

Public Document Pack

Democratic Services



PLANNING COMMITTEE

Thursday 5 October 2023 at 7.30 pm

**Place: Council Chamber - Epsom Town Hall,
<https://www.youtube.com/@epsomandewellBC/playlists>**

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 'Ding'.

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 Act 1972 (as amended). 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 - 12)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on the 7 September 2023 (attached) and to authorise the Chair to sign them.

3. 23/00967/FUL MARTIAL ARTS CENTRE, ALEXANDRA RECREATION GROUND, EPSOM, KT17 4BU (Pages 13 - 28)

New Martial Arts Centre following demolition of existing building.

Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber, Epsom Town Hall on 7 September 2023

PRESENT -

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

In Attendance: Councillor Christine Howells

Absent: Councillor Jan Mason

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

14 DECLARATIONS OF INTEREST

No disclosable pecuniary interests were declared by Members in respect of any item of business to be considered at the meeting.

15 MINUTES OF THE PREVIOUS MEETING

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on 20 July 2023 and authorised the Chair to sign them.

16 22/00316/TPO - 8 GRAFTON ROAD, WORCESTER PARK KT47QP

The Committee received a presentation on the application from the Planning Development and Enforcement Manager.

Description:

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

Officer 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.

Decision:

Following consideration, the Committee resolved (8 For, 1 Abstention, and the Chair not voting) to:

- (1) **Confirm Tree Preservation Order No. 476A without modification.**
- (2) **Revoke Tree Preservation Order No. 476.**
- (3) **Modify Tree Preservation Order No. 6 to remove the reference to the Pine T17.**

17 23/00656/REM - 15 BOLEYN AVENUE, EWELL KT17 2QH

The Committee received a presentation on the application from the Planning Development and Enforcement Manager.

Description:

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.

Officer Recommendation:

Approval, subject to conditions and informatives.

Decision:

Following consideration, the Committee unanimously resolved to:

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.

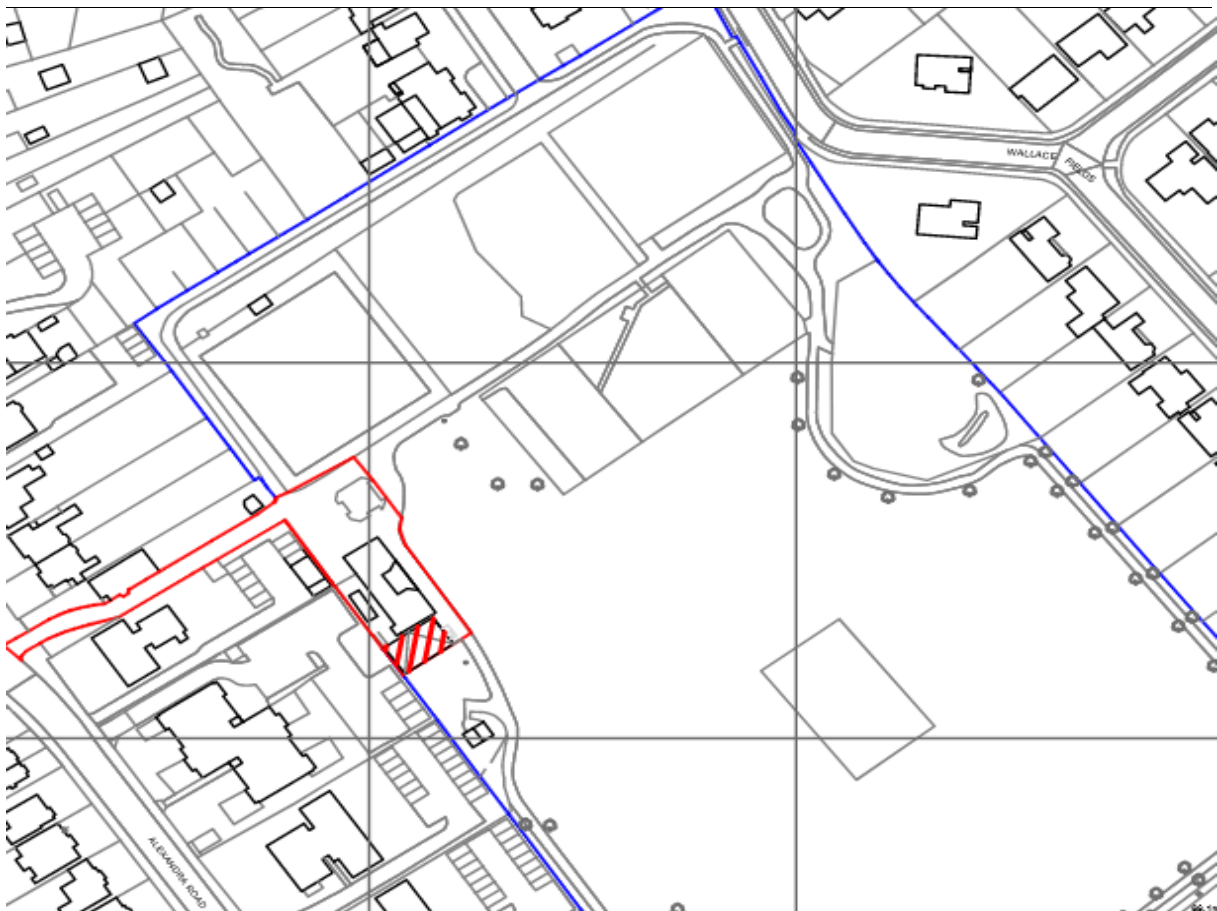
The meeting began at 7.28 pm and ended at 7.43 pm

