m² in area and will be built wholly within the approved footprint. It will reduce the openness through the site though this is already limited in its extent because of the curved frontage and narrowing plot. The overall impact is, however, still acceptable because the ridge height is 7.8m which is 1.3m below the main ridge. There is at least 1m (and up to 4.7m) separation to the boundary and at least 3.2m to the existing dwelling. In doing so, it accords with the guidance outlined in the Householder SPG (were it applicable) and in terms of its relationship with the existing plot, there is no over development of the site.
- 6.4 There are resident concerns with the number of bedrooms not being compatible with the character of the area. However, the number of bedrooms (an alternate measure of density) does not directly have an impact upon the character of the area. Rather, it may manifest in other

areas such as neighbour amenity or traffic generation, all of which is considered below.

7 Quality of Accommodation

- 7.1 Paragraphs 130 and 157 of the NPPF, Policy CS6 of the CS and Policies DM10 and DM12 of the DMPD aim for a functional, adaptable, and sustainable design, with a high standard of amenity, including with respect to layout, orientation, and massing. The orientation and outlook of the dwelling remains appropriate, including from the converted garage which will be used as a second living room. On this basis, no objection is raised.
- 7.2 The Nationally Described Space Standards 2015 sets out internal space standards for new dwellings at a defined level of occupancy. It further states that to provide two bed spaces, a double/twin bedroom must have a floor area of at least 11.5m² and a single bedroom is required to have a floor area of at least 7.5 m².
- 7.3 The approved development comprises two bedrooms (one double and one single). The study was not counted as a bedroom as it fell below 7.5m² in area. Where 70m² was required, the house had an internal space of 98m² and was therefore compliant. The internal changes in the subject variation are such that there are now three bedrooms (one double and one single). A first-floor laundry is noted but not included due to inadequate space for a bedroom. The total area is 128m² where 84m² is required. Compliance is therefore achieved. Bedroom sizes are also compliant.
- 7.4 Policy DM12 of the DMPD and the Householder SPG requires private outdoor space that is usable, functional, safe, and accessible with good access to sunlight and a minimum depth of 10m and area of 70m². With at least 100m², the proposal complies. There are objections from residents that the triangular nature of the space is not conducive to proper use as a rear garden. However, even when accounting for the narrowness at the very rear of the garden, there is still a good sized (and compliant) and well-proportioned garden space for use by future occupiers.

8 Neighbour Amenity

- 8.1 Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise whilst Paragraph 185 of the NPPF and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 8.2 The proposed works are concentrated on the boundary with the existing dwelling at 15 Boleyn Avenue. The ground floor openings to the garage will be appropriately screened by boundary fencing and pose no overlooking concerns. A front facing bedroom window will address the street and is acceptable. There is an ensuite window to the rear of the

first-floor extension which would overlook directly into the rear garden of the existing dwelling and obscure glazed is required in Condition 4.

- 8.3 The additional built form of the first-floor extension would be apparent from the garden and side elevation of the existing dwelling but being alongside the side elevation, at least 1m from the boundary (and up to 4.7m) and being to the north, there are no foreseeable dominance or loss of light concerns.
- 8.4 The density of the development (increasing from 3 persons to 4 persons) is wholly appropriate in the context of the residential neighbourhood.

9 Parking and Access

- 9.1 Policy DM37 of the DMPD and the Parking Standards for Residential Development SPD specify a minimum requirement for two parking spaces for a 3-bed dwelling. The original approval included a new access to the public highway, three driveway parking spaces and one single garage space. As part of the variations, access and turning arrangements remain unchanged and the three driveway spaces are retained. The proposal involves the loss of one garage space but with three off street spaces retained, there is policy compliance, and no objection is raised.
- 9.2 Cycle provision (two spaces) is unchanged. The conditions within the original permission relating to EV charging and provision of access remain applicable. SCC Highways have also reviewed the proposal and raises no objection on the grounds of traffic generation.

10 Ecology and Biodiversity

- 10.1 No new concerns are raised. Biodiversity enhancements remain conditioned.

11 Flooding and Drainage

- 11.1 There are no new flooding or drainage concerns as there is no increase in footprint or change to floor levels. The LLFA have reviewed the proposal and raised no objection.

12 Refuse and Recycling Facilities

- 12.1 Refuse facilities remain unchanged and despite an increase in the number of bedrooms, the provision is acceptable for the proposed development. It remains conditioned.

13 Accessibility and Equality

- 13.1 Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient, and attractive access to be incorporated within the design of the development. The Council is also required to have regard to its

obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, or belief. There would be no adverse impacts because of the development.

14 Climate Change and Building Sustainability

14.1 On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions. Within the scope of the variations proposed within this application, the proposal remains acceptable in terms of building sustainability and addressing climate change.

15 Planning Obligations and Community Infrastructure Levy

15.1 The Community Infrastructure Levy Charging Schedule 2014 indicates that as the application is a variation to an existing infill dwelling, the application remains liable for CIL payments. It is payable at £125/m² index linked.

