

# Public Document Pack

Democratic Services



## PLANNING COMMITTEE

Thursday 3 October 2024 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 Steven McCormick (Chair)	Councillor Jan Mason
Councillor Clive Woodbridge (Vice-Chair)	Councillor Bernie Muir
Councillor Kate Chinn	Councillor Phil Neale
Councillor Neil Dallen	Councillor Humphrey Reynolds
Councillor Julian Freeman	Councillor Chris Watson

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](mailto: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](mailto:democraticservices@epsom-ewell.gov.uk), telephone: 01372 732000.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for 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](mailto: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](mailto: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**

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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**

To receive declarations of any Disclosable Pecuniary Interests or other registrable or non-registrable interests from Members in respect of any item to be considered at the meeting.

### 2. **MINUTES OF THE PREVIOUS MEETING** (Pages 7 - 16)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on the 5 September 2024 (attached) and to authorise the Chair to sign them.

### 3. **24/00437/FUL- LANGLEY VALE MEMORIAL WOODLAND SITE** (Pages 17 - 56)

Creation of a visitor hub/shelter, including access paths, landscaping, and associated infrastructure.

### 4. **24/01013/FUL- BOURNE HALL, SPRING STREET, EWELL, SURREY, KT17 1UD** (Pages 57 - 70)

Installation of Solar PV to flat roofs and Tesla Powerwall batteries for power storage.

### 5. **24/01015/LBA- BOURNE HALL, SPRING STREET, EWELL, SURREY, KT17 1UD** (Pages 71 - 80)

Installation of Solar PV to flat roofs and Tesla Powerwall batteries for power storage.

### 6. **24/01091/LBA - BOURNE HALL, SPRING STREET, EWELL, SURREY, KT17 1UD** (Pages 81 - 92)

Alterations to fenestration.

### 7. **24/00618/LBA- BOURNE HALL, SPRING STREET, EWELL, SURREY, KT17 1UD** (Pages 93 - 102)

Installation of new layer of roof felt to the existing felt roof (retrospective).

### 8. **ENFORCEMENT REPORT** (Pages 103 - 104)

Summary of Incoming and Closed Enforcement Cases by Month.

**9. UPCOMING APPLICATIONS (Pages 105 - 106)**

Summary of Likely Applications to be Heard at Planning Committee.

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**Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber, Epsom Town Hall on 5 September 2024**

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**PRESENT -**

Councillor Steven McCormick (Chair) (Items 20, 21 & 23 only); Councillor Clive Woodbridge (Vice-Chair); Councillors Kate Chinn, Neil Dallen, Julian Freeman, Bernie Muir, Phil Neale and Chris Watson

Absent: Councillor Jan Mason and Councillor Humphrey Reynolds

Officers present: Simon Taylor (Planning Development & Enforcement Manager), Gemma Paterson (Principal Planning Officer), Angela Watson (Senior Solicitor) and Dan Clackson (Democratic Services Officer)

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**20 DECLARATIONS OF INTEREST**

**Priest Hill Sports Pavilion, Reigate Road, Ewell, KT17 3DT**

Councillor Kate Chinn, Other Interest: Councillor Kate Chinn declared that she had spoken with members of the trustees of the Epsom & Ewell Colts FC, who had interest in the item in question. She stated that she remained unbiased and maintained an open mind.

Councillor Neil Dallen, Other Interest: Councillor Neil Dallen declared that he attended Glyn School as a child and had had dealings with the Glyn Old Boys football team. He stated that it did not effect his decision-making ability and that he maintained an open mind.

Councillor Steven McCormick, Other Interest: The Chair, Councillor Steven McCormick, declared that he would not be partaking in the Committee's consideration of the item in question and would withdraw from the Chamber, due to concerns in respect of potentially perceived bias.

**21 MINUTES OF THE PREVIOUS MEETING**

The Committee confirmed as a true record the minutes of the meetings of the Committee held on 10 July 2024 and 18 July 2024, and authorised the Chair to sign them.

At the conclusion of the agreement of the minutes, the Chair, Councillor Steven McCormick, withdrew from the meeting and left the Chamber.

**22** PRIEST HILL SPORTS PAVILION, REIGATE ROAD, EWELL, KT17 3DT

In the absence of the Chair, the Vice-Chair, Councillor Clive Woodbridge, took the chair.

Councillor Clive Woodbridge proposed that Councillor Phil Neale be appointed as acting Vice-Chair for the duration of the Committee's consideration of the agenda item. The Committee agreed to the proposal.

**Description:**

Construction of a new all-weather sports pitch including fencing, floodlighting and all other associated works.

**Officer Recommendation:**

Approval, subject to conditions and informatives.

**Officer Presentation:**

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

The Principal Planning Officer highlighted to the Committee an error at paragraph 1.2 of the update report, which mistakenly made reference to 6 floodlights where it should have stated 8. The Principal Planning Officer confirmed that the assessment of the application had been made on the basis of 8 floodlights.

**Public Speaking:**

The Agent spoke in support of the application.

**Decision:**

Following consideration, Councillor Kate Chinn proposed a motion to approve the Officer recommendation as set out in the report. The proposal was seconded by Councillor Phil Neale. Subsequently, the Committee unanimously resolved to:

**GRANT planning permission subject to the following conditions and informatives:****Conditions****(1) Time Limit**

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 and reports:

Drawing Number 2371/OVER/02 – Proposed Synthetic Sports Pitch Existing Building Shown

Drawing Number 2371/SITE/01 Rev D – Site Layout

Drawing Number 24063 001 Rev C Sheet 1 of 2 and Sheet 2 of 2 – Proposed Car Park Layout

Drawing Number 2371/SEC/01 – Proposed Section Drawing General Arrangement

Drawing Number 2371/GA/01 D – General Arrangement

Drawing Number 2371/SECT/01 Rev P – Proposed Synthetic Sports Pitch Long Sections

Drawing Number 1- Football Pitch Floodlighting Product Specification Sheet 4m Pro Team Shelter

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

**Pre-Commencement Conditions****(3) SuDS Details**

The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non- Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
- b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+20 allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy.
- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and

maintenance/risk reducing features (silt traps, inspection chambers etc.). Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.

- d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The development shall not be used until the drainage scheme has been implemented in full in accordance with the approved details.

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

#### **(4) Arboricultural Method Statement**

No development shall take place until an Arboricultural Method Statement and Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority.