COUNCILLOR HUMPHREY REYNOLDS (CHAIR)

23/00967/FUL Martial Arts Centre, Alexandra Recreation Ground, Epsom, KT17 4BU

Application Number	23/00967/FUL
Application Type	Full Planning Permission (Minor)
Address	Martial Arts Centre, Alexandra Recreation Ground, Alexandra Road, Epsom, Surrey KT17 4BU
Ward	College Ward
Proposal	New Martial Arts Centre following demolition of existing building
Recommendation	Approval, subject to conditions and informatives
Expiry Date	12 October 2023
Contact Officer	Gemma Paterson
Reason for Committee	Council Application

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



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 at [Martial Arts Centre](#), correct at the time of publication.

SUMMARY

1 Summary and Recommendation

- 1.1 The applicant is the Borough Council and the application is therefore referred to the Planning Committee in accordance with the Epsom and Ewell Borough Council's Scheme of Delegation.
- 1.2 The application seeks permission for the erection of a single storey, flat roof building measuring 9.0 metres in width, 13.4 metres in depth with an overall height of 3.5 metres to accommodate a Class E (d) use as a Martial Arts Centre.
- 1.3 The site previously contained a single storey building used as a Martial Arts Centre that was demolished following the partial collapse of the roof which resulted in the building being deemed a dangerous structure.
- 1.4 Council policy supports new or upgraded built sports facilities in the Borough, and the proposal would be such a facility.
- 1.5 The proposal would be of a similar scale, form and design to the building previously occupying the site before its demolition and as a result of the materials proposed, would be a visual improvement upon the previous building on site, which would be beneficial to the visual character and appearance of the surrounding park area.
- 1.6 It has been satisfactorily demonstrated that the proposed development would not cause harm to the amenities of surrounding residential properties.
- 1.7 The proposal would accord with the Council's policies in relation to ecology and environmental sustainability.
- 1.8 Although the proposal would not provide any off street vehicle parking spaces, historically the site has not been served by any dedicated off-street parking and Officers are satisfied that the details submitted in support of this application demonstrate that the proposal would not intensify the previous use of the site and would therefore have no harmful impact upon the surrounding area in terms of streetscene or harm the availability of on street parking, as a result of the nearby public parking provision.

- 1.9 Overall, the adverse effects of the proposed development would not 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. The application is therefore recommended for approval.

KEY INFORMATION

	Existing	Proposed
Site Area	0.14 Hectares	
Floorspace	116m ²	116m ²
Car Parking Spaces	0	0
Cycle Parking Spaces	0	0

SITE AND PROPOSAL

2 Description of Site

- 2.1 The site lies within the Alexandra Recreation Grounds, adjacent to the Pavilion, within a group of trees.
- 2.2 The Recreation Grounds comprises two separate fields that are used for sporting fixtures all year round, including football and cricket. It contains a Bowling Green, Basketball and Tennis Courts, Table Tennis facilities, a Playground and a MUGA.