CONCLUSION BALANCE

16 Planning Balance

- 16.1 As the Council cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11 (d) of the NPPF is engaged as the policies which are most important for determining the application are out-of-date. The presumption is therefore to grant permission for sustainable development unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.
- 16.2 Section 2 of the NPPF has an underlying presumption in favour of sustainable development which is carried through to the Development Plan. Policy CS1 of the CS expects development to contribute positively to the social, economic, and environmental improvements in achieving sustainable development whilst protecting and enhancing the natural and built environment.
- 16.3 The original proposal weighed in favour of granting approval having regard to the negligible impacts. There are no significant departures from the findings of the original approval. The development would continue to contribute towards delivering the Council's housing target (with an additional bedroom) and would therefore be consistent with the Framework and Council policy in so far as it seeks to boost the supply of homes. Economic factors remain relevant and are marginally increased with the provision of an additional bedroom. Likewise, social implications are improved because the dwelling can now be considered a family sized

dwelling. The scale and form of the development remains acceptable in the context of the surrounding development and therefore environmental benefits remain valid.

- 16.4 When weighing the impacts versus the benefits in the titled balance, approval is recommended. It is subject to the amendment of Condition 1 to reflect the revised timescale, Condition 2 to reflect the revised plans, Condition 4 to account for additional obscure glazing and Conditions 5, 7, 12 and 13 to account for their discharged status.
- 16.5 As a footnote, two previous applications on the site were refused due to concerns with over development of the site, lack of amenity space and lack of car parking. These concerns remain resolved despite a minor increase in the floorspace of the dwelling.

RECCOMENDATION

17 To grant planning permission subject to the following conditions and informatives:

Conditions

The amendment of Conditions 1, 2, 4, 5, 7, 12 and 13:

(1) Timescale

The development hereby permitted shall be commenced within 3 years from the date of the original planning permission (ie by 11 May 2026).

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

(2) Approved details

The development hereby permitted shall be carried out in accordance with the plans numbered EP895-22-01 Rev H, EP895-23-02 Rev K and EP895-23-03 Rev H, all received 1 June 2023.

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) Materials

The development hereby permitted shall be constructed entirely out of the materials as detailed on the schedule of materials on the planning application form and specified in the Design & Access Statement.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of

the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

(4) Obscure glazing

The above ground and first floor side windows on the north-western elevation and to the rear of bedroom 3 of the development hereby permitted, shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

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

(5) Hard and soft landscaping

The approved landscape scheme ref: EP895-22-01 Rev E alongside the written document prepared by Ely Planning Co, as approved in discharge application 23/00651/COND (except for planting, seeding, and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained. The approved landscape scheme shall mitigate tree loss and ensure an uplift in tree planting on Site.

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

(6) Drainage

The drainage system shall be installed in accordance with the Drainage Strategy Report by 2FP International, dated February 2023. The development shall be carried out strictly in accordance with the details as approved and maintained as such thereafter.

Reason: In the interests of flood prevention in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

(7) Ecology enhancements

The Ecology Enhancement scheme ref: EP895-22-01 Rev E alongside the written document prepared by Ely Planning Co, as approved in discharge application 23/00651/COND are to be implemented prior to the occupation of the development hereby permitted and maintained for the life of the development.

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.

(8) Vehicular access

No part of the development shall be first occupied unless and until the proposed vehicular accesses Aragon Avenue and proposed modified access to Boleyn Avenue have been constructed in general accordance with the approved plans.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and are in recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy Framework (2021).

(9) Visibility splays

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 proposed accesses to Boleyn Avenue and Aragon Avenue, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access, in accordance with the approved plans. 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 should not prejudice highway safety nor cause inconvenience to other highway users and are in recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy Framework (2021).

(10) Stopping up of existing access

The development hereby approved shall not be first occupied unless and until any existing accesses from the site have been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and are in recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy Framework (2021).

(11) EV charging

The development hereby approved shall not be occupied unless and until the proposed dwelling is provided with a fast-charge Electric Vehicle charging point (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 and are in recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy Framework (2021).

(12) Cycle and bin storage

The development hereby permitted shall not be occupied until the cycle and bin storage is implemented in accordance with the plan ref: EP895-22-01 Rev E alongside the written document prepared by Ely Planning Co, as approved in discharge application 23/00651/COND.

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.

(13) Boundary treatments

The approved boundary treatments on the plan ref: EP895-22-01 Rev E alongside the written document prepared by Ely Planning Co, as approved in discharge application 23/00651/COND shall be implemented prior to the first occupation of the development. The approved scheme shall thereafter be retained.

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

Informatives

(1) Proactive discussion

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, to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

(2) Building regulations

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) Party Wall Act

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

- carry out work to an existing party wall.
- build on the boundary with a neighbouring property.
- in some circumstances, carry out groundworks within 6 metres of an adjoining building.

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

(4) Works to the highway

The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. Please refer to:

www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs.

(5) Felling of a highway tree

If the access works require the felling of a highway tree not being subject to a Tree Preservation Order, and its removal has been permitted through planning permission, or as permitted development, the developer will pay to the County Council as part of its licence application fee compensation for its loss based upon 20% of the tree's CAVAT valuation to compensate for the loss of highway amenity.

(6) Street works

The applicant is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to streetlights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

(7) EV charging points

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. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.

(8) Materials

The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning, or repairing highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149).

(9) Section 59 of the Highways Act

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.

(10) Protected species

The applicant is reminded that it is an offence to disturb protected species under the Wildlife and Countryside Act 1981. Should a protected species be found during the works, the applicant should stop work and contact Natural England for further advice on 0845 600 3078.