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

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

#### **(5) Written Scheme of Investigation**

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be undertaken in accordance with the agreed details.

Reason: To ensure archaeological investigation recording in accordance with Policy DM8 of the Development Management Policies Document 2015.

**(6) Compliance with Construction Management Plan**

The development hereby permitted shall be undertaken in accordance with the Construction Management Plan prepared by Smith Construction and received by the Local Planning Authority on 11 January 2021.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

**Pre-Operation Conditions**

**(7) Pedestrian Visibility Splays**

The development hereby approved shall not first operate unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the northern access point to Priest Hill Sports Pavilion (Reigate Road), the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays and the splays shall be maintained for the life of the development.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

**(8) Car Parking Management Plan**

The development hereby approved shall not first operate unless and until a Car Parking Management Plan has been provided and approved in writing by the Local Planning Authority. The Management Plan shall include details such as all proposed access arrangements to and from the site, marshalling, match day operations, information provided to teams, gate operation and signage. The operation of the car park shall be undertaken in accordance with the approved details for the life of the development.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

**(9) Electric Vehicle Charging Points**

The development hereby approved shall not first operate unless and until at least 6 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) and a further 6 are provided with cabling for the future provision of charging points, 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 recognition of Section 9 of the NPPF 2023 and in meeting its objectives, as well as and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

**(10) Cycle Storage Details**

The development hereby approved shall not first operate unless and until facilities for the secure, lit and covered parking of bicycles and the provision of a charging point with timer for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 of the NPPF 2023 and in meeting its objectives, as well as and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

**(11) SuDS Verification**

Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

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

**(12) Compliance with Materials Schedule**

Prior to the first use of the development hereby permitted, the materials as submitted with the application shall be installed in accordance with the following:

- Plans numbered BL-Rubber-01 Rev A, dated 16 January 2014
- Plans numbered Twin SB4470-02, and Twin SB4470-02-B, dated 14 January 2014
- Product Specification prepared by B&L Fencing Services Ltd unless otherwise agreed with the local planning authority.

Reason: To safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies Document 2015.

**Post-Development Conditions****(13) External Lighting**

The proposed artificial pitch shall be artificially illuminated only in accordance with the lighting specifications and product description from GigTera, the report from Christy Lighting Masts Ltd and the lighting plan numbered 1, all received by the local planning authority on 14 June 2024. The artificial light spill associated with the development shall not exceed that as set out in the approved details, unless otherwise agreed with the local planning authority.

Reason: To safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies Document 2015.

**(14) Floodlight and Facility Hours of Operation**

The floodlighting and facilities hereby approved shall not be used outside the following times: 09.00 hrs - 21.00 hrs Mondays to Saturdays, and 09.00 hrs - 20.00 hrs on Sundays, Public Holidays or Bank Holidays.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies Document 2015.

**(15) Amplification**

No external sound amplifying equipment shall be installed within the confines of the site.

Reason: To safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies Document 2015.

### **Informatives**

#### **(1) Floodlight and Facility Hours of Operation**

This consent contains conditions that require subsequent approval of detailed matters before the development commences. There is a fee for submission of details to comply with conditions, which is payable for each separate submission rather than for each condition. Decisions may take up to eight weeks, or longer if consultation with third parties is required.

#### **(2) Positive and Proactive Discussion**

In dealing with the application the Council has implemented the requirements 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.

#### **(3) 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.

#### **(4) Wheel Washing**

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) Damage to Highway**

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) Electric Vehicle Provision**

Condition No 2 & 3 have been recommended because Surrey County Council's Electric Vehicle charging requirements for the development proposed, exceeds those as defined within Building Regulations. The County Highway consider it is necessary for the condition to be imposed on any consent granted, in accordance with the requirements of the NPPF (2023) at paragraph 116 (e) and Surrey County Council's LTP4 policy on improving emissions intensity and energy efficiency of vehicles and operational efficiency of roads through technology improvements.

**(7) Electricity Supply (Vehicle)**

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 2023. 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.

**(8) Electricity Supply (E-Bike)**

It is the responsibility of the developer to provide e-bike charging points with socket timers to prevent them constantly drawing a current over night or for longer than required. Signage should be considered regarding damaged or shock impacted batteries, indicating that these should not be used/charged. The design of communal bike areas should consider fire spread and there should be detection in areas where charging takes place. With regard to an e-bike socket in non-domestic buildings the premises should have detection, and an official e-bike charger should be used. Guidance on detection can be found in BS 5839-1 of the code of practice for designing, installing, commissioning, and maintaining fire detection and alarm systems in non-domestic buildings.

**(9) Source Protection Zone**

If proposed works result in infiltration of surface water to ground within a Source Protection Zone, the Environment Agency will require proof of surface water treatment to achieve water quality standards.

**23** UPCOMING APPLICATIONS

The Chair, Councillor Steven McCormick, returned to the Chamber and rejoined the Committee. The acting Chair, Vice-Chair Councillor Clive Woodbridge, returned the chair to the Chair, and resumed his role as Vice-Chair.

The Committee received and noted a report providing a summary of likely applications to be heard at future Planning Committee meetings.