3 Description of Proposal

- 3.1 The application seeks permission for the erection of a single storey, flat roof building measuring 9.0 metres in width, 13.4 metres in depth with an overall height of 3.5 metres to accommodate a Class E (d) use as a Martial Arts Centre.
- 3.2 The proposal would include the installation of two access ramps and would utilise mechanical ventilation, negating the need for any windows.
- 3.3 The proposal would be constructed using vertical timber cladding on the front elevation with the remaining elevations finished in flat steel sheeting.
- 3.4 The building would be capable of accommodating approximately 25 children or 20 adults for martial arts classes.

CONSULTATIONS

Internal Consultees

Highway Authority	No objection
Trees	No objection, subject to conditions

Public Consultation

Neighbours	The application was advertised by means of notification to 30 neighbouring properties, concluding on 14 September 2023. No submissions were received.
Ward Member	No comments were received.
Residents Association	No comments were received.

PROPERTY HISTORY

There is no relevant site history

SITE CONSTRAINTS

- Built Up Area
- Site of Special Scientific Interest Risk Area
- Source Protection Area (Inner)

PLANNING POLICY AND GUIDANCE

National Planning Policy Framework 2023 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 8: Promoting Healthy and Safe Communities
- Section 15: Conserving and Enhancing the Natural Environment

Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS3: Biodiversity
- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS13: Community, Cultural and Built Sports Facilities

Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM4: Biodiversity and New Development
- Policy DM5: Trees and Landscape

- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments

Supplementary Planning Documents and Guidance

- Sustainable Design Supplementary Planning Document 2016

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.
- 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 Paragraph 93 of the NPPF 2023 states that to provide the social, recreational, and cultural facilities and services the community needs, planning policies and decisions should (inter alia) ensure that established facilities and services are able to develop and modernise and retained for the benefit of the community.
- 5.2 Policy CS13 of the CS encourages the upgrade of existing community facilities.
- 5.3 Policy DM34 of the DMPD allows new or extended social infrastructure to address identified need, where it is practical and flexible, accessibly located, of high quality design with inclusive access, absent of neighbour amenity impacts and satisfies highways requirements.
- 5.4 The site previously contained a building accommodating a Martial Arts Centre, the roof of which had partially collapsed to the extent that it required demolition on public safety grounds.
- 5.5 Both National and Local policy encourage the provision of either new or upgraded built sports facilities and the proposal would be such a facility.

- 5.6 The site is located within the built-up area of Epsom and the principle of development is acceptable in terms of the principles, objectives and policies in the CS, the DMPD and supporting guidance and documents.

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.
- 6.2 Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area.
- 6.3 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.
- 6.4 The proposed development would be of a similar scale, form and design to the building previously occupying the site before its demolition. The proposal would therefore have no greater impact in terms of the mass of built form on site than what was existing before the demolition of the existing building took place.
- 6.5 Unlike the previous building on site, the new development would be windowless. Ventilation to the building would be provided mechanically. In visual terms, the absence of windows can result in blank and featureless buildings. The details supporting this application advise that windows, whether high level or low level, would be subjected to vandalism, as demonstrated by the adjacent Pavilion Building, which has now had to comprise reinforced polycarbonated glass. To provide windows to a new building in the same location would therefore place onerous maintenance repair and replacement liabilities upon a Council asset.
- 6.6 The applicant's preference for a windowless development on account of concerns related to crime is noted and the prevention of crime is a material planning consideration that can be afforded some weight. Furthermore, given the tree coverage to the south east (side) and south west (rear) elevations of the proposed development, along with the close proximity of the adjacent pavilion to the north (side) elevation, any windows proposed on these elevations would be well screened from the public realm and would not be visible from the recreation ground street scene.

- 6.7 The north east (front) elevation facing the recreation grounds would feature a fully glazed entrance door and be finished in vertical cladding, creating features of interest as well as creating an active frontage. Officers are therefore satisfied that the absence of any windows serving the proposed development would not result in a blank and incongruous building and as such, no resulting adverse impacts upon the character and appearance of the recreation grounds.
- 6.8 In respect to the impact upon the transitory occupants, the use of the building for a community sports purposes precludes the need for occupants to have an outlook. Furthermore, save for the north east elevation, the majority of the proposed development would be shaded as a result of the existing tree cover, which would have prevented any usable levels of light from serving the internal area, particularly in the winter seasons.
- 6.9 The materials proposed would have a marked improvement upon those used in the construction of the previous building and the timber cladding proposed to the north east elevation would complement the tree'd surroundings in which the proposal would sit.
- 6.10 The site lies adjacent to a footpath within the recreation grounds and would therefore be a highly visible feature within the park context. Due to intervening buildings, the proposal would not be visible from the Alexandra Road Street scene.
- 6.11 The proposal would be viewed alongside the existing park pavilion which is utilised as a café. The proposed development would represent a visual improvement upon the previous building on site which would be beneficial to the visual character and appearance of the surrounding recreational grounds.
- 6.12 As per the previous building, the proposed development would not contain any facilities, as WC's and showers are provided in the adjacent pavilion. Whilst the proposed development would contain a small sink, this is for staff use only and would be of minimal demand. The sink would discharge into the combined drainage system located to the south east elevation of the pavilion.
- 6.13 Officers are satisfied that the proposal accords with Policy CS5 of the CS.

7 Landscaping and Trees

- 7.1 Paragraph 131 of the NPPF, Policy CS3 of the CS, Policy DM5 of the DMPD and the Householder SPG seek the retention, protection and enhancement of existing and new trees, hedgerows, and other landscape features, with removal of trees supported by sound justification and appropriate replacement planting of native species.

- 7.2 The application is supported by an Arboricultural Report, prepared by Arborsense and dated 04 September 2023. The Arboricultural Report identifies 6 trees within the site and advises that the proposal would not result in the loss of any tree cover, would not require any facilitation pruning and that all trees would be retained and unharmed by the proposal.
- 7.3 The Council's Tree Officer has thoroughly reviewed the Arboricultural Report and is satisfied that it provides an accurate representation of the existing trees on the site. In considering the arboricultural implications of the proposed development, the Council's Tree Officer notes that the Arboricultural Report does not provide agreed foundation depths for the foundation pads within the Root Protection Area of the identified trees. However, the Council's Tree Officer is satisfied that this matter can be addressed by way of a condition to secure a Foundation Construction Method, to ensure that the proposed foundation details, to be produced by a structural engineering, are submitted for approval prior to the commencement of development on site.
- 7.4 The Council's Tree Officer has also noted T2 (Sycamore) and T5 (Western Red Cedar) require crown lifting for 4.0 metre ground clearance to facilitate the proposed development and that ivy removal is required to T6 (Cyprus). A small dead Birch to the site of T6 also requires felling.
- 7.5 Therefore, in the event permission is granted, subject to conditions to secure the tree work as identified above, a method statement detailing how the pad foundation of the proposal would be constructed to avoid damage to the roots and tree protection, the Council's Tree Officer raises no objection to the proposed development. The proposal would accord with paragraph 131 of the NPPF and Policy D5 of the DMPD.

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 site lies to the rear of a large residential block of flats, beyond its associated vehicle parking area.
- 8.3 Whilst the rear elevation of the residential building contains windows that face onto the site, as a result of the single storey nature of the development, its lack of windows, its distance of 14 metres from this rear elevation and the presence of intervening trees, the proposal would not cause harm to the amenities of the occupiers of this residential building by way of loss of sunlight/daylight, loss of privacy or by being overbearing.

- 8.4 In terms of noise and disturbance, the proposal would accommodate an unrestricted operation that has been existing on the site for a number of years. The proposal would be similar in footprint to the previously demolished building and would therefore not accommodate a greater number of occupants. The proposal would therefore not exacerbate the levels of any noise or disturbance beyond those that previously existed on the site.
- 8.5 With regard to lighting implications, the lack of windows to the proposal would be an improvement upon the previously existing situation, as less internal light would emit from the site.
- 8.6 In light of the above, the proposal would comply with Policy CS5 of the CS and Policy DM10 of the DMPD.

9 Parking and Access

- 9.1 Policy CS16 of the CS encourages an improved and integrated transport network and facilitates a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should provide safe, convenient, and attractive accesses for all, be appropriate for the highways network, provide appropriate and effective parking provision, both on and off-site and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.
- 9.2 The proposal would not alter any exiting transport arrangements or result in an intensification of the vehicular access to the site. The County Highway Authority have considered the implications of the proposed development upon the likely net traffic generation and are satisfied that the proposal would not have a material impact on the highway safety or operation of the adjoining public highway.