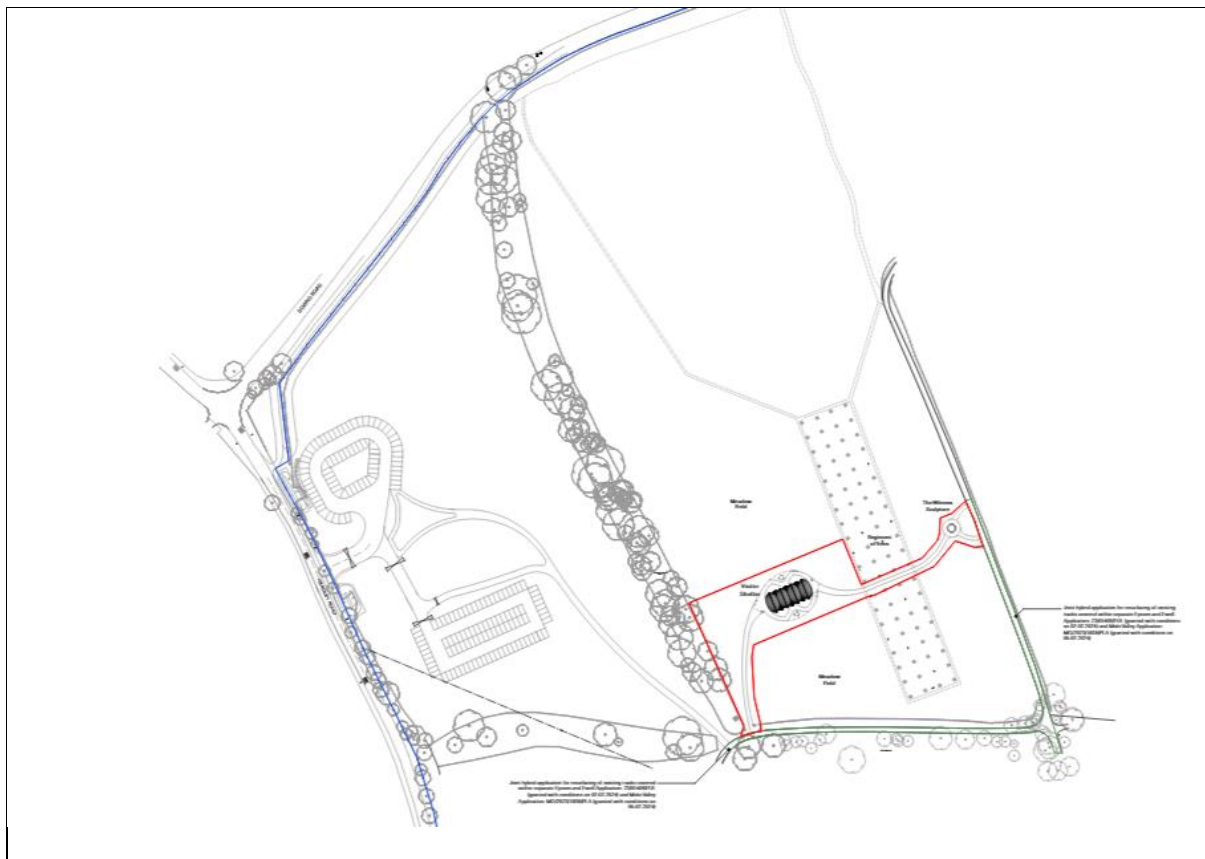
*The meeting began at 7.30 pm and ended at 8.13 pm*

COUNCILLOR STEVEN MCCORMICK (CHAIR)



**24/00437/FUL- Langley Vale Memorial Woodland Site**

<b>Application Number</b>	24/00437/FUL
<b>Application Type</b>	EIA Development
<b>Address</b>	Langley Vale Memorial Woodland Site, Headley Road, Epsom, Surrey, KT18 6BL
<b>Ward</b>	Woodcote and Langley Vale
<b>Proposal</b>	Creation of a visitor hub/shelter, including access paths, landscaping, and associated infrastructure
<b>Expiry Date</b>	04 October 2024
<b>Recommendation</b>	Approval, subject to conditions and informatives
<b>Number of Submissions</b>	4 (three objecting, one in support)
<b>Reason for Committee</b>	EIA Development
<b>Case Officer</b>	George Smale
<b>Contact Officer</b>	Simon Taylor, Interim Manager
<b>Plans, Documents and Submissions</b>	Available here: <a href="#">Langley Vale</a>
<b>Glossary of Terms</b>	Available here: <a href="#">Glossary of Terms</a>



## SUMMARY

### 1. Summary and Recommendation

- 1.1. The proposal is for the erection of a new visitor hub/shelter and associated access paths, landscaping, and infrastructure that form the next stage of the redevelopment of Langley Vale Wood which was initially approved in 2017 and first included a car park and public access to the woodland. The applicant is the Woodland Trust.
- 1.2. The initial 2017 permission was subject to an Environmental Impact Assessment (EIA). Because of its relationship with this initial permission, the subject application is also EIA development and is referred to the Planning Committee for consideration for this reason.
- 1.3. The aim of an EIA is to protect the environment by ensuring that when deciding whether to grant planning permission for development of such a scale that is likely to have significant effects on the environment, the local planning authority is able to consider the scheme in the full knowledge of the likely significant effects and takes this into account in the decision-making process. It also ensures that the public are given early and effective opportunities to participate in decision-making procedures.
- 1.4. The application site is in the Langley Vale Centenary Woodland on the Epsom and Walton Downs to the south of the Borough. The wider site, owned and managed by The Woodland Trust, comprises 259 hectares of arable land and woodland shared between the Borough boundaries of Epsom and Ewell Borough Council (EEBC), Mole Valley District Council (MVDC) and Reigate and Banstead Borough Council (RBBC).
- 1.5. There is a considerable level of recent planning history on the wider site. An original joint planning application (17/01450/FUL) submitted to all three Local Planning Authorities was granted permission at Planning Committee on 25 July 2017 for the creation of a permanent car park, overflow car park, cycle parking, new access to Headley Road, gates, height restrictor, ticket machine, CCTV, hard surfaced paths, multi-user paths, and memorial area, including sculptures and associated infrastructure in relation to Langley Vale Wood. It originally included a visitor centre and play area, but these two items were formerly removed from the 2017 scheme at the request of the applicant. However, a concurrent hybrid application (MO/2018/0004) was approved by Mole Valley's Development Management Committee on 5 June 2019 and included outline permission for a new visitor centre.
- 1.6. An application for the creation of a play space (22/01047/FUL) was later permitted at Planning Committee in December 2022. The current application for a visitor hub/shelter remains the final element of the original vision of the wider project delivery at Langley Vale Wood, first envisaged in the 2017 permission.