Car Parking

- 9.3 Policy DM37 of the DMPD and the Parking Standards for Residential Development SPD specify a minimum requirement for off street parking provision for leisure uses.
- 9.4 The existing building on site was not served by any dedicated vehicle parking and there is no dedicated vehicle parking to serve the proposed. The park grounds are directly served by a 6 bay (two accessible) car park and there is a main public car park on Upper High Street, within walking distance of the site.

- 9.5 Whilst new development is required to provide vehicle parking in accordance with the Council's Parking Standards, as the proposal would replace an existing building of similar scale, in the same use, with the same occupation capacity and in considering the nature of the grounds in which the site sits and its inability to provide any dedicated parking for the proposal, the failure of the proposal to provide any dedicated vehicle parking is robustly justified.
- 9.6 Notwithstanding this, the failure to comply with Policy DM37 of the DMPD and the Council's Parking Standards is an adverse impact of the proposal that needs to be weighed in the planning balance.

Cycle Parking

- 9.7 Policy DM36 of the DMPD requires the provision of cycle networks and facilities and Policy DM37 requires minimum provision of cycle storage as set out in Annexe 2 - Parking Standards for new development.
- 9.8 Officers defer to the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development (2021) when considering minimum provision of cycle storage to serve a Class F2 (b) (Halls or meeting places principally for the use of the local community). For this use, an individual assessment is required. The individual assessment is carried out by the County Highway Authority in these instances.
- 9.9 The County Highway Authority have fully appraised and assessed the proposed development and have not made any recommendations in respect to the requirement to increase cycle storage provision at the recreation grounds as a result of the proposed development, noting only that the proposal would not alter any existing transport arrangements and acknowledging that a like for like comparison of the existing and new proposal shows no difference.
- 9.10 Although the proposal does not involve the provision of any cycle stands, the park grounds are served by 4 no. cycle stands. This level of cycle storage served the existing use and given the similarities between the existing use and the proposed use, the existing cycle parking provision is considered adequate to meet the needs of the users of the proposed development. To ensure these remain provided on the site, a condition is recommended to retain the existing cycle parking provision, unless otherwise approved in writing by the Local Planning Authority.

10 Ecology and Biodiversity

- 10.1 Paragraphs 174 and 180 of the NPPF, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect

species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

- 10.2 The site lies within a SSSI Impact Risk Zone Area, at a distance of over 965 metres (0.6 miles) from the SSSI itself (Stone Road Pond). The previous building on site was of a design and age that offered no potential as habitat for roosting bats and the site lies in an area where newts are unlikely to be present. As the site is in built-up area with low ecological status and given the minor nature of the proposal, an ecological appraisal is not required to support this application as there is unlikely to be any protected species present on the site and therefore no foreseeable harm to such species as a result of the proposal. However, it is not unreasonable to recommend an informative to remind the applicant of their responsibility to cease works if protected species are encountered during construction and contact an ecological consultant for further advice.

11 Environmental Sustainability

- 11.1 Policy CS6 of the CS stipulates that development should incorporate sustainable development and reduce, or have a neutral impact upon, pollution and climate change. This includes incorporation of renewable energy, use of sustainable construction methods and sustainable building design, flood management, reduction in water use and improvement of water quality and minimisation of noise, water and light pollution.
- 11.2 Whilst a number of renewable energy options were considered to support the scheme, not all were considered appropriate as a result of the siting, scale and form of the proposed development.
- 11.3 Solar PV panels would generate negligible power to supply the proposed development, due to the extensive tree coverage that would shade the panels.
- 11.4 A green roof was deemed inappropriate for the site, due to the excessive weight on a prefabricated and lightweight roof and associated impact on surrounding tree health. The proposed development has been designed with shallow footings to minimise the impact of the proposed development upon existing tree roots, soil compaction and foundation depth, which has necessitated in a lightweight superstructure that would not support the extra weight of a green roof.