- 1.7. The main considerations with the assessment of the proposal are the impact of the development on the openness of the Green Belt, the impact on visual amenity, and the impact on the quality of the environment. Three letters of objection have been received by neighbours, as well as one letter of support for the scheme. Objections raised cited the above issues as well as impact of the proposal on traffic generation and highways safety. On the latter, these have been assessed as part of the car park application and this application does not alter these conclusions. Consultee responses were broadly supportive.
- 1.8. The moderate to significant harmful impacts identified in the assessment of the openness of the Green Belt is outweighed by the very special circumstances put forward by the applicant that are necessary to justify the development.
- 1.9. The proposal will support sustainable outdoor recreation in the rural environment. It will support healthy and sustainable lifestyles by creating a new visitor facility on the site. The shelter will provide a covered area for meeting space and informal events, and proposes to support informal educational opportunities, namely tools to commemorate the lives lost during World War I and nature conservation.
- 1.10. The new visitor shelter will be accessible to the public including a diverse array of different groups. The location of the shelter is the most appropriate to deliver a hierarchy of spaces on the wider site project delivery.
- 1.11. Through its design and materials, the proposal would integrate appropriately into the landscape and has been carefully complemented with a landscape strategy.
- 1.12. The permanent and overflow car park (within the administrative boundary of Mole Valley District Council) was built in anticipation of a visitor shelter scheme coming forward. Given much of the transport related issues were considered in the 2017 permission, no highways safety or traffic management issues are identified.
- 1.13. The development will achieve the minimum 10% net gain on the application site. A Biodiversity Gain Plan will be secured by a section 106 legal agreement. This plan will be prepared in accordance with National Planning Practice Guidance the approved Statutory Biodiversity Metric. The development shall not be operational until a completion report, evidencing the completed habitat enhancements, has been submitted and shall be implemented and monitored in accordance with the approved details.
- 1.14. Officers recommend approval, subject to securing a S106 Legal Agreement and planning conditions.

**PROPOSAL**

**2. Description of Proposal**

2.1. The proposal involves the following works:

- The creation of a new visitor hub/shelter structure which will include space for internal meetings, internal storage, seating, signage, and interpretation;
- Associated hard and soft landscaping works around the structure; and,
- The creation of new access paths to integrate to the existing access path network.



**3. Key Information**

Site Area	0.4 hectares
Existing Area	Arable grassland
Proposed Footprint	c. 223m <sup>2</sup>
Proposed Height	6.3m
Proposed Width	10.4m
Proposed Depth	24.2m
Proposed Hardstanding Pathway Creation	c. 626m <sup>2</sup>

Existing Car Parking Capacity	70 spaces
Existing Cycle Parking Spaces	6 Sheffield stands for 12 bicycles

## SITE

### 4. Description

- 4.1. The Application Site ('site') comprises 0.4 hectares of arable land. It forms part of the wider 'Langley Vale' Site, which comprises 259 hectares of arable land and woodland.
- 4.2. The site is contained to the south-east of Langley Vale Road and Downs and to the east of Headley Road. A permanent car park and access creation to Langley Vale Wood has recently been created on former arable land from Headley Road following the granting of planning application 17/01450/FUL, forming the principal entrance to the wider site.
- 4.3. Moving south-east from the car park, visitors are guided by signage through the woodland to 'The Regiment of Trees' site and the Witness sculpture commemorating World War One to the east, the Poppy Play Area and the Community Garden to the south-east, and the Jutland Woodland further southwards.
- 4.4. The application site is located to the south-east of the car park, separated by a thick line of trees and shrubs. The site extends across a large open field between two tree lines. It also incorporates part of the area of 'The Regiment of Trees' as well as the Witness Sculpture.
- 4.5. Within a 2km radius of the site, there is a mix of different land uses. Approximately 1.6 kilometres to the North-East of the site is the village of Langley Vale and approximately 2.5 kilometres to the North-West of the site is Ashted. Langley Bottom Farm is within 300m of the site to the east.
- 4.6. The horseracing industry has a strong presence in the locality. Epsom Downs Racecourse is approximately 2.7 kilometres to the north-east of the site and there are a number of training facilities and stables in the Epsom and Walton Downs area.
- 4.7. While the wider site falls within three administrative areas (Epsom and Ewell Borough Council, Mole Valley District Council and Reigate and Banstead Borough Council), the entire Application site falls within the boundary of Epsom and Ewell. The access and parking area is within the administrative boundary of Mole Valley District Council.
- 4.8. The site is designated as within the Metropolitan Green Belt. In policy terms, the site is also designated as within an Area of Landscape Value as well as a within a Nature Conservation Site.

## 5. Constraints

- Green Belt
- Area of Landscape Value- Walton Downs
- Nature Conservation Site- Langley Vale WW1 Centenary Wood
- Site of Special Scientific Interest Risk Area

## 6. History

6.1. See table below.

App No.	Description	Status
24/00999/COND	Confirmation of Compliance with Condition: 3 (Construction Environmental Management Plan) of 23/01409/FUL	Pending Decision
23/01409/FUL	Re-surfacing of existing tracks to provide a DDA compliant surface, connecting existing DDA sections and enabling disabled access to the Witness structure at the Regiment of Trees.	Permitted 2 February 2024
23/00699/COND	Discharge of Conditions 4 (CTMP), 5 (CEMP/Construction Method Statement), 7 (Landscaping), 9 (Badger survey), 12 (Maintenance and Management Plan) of 22/01047/FUL	Permitted 10 August 2023
22/01047/FUL	Creation of a play space, including play equipment, access path, landscaping, and associated infrastructure (EIA development)	Permitted 12 December 2022
20/01453/COND	Discharge condition 12 (programme of archaeological work) of 17/01450/FUL	Permitted 22 December 2020
20/00388/COND	Discharge of Condition 5 (Construction Method Statement) of ref: 17/01450/FUL	Permitted 17 December 2020
20/00336/NMA	Non-Material Amendment to 19/01083/FUL, to amend the materiality of the Jutland Wood	Permitted 26 March 2020
20/00181/NMA	Non-Material Amendment to 17/01450/FUL, to amend the surface materiality of the approved paths	Permitted 2 March 2020
20/00126/COND	Discharge of Condition 10 (signage) of 17/01450/FUL	Permitted 24 March 2020
19/01690/COND	Discharge of Conditions 6 (Surface Water Drainage Scheme), 9 (Nature Conservation, Mitigation Strategy, Compensation and Enhancement Actions), 13 (Contamination), 15 (Verification Report) 16 (Sustainable Drainage Scheme) and 17 (Piling/ Foundation Designs) of 17/01450/FUL	Permitted 16 October 2020

App No.	Description	Status
19/01510/COND	Discharge of Conditions 10 (signage) and 12 (programme of archaeological work/written scheme of investigation) of 17/01450/FUL	Permitted 27 October 2020
19/01083/FUL	Proposed regiment of sculptures (12 stone sculptures) and Jutland Sculpture (14 oak marker posts, 1 sculpture of a sailor and 2 benches)	Permitted 18 October 2019
19/01069/COND	Approval of Details of Condition 7 (Badger Survey) of 17/01450/FUL	Permitted 10 September 2020
17/01450/FUL	Joint application for the creation of a permanent car park, overflow car park, cycle parking, new access to Headley Road, gates, height restrictor, ticket machine, CCTV, hard surfaced paths, multi-user paths and memorial area, including sculptures and associated infrastructure in relation to Langley Vale Wood - Centenary Woodland for England	Permitted 30 July 2019
16/01909/SCO	EIA Scoping opinion for development of visitors' centre, car park, memorial area, play space and pathways at Langley Vale Centenary Woodland, Epsom	No objections 16 May 2017
16/00036/SCO	EIA Scoping opinion for development of visitors car park, visitors centre, memorial area, hard surfaced access paths and associated infrastructure	No objections 19 May 2016
15/00882/SCR	Application for screening opinion as to whether the proposed development of visitors car park, visitors centre, memorial area, hard surfaced access paths and associated infrastructure is "EIA development" within the meaning of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011.	Objections 25 September 2015

## CONSULTATIONS

Consultee	Comments
<b>Internal Consultees</b>	
Highway Authority	No comments received.
Environmental Health Officer	No comments received.

Consultee	Comments
Surrey Archaeology	No objection subject to a compliance condition.
Trees	No objection.
Ecology	No objection subject to Biodiversity Gain Plan condition.
Planning Policy	No comments received.
Local Lead Flood Authority	No objection subject to a condition.
Conservation Officer	The development will not affect the setting of a listed wall.
<b>External Consultees</b>	
Secretary of State (EIA requirement)	No comments received.
Environment Agency	Assessed the proposal as low risk to the environment. No specific comments to add other than general advice.
Natural England	No objection. Informatives and site-specific comments raised.
Surrey Wildlife Trust	No comments received.
Reigate and Banstead Borough Council	No objection.
Mole Valley District Council	<p>No objection subject to the following:</p> <ul style="list-style-type: none"> <li>• Should consult with the Landscape and Ecology Officers</li> <li>• Any requirement to close the highway should be at a minimum</li> <li>• There should be strong discouragement of narrow roads for construction access</li> </ul> <p>Officer comment: Consultation with the relevant officers has occurred. The remaining matters fall within the scope of Condition 3 requiring a Construction Transport Management Plan.</p>
<p><b>Public Consultation</b></p> <p>The planning application and the Environmental Statement was publicised in accordance with the procedures set out in article 15 and article 16 of, and Schedule 3 to the Town and Country Planning (Development Management Procedure) (England) Order 2015.</p>	
Neighbours	<p>The application was advertised by means of a site notice, press notice, and notification to 28 neighbouring properties, concluding on 29 May 2024.</p> <p>4 submissions were received, three letters of objection and one letter of support. The <u>objectors</u> raised the following issues:</p> <p><i>The Epsom and Walton Downs Training and Management Board (TGMB)</i></p>



Consultee	Comments
	<ul style="list-style-type: none"> <li>• Impact of the development on the horse crossing and further implications to the horse racing training ground.</li> <li>• Object to the applicants' assumptions that visitor numbers and vehicle journeys will not increase as a result of the proposed development. Concern that there is conflict with this assumption and the submitted planning statement which states that the proposal adds to the outdoor recreational facilities to make the site more attractive to the wider public.</li> <li>• Inaccuracy of transport statement, namely that 45 vehicles per week cannot be representative of the general use of the site and that the local authority has no information to properly assess the development's impact on the highway network.</li> <li>• Horse crossing information provided in the submission does not respect the importance of the use of horse crossings to training yards and the wider horseracing industry.</li> <li>• Concerns that if the safety of the crossing is worsened it will directly impact the operation of the training yards and will lead to the closure of training facilities.</li> <li>• The development could potentially have an adverse impact on the success of the wider racing industry.</li> <li>• Comment that the TGMB ensures the maintenance of Epsom and Walton Downs for the racing industry as well as for public access.</li> <li>• Adverse impact on the landscape and visual amenity of the surrounding area.</li> </ul> <p><i>Objection on behalf of the Jockey Club</i></p> <ul style="list-style-type: none"> <li>• The claim that the development will not generate any further traffic in and of itself is not credible.</li> <li>• The proposed structure to accommodate additional visitors will increase the number of visitors the wider site generates.</li> <li>• Inaccuracy of transport statement, namely that 45 vehicles per week cannot be representative of the general use of the site and that the local authority has no information to properly assess the development's impact on the highway network.</li> <li>• Horse crossing information provided in the submission does not respect the importance of the use of horse crossings to training yards and the wider horseracing industry and is therefore misrepresentative.</li> <li>• Concerns that since the applicant undertook the Transport Assessment, another horse racing training yard (The Limes) which relies on the crossing to access the training yards.</li> <li>• Concerns that is the safety of the crossing is worsened it will directly impact the operation of the training yards and will lead to</li> </ul>

Consultee	Comments
	<p>the closure of training facilities which would have a significant impact on the long-term viability of the whole training centre.</p> <ul style="list-style-type: none"> <li>• Far greater scrutiny on trip generation needs to be provided, including a robust assessment on summertime visitors.</li> <li>• Call for highways safety mitigation to protect the crossing and the safety of horses.</li> <li>• Proposed improvements in relation to this matter have been suggested.</li> <li>• The proposal would be visible from the grandstand when looking southwards across the racetrack.</li> <li>• Prominent nature and contemporary design out of keeping with the visual amenity of the surroundings and would detrimentally impact the landscape.</li> <li>• The development would not preserve the openness of the Green Belt.</li> </ul> <p><u>Officer comment:</u> Issues of traffic and landscape harm are discussed in Sections 10, 11 and 16. The car park has already been permitted in anticipation of the visitor centre scheme being brought forward and additional traffic movements are not envisaged. Therefore, there is unlikely to be detriment to the usability of the area by horses and trainers. This is discussed in the body of the report.</p> <p><i>19 Cleves Avenue, Epsom</i></p> <ul style="list-style-type: none"> <li>• Visual cluttering of the landscape</li> <li>• Reference to different elements of the wider project (i.e., play area which has already been granted permission) and the resultant damage to the landscape.</li> <li>• Unnecessary structure that does not serve a purpose.</li> <li>• Spoils the openness of the existing field, albeit commenting that the structure would appear beautiful in form.</li> <li>• The structure detracts from the existing woodland setting and impacts the wider views in and out of the site.</li> <li>• The scheme does not provide a gateway to the site as suggested, as it is concealed from all arrival points</li> </ul> <p><u>Officer comment:</u> While the proposal is associated with the wider visions of the Langley Vale Centenary Woodland Site, this is a separate application to any other development and will be assessed on its own individual merits. It successfully integrates with the primary vision first commenced in 2017 and the landscape impacts are acceptable, as noted in Section 10 and 11.</p> <p><i>Elton Cottage, Headley Road, Epsom</i></p> <ul style="list-style-type: none"> <li>• Proposal would appear as a 'blot' on the landscape.</li> </ul>