- 11.5 A rainwater catcher was also considered, but ruled out on grounds of the harm it would cause to the surrounding tree heath. A rainwater tank would either require extensive excavation works if located below ground, or an extensive concrete base if located at ground level. Neither option was considered acceptable on arboricultural grounds, especially given that the roof area is small (circa 125m²), so would afford only minimal harvesting. There is limited water usage within the building.
- 11.6 The omitting of windows in the scheme would increase the thermal efficiency of the proposal development, which would be heated by a highly efficient air to air split system air source heat pump, will have fully controllable smart operation to include operating mode, room temperature set point limit, fan speed, and timer settings etc.
- 11.7 Mechanical ventilation would be provided through two wall vents with programmable controllers and automatic air quality sensors. Fans would be equipped with controllable louvre shutters which can be set open without fan operating, passively allowing air intake / extract / circulation. Natural ventilation would also be provided by the way of the front entrance doors and rear door.

12 Accessibility and Equality

- 12.1 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.
- 12.2 The Council is 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 as a result of the development.

CONCLUSION/BALANCE

13 Planning Balance

- 13.1 As the Council does not have an up to date local plan, paragraph 11 (d) of the NPPF is engaged as the policies which are most important for determining the application are out-of-date. The site is not in a protected area and therefore there are no footnote 7 policies which would provide a clear reason for refusing permission and which would prevent the tilted balance from being applied.
- 13.2 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.

- 13.3 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.
- 13.4 The proposed development would allow for the continuation of a sports facility that would benefit the local and wider community. This is a significant benefit of the proposal and to retain this benefit, it is recommended that the use of the building is conditioned to remain in a community use.
- 13.5 The proposal would not provide parking within the site in accordance with the Council's Parking Standard. However, historically the site has not been served by any dedicated off-street parking and Officers are satisfied that the details submitted in support of this application that the proposal would not have a harmful impact upon surrounding area in terms of street scene or harm the availability of on street parking, as a result of the nearby public parking provision. This is considered to be a minor adverse effect of the proposal.
- 13.6 As a result of the robust justification provided in relation to the windowless design of the scheme and the sustainability shortfalls, these matters are considered to be a negligible adverse effect of the proposal .
- 13.7 Overall, the benefit of this proposal would outweigh the adverse effect 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. The application is therefore recommended for approval.

RECOMMENDATION

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

Conditions

(1) Timescale

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) Approved Details

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

Drawing Number LOC02
Drawing Number GA02
Drawing Number GA04
Drawing Number GA05

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

(3) Materials

The development hereby permitted shall be constructed entirely of the materials as detailed on the planning application form and supporting documents, unless otherwise approved in writing by the Local Planning Authority.

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) Foundation Method

Prior to the commencement of development, a method statement shall be submitted which details how the pad foundation of the building will be constructed to avoid damage to the roots of the adjacent trees for the approval in writing by the Local Planning Authority. All foundation construction works shall be carried out in strict accordance with the approved details.

Reason: To ensure satisfactory protection of trees in the interest of amenity and environmental protection as required by Policies CS5 of the Core Strategy 2007 and Policies DM5 and DM9 of the Development Management Policies 2015.

(5) Tree Protection

No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown in the Arboricultural Report, prepared by Arborsense and dated 04 September 2023 have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

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

(6) Tree Works

Prior to commencement of development a schedule of facilitation tree works, to include those set out in paragraph 7.4 of the Agenda Report, is to be submitted for the approval of the Local Planning Authority and implemented before site construction. No tree within or overhanging the curtilage of the site shall be felled, or pruned, during the construction phase unless detailed in the approved schedule of facilitation tree works. All tree works shall be carried out to British Standard 3998 and in strict accordance with the details as approved.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM5 and DM9 of the Development Management Policies 2015.

(7) Community Use

The development hereby permitted shall be used for community purposes only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the existing community use of the site and in order to safeguard the amenities of the occupiers of neighbouring properties, visual amenity and highway safety by prevent inappropriate development on the site in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM9, DM10 and M37 of the Development Management Policies 2015.

(8) Cycle Parking Provision

The cycle parking provision serving Alexandra Recreation Ground shall not be reduced beyond the level currently existing, unless otherwise approved in writing by the Local Planning Authority.

Reasons: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019 to meet the objectives of the NPPF 2021, and to satisfy policies DM35 and DM36 of the Development Management Policies 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) The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
- carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

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

- (4) Should any protected species under the Conservation of Habitats and Species Regulations 2017 (as amended), or evidence of such species, be found prior to or during the development, all works must stop immediately and an ecological consultant contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.