Consultee	Comments
	<ul style="list-style-type: none"> <li>• Recommendation from Visual Impact Consultant that Trees should screen the development from Elton Cottage not carried out.</li> <li>• Poor design</li> <li>• Excessive height</li> <li>• Loss of Outlook</li> <li>• Deciduous trees offer no screening for 6 months of the year.</li> <li>• No screening of the proposal to Elton Cottage</li> <li>• Traffic/ Parking Implications</li> </ul> <p><u>Officer comment:</u> The above issues are discussed at Sections 10, 11 and 16. A right to a view is not a material planning consideration.</p> <p>The <u>letter of support</u> gave the following comments:</p> <p><i>16 Roseberry Lane, Langley Vale</i></p> <ul style="list-style-type: none"> <li>• Enhancement to an already great site that has the neighbours 100% support.</li> </ul>

## PLANNING LEGISLATION, POLICY, AND GUIDANCE

### 7. Legislation and Regulations

- 7.1. Town and Country Planning Act 1990
- 7.2. Environment Act 2021
- 7.3. Community Infrastructure Levy Regulations 2010

### 8. Planning Policy

#### 8.1. National Planning Policy Framework 2023 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 4: Decision-Making
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport
- Section 11: Making Effective Use of Land
- Section 12: Achieving Well-Designed and Beautiful Places
- Section 13: Protecting Green Belt Land
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15: Conserving and Enhancing the Natural Environment

#### 8.2. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS2: Green Belt
- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS4: Open Spaces and Green Infrastructure

- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS12: Developer Contributions to Community Infrastructure
- Policy CS13: Community, Cultural and Built Sports Facilities
- Policy CS16: Managing Transport and Travel

**8.3. Epsom and Ewell Development Management Policies Document 2015 (DMPD)**

- Policy DM1: Extent of the Green Belt
- Policy DM3: Replacement and Extensions of Buildings in the Green Belt
- Policy DM4: Biodiversity and New Development
- Policy DM5: Trees and Landscape
- Policy DM7: Footpath, Cycle and Bridleway Network
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM34: New Social Infrastructure
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

**9. Supporting Guidance**

**9.1. National Planning Policy Guidance (NPPG)**

- Biodiversity Net Gain
- Climate Change
- Community Infrastructure Levy
- Design: Process and Tools
- Determining a Planning Application
- Effective Use of Land
- Environmental Impact Assessment
- Green Belt
- Healthy and Safe Communities
- Natural Environment
- Noise
- Open Space, Sports and Recreation Facilities, Public Rights of Way, and Local Green Space
- Planning Obligations
- Travel Plans, Transport Assessments and Statements
- Use of Planning Conditions

**9.2. Revised Developer Contributions Supplementary Planning Document 2014**

- Part 1: Overview
- Part 2: Affordable Housing
- Part 3: Site-Specific Infrastructure Obligations

**9.3. Supplementary Planning Documents and Guidance**

- Surrey County Council Vehicular and Cycle Parking Guidance 2018
- Surrey Transport Plan 2022–2032
- Sustainable Design Supplementary Planning Document 2016

**9.4. Other Documentation**

- National Design Guide 2021
- Community Infrastructure Levy Charging Schedule 2014

**PLANNING ASSESSMENT**

**10. Principle of Development**

**10.1. Development in the Green Belt**

10.2. The site is within Green Belt and Section 13 of the NPPF 2023 aims to prevent urban sprawl by keeping land permanently open with the purposes being to check unrestricted sprawl, prevent merging of towns, prevent encroachment within the countryside, preserve the setting of towns and encourage recycling of derelict sites.

10.3. Paragraph 152 of the NPPF 2023, reinforced in Policy CS2 of the CS states that inappropriate development is, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 requires substantial weight to be applied to harm to the Green Belt.

10.4. The Green Belt considerations include the following:

*Whether the proposal would be inappropriate development for the purposes of Section 13 of the NPPF and development plan policy*

10.5. Paragraph 154 of the NPPF 2023 states that new buildings in the Green Belt are inappropriate, unless it involves outdoor recreation. The proposal is for an outdoor visitor shelter which is associated with the wider outdoor recreational use of Langley Vale woodland. As such, the development proposed is within the scope of limb b) of paragraph 154:

*'b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it...'*

10.6. Paragraph 155 of the NPPF 2023 specifies that engineering operations such as the creation of pathways is not inappropriate development.

*The effect of the proposal on the openness of the Green Belt and Countryside*

- 10.7. The NPPF highlights that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
- 10.8. Paragraph 001 of the Green Belt National Planning Practice Guidance states that the assessment of the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. The courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:
- Openness is capable of having both spatial and visual aspects
  - The duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
  - The degree of activity likely to be generated, such as traffic generation.
- 10.9. The application proposes the erection of a new visitor shelter/ hub which will be sited in the open field to the east of the existing car park and entrance. The shelter would have to following external dimensions:

	<b>Footprint</b>	<b>Height</b>	<b>Width</b>	<b>Depth</b>
Proposed	223m <sup>2</sup>	6.3m <sup>2</sup>	10.4m	24.2m

- 10.10. The argument put forward by the applicant is that the proposed development will preserve the Green Belts main functions, will have negligible implications on the openness of the Green Belt, and is regarded as appropriate development in landscape and visual terms.



10.11. Section 4.0 of the Supplementary Environmental Statement (Volume 1- Main Report) provides a Landscape and Visual Assessment of the proposal. This analysis comprised of the following tasks:

- Desktop review of baseline sources and policy references
- Site visit photograph for assessment views
- Baseline conditions, views, and receptors

- Preparation of photograph montages
- Review of proposal and sources of impact
- Assessment of visual impact and effects on the landscape character and visual amenity for Year 1 and Year 10 – 15 scenarios
- Recommendation of additional mitigation where necessary
- Assessment of residual impacts

- 10.12. The analysis concluded that the cumulative/predicted effects of the proposal would result in negligible adverse impacts on the Green Belt through all construction and operational phases. Further justification throughout the submissions explains that the proposal is modest in terms of its footprint and visibility, that its function compliments the existing amenity use of the site for outdoor recreational purposes, and that it is sensitive in terms of the use of natural materials including its light-weight nature and open-sidedness.
- 10.13. In addition, the applicant argues that the proposal does not represent urban sprawl or the merging of villages, nor would it negatively impact the character of historic towns and would preserve the main functions of the Green Belt.
- 10.14. The council are of the contrary view - that both spatially and visually, the proposal would have a detrimental adverse impact on the openness of the Green Belt.
- 10.15. Openness is one of the essential characteristics of the Green Belt. It is epitomised by the lack of buildings or development. The dominant characteristic of the site and its spatial surroundings is one of rural character and arable land that is open and undeveloped. The only unnatural features observed in this area are the small soldier statues commemorating World War I at the 'Regiment of Trees', and the Witness Sculpture to the east of the site. Though the Witness Sculpture is substantial in height, its width and depth are limited, and it is contained against the eastern tree line. It also appears as a somewhat natural feature that blends into the rural landscape, rather than a typical building/structure serving an intended purpose.
- 10.16. In spatial terms, the development is situated at least 35m from the western tree-lined boundary and 62m from the woodland path to the south. In this sense, the positioning of the building is moderately central in relation to the large agricultural field and is not contained by any natural screening or vegetation buffer. The development is in a prominent position on the site and comprises of a substantially sized built form; 6.3m in height, 10.4m in width, and a 22.4m depth with a 223m<sup>2</sup> footprint. It is largely open in its form and so volume is difficult to quantify and would serve limited reference.
- 10.17. From all corners of the large open arable field, the proposal would have a moderate to significant visual impact on the existing landscape. The proposal is not contained nor screened by vegetation. Though its



materiality is of light-weight timber materials and the structure is open sided, it does not comprise of unnatural form within the open countryside. The open texture of the building is limiting given the enclosure elements within the structure. No views are obtainable through the structure and even still this would not elude from the large and imposing roof form.

- 10.18. There is no development of this scale and size on the wider Langley Vale Wood site and it does not form part of the context of any rural settlement areas or agricultural activities. The argument that the proposal is associated with the use of the site is not applicable to the assessment of openness.
- 10.19. It is acknowledged that there is a larger car park facility in the adjacent facility in the adjacent field to the west, but this was also deemed as inappropriate development in the Green Belt as part of the assessment in the 2017 application. Application 22/01047/FUL, granted permission in 2022, also concluded that the play space on the wider site occupied a small area, where structures were modest in height and screened by extensive tree planting, and therefore preserves the openness of the Green Belt.
- 10.20. Though the applicant has alluded to tree planting around the structure or boundary of the site, this would not be achievable or a realistic measure to preserve openness.
- 10.21. The structure has a high degree of permanency with little temporary aspect. There is only a small likelihood the land would return to its original state or state of openness given the construction and engineering operations involved.
- 10.22. The council is in agreement that the amenity/outdoor recreational use of the site has been confirmed in preparation for the predicted number of visitors of the wider site. Moreover, the car park and access has been implemented in anticipation for this scheme coming forward. Therefore, in forward planning terms, the degree of anticipated activity generated is likely to be minimal and this does not add to the impact of openness to any great deal.
- 10.23. In light of the above (paragraphs 10.15 – 10.22), the proposal would result in harm to the openness and permanency of the Green Belt and would therefore constitute as inappropriate development.
- 10.24. The proposed surface paths are key to promoting outdoor sport and recreation and do not harm the openness of the Green Belt, particularly in the context of other similar paths in the immediate area.

*If it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development*

10.25. Paragraph 153 of the NPPF 2023 states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

10.26. Without prejudice to their view that the proposal was not inappropriate development, the applicant submitted A Very Special Circumstances document, citing eight key arguments;

- The applicant's visions and aims of the Langley Vale Wood project
- Supporting outdoor recreation,
- Increasing accessibility,
- Improving cultural awareness and education,
- Exemplary design,
- Physical and mental health benefits,
- Benefits to the local economy, and
- Habitat enhancement.

10.27. The Woodland Trust has a charitable status working throughout the UK to restore precious habitats sensitively and gradually. The vision of the wider project delivery is to create a mosaic of habitats where native wildlife can flourish. An area has also been created on the site that recognises the troops that fought in World War I, commemorating those affected and the lives that were lost. Minor weight is applied to this aspect.

10.28. The wider project delivery aims to create, protect, and restore the wooded landscape. 159 hectares of land has been purchased by the woodland trust from previously intensified agricultural land. A total of 170,000 trees have been planted and a maintenance programme to conserve existing habitats has been implemented. Furthermore, new woodland has been created including the stitching together of existing fragmented woodland. Open spaces have also been maintained for rare and arable grassland plants to flourish.

10.29. For supporting outdoor recreation, the applicant confirms that the whole site is open to the public and gives people the chance to visit a new landscape formerly in private ownership. The Woodland Trust have identified that an existing constraint of the site is that there is no place for visitors to shelter or congregate. Bad weather is a considerable factor in discouraging people to engage in the site. It is fair to conclude that the creation of a focal point to the site would increase attractiveness for visiting the open space and this attracts moderate weight.

10.30. The new shelter aims to provide covered seating for people to meet and shelter and spaces for informal education and events needed to support outdoor recreational activities. These additional elements to the wider site aim to encourage longer engagement and repeat visits to the site, enhancing the recreational experience and allowing deeper engagement

of Langley Vale Wood. The applicant has also provided typical examples of similar facilities at similar sites, commenting that the range of amenities are provided in this case are modest in comparison.

10.31. The Woodland Trust has a commitment to accessibility and inclusion at Langley Vale Wood. This commitment will also apply to the visitor centre. It is intended that the visitor shelter will be the main welcoming space to introduce visitors to the key features of the site. Paragraph 3.15 of the VSC document states that the area between the car park, memorial sculpture and play space. In the Langley Vale Wood Accessibility Audit Report, as being the area

*“... most likely to be used by people with mobility (i.e. lower body), dexterity (i.e. upper body) and sensory (e.g. vision) impairments but who would be least likely to bring specialist off-road / outdoor mobility and other aids with them. “This could include school groups, disabled veterans, family groups and members of the public who may not be familiar with the site. It is expected that most if not all of these visitors will arrive via the car park.”*

10.32. The location of the visitor shelter has been considered in conjunction with the wider wayfinding and accessibility arrangements of the wider site. Paths will provide access for a wide range of user groups within the community as well as a tactile connection with the other site activities such as the woodland and play area as well as a gateway to other green spaces. The design of the shelter also supports sensory plans and access for children with disabilities. In reality, the accessibility case can really only be applied to the pathways because the hub is intended for all users regardless of accessibility concerns and even though the Council is aware of its equality obligations, on this basis, it is given little weight.

10.33. The proposed visitor shelter and its associated amenities will improve the cultural awareness of the wider site and enhance visitor experiences through education. The wider site has already implemented commemorative features of World War I including ‘The Regiment of Trees’ and Witness Sculpture within proximity of the shelter, providing an area for quiet remembrance.

10.34. It is intended that the visitor shelter will introduce visitors to the important stories of World War I and to explore the site further in this respect.

10.35. The shelter will house accessible information and interpretation and provides the opportunity for informal learning about the important wartime history of the site and the nature recovery now taking place on a once intensively farmed landscape. It is of the applicant’s opinion that these activities cannot realistically be transplanted elsewhere.

10.36. Providing educational opportunities is one of the aims of the Woodland Trust for an increasing diversity of audiences. The attractiveness of the learning experience would be significantly improved as a result of the

works. As part of the wider vision of the site, the proposal achieves its goals and does so in a manner that should attract moderate weight.

- 10.37. The VSC Statement describes the proposal as an exemplary design that is conscious of the site-specific context. The overall design, form and timber construction all help to minimise the impact of the shelter on the landscape. The design is undoubtedly striking as a focal structure (see comments in Section 11) and the Council's view is that it is complementary to the landscape. It attracts significant weight.
- 10.38. Physical and mental health benefits for local residents is another argument for very special circumstance. The connection with green infrastructure and health and well-being is undoubtable. The visitor shelter intends to inspire confidence to help visitors explore, and to engage them with the site's stories. It will help new visitors plan their visit and understand their options, and for regular visitors to discover more detail throughout the seasons. Covered meeting spaces will also promote social interaction for visitors. The Woodland Trust has also stated that investing in green infrastructure will further opportunities for volunteering work. This reasoning appears to be a duplicate of some of the other very special circumstances, insofar as the stated aims are for engagement and advancement of outdoor recreation. On this basis, little weight is applied.
- 10.39. Prolonging visitor times at the site will also create paid and unpaid opportunities for the Woodland Trust, either directly at the site or indirectly to administrative regional support teams. Construction work opportunities and maintenance jobs will also be created at a local level. Any opportunity for additional engagement with people would likely drive increased interest, participation, and future volunteering with the Woodland Trust, furthering their goals. These are relevant cases and attract minor weight.
- 10.40. Lastly, the applicant has sited habitat enhancement as a key driver of the project delivery. Proposals involve compensatory habitat provision, and habitat management and maintenance to increase biodiversity and provide valuable wildlife corridors for important species. The proposal achieves 10% biodiversity net gain, which is a policy requirement. Beyond this, the broader benefits are not fully understood beyond those achieved by the objectives of the Woodland Trust more broadly. Limited weight is applied.
- 10.41. It is concluded that these very special circumstances, to varying degrees, show adequate justification that the harm identified is outweighed by other considerations. While many of the benefits refer to the wider project delivery of the Langley Vale Wood, the visitor shelter proposals offer significant benefits that are integral to the visions and goals of securing a lasting and sustainable outdoor recreation and nature conservation for future generations.

*Green Belt Summary*

10.42. The Green Belt assessment has identified that the proposals would result in moderate to significant harm to the openness of the Green Belt, though this harm is demonstrably outweighed by the public benefits of the scheme.

#### **10.43. Community, Social and Sports Facilities**

10.44. Policy CS13 of the CS and Policy DM34 of the DMPD resist the loss of community, cultural and built sports facilities, unless it is demonstrated that the need no longer exists, or it is provided elsewhere. New facilities that address a deficiency and meet identified needs are encouraged.

10.45. 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.

10.46. Policy DM34 of the DMPD allows for social infrastructure development where there is identified need, it is provided in a multi-use, well designed and flexible building with inclusive access to the building, good access to public transport, adequate parking provision and no adverse impact on residential character and amenity.

10.47. The proposed development would provide a community facility which is freely accessible to the public. A need has been identified to extend the visitor offering for the wider delivery of the Langley Vale site. The shelter provides covered seating spaces which can provide opportunities for meeting spaces and informal events. The visitor offering is also part of wider accessibility and inclusion objectives of the wider site and will also introduce educational opportunities for World War I commemoration and wildlife conservation.

10.48. The structure is well-designed with sensitive materials and will not harm the visual amenity of the local surroundings. It is also closely accessible to other attractions on the site such as the woodland and play space and is a short distance from the entrance off Headley Road with the existing car park.

10.49. As such, this community facility is policy compliant and will have significant public benefits.

### **11. Design and Character**

11.1. Paragraphs 129, 135 and 139 of the NPPF 2023 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.

11.2. Paragraph 139 of the NPPF states that “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Significant weight should be given to;

A) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

B) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

### **11.3. Built Form, Pattern and Layout**

11.4. The proposal will introduce a new development form into the landscape in a currently open field with a limited amount of development structures. There is no identified pattern of development in the immediate context. The wider area hosts a mix of different land uses.

11.5. The visitor shelter would be compatible with the wider outdoor recreational use of the wider Langley Vale Site. While the development would impinge on openness, its coverage on the open field is minimal. There is a sporadic and isolated pattern of development in the rural locality, such as those associated with equestrian and agricultural. The proposal would not detrimentally alter this pattern.

### **11.6. Landscape Character**

11.7. Paragraph 180 of the NPPF 2023 requires that planning applications enhance the natural and local environment by ‘recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.’

11.8. The paths proposed will lead from the existing paths from the car park through to the visitor shelter and will extend and two points in an oval shape around the car park. The paths will then converge and extend through ‘The Regiment of Trees’ and to the Witness Sculpture. These will be at least 2m wide and comprise of self-binding limestone gravel to match the existing on site with treated timber edging boards.

- 11.9. Section 3.7 of the Design and Access Statement explains that the landscape strategy is an integral part of the new visitor shelter which is sensitive to the surrounding context. The proposed location of the structure with the landscape creates a clear hierarchy of routes and spaces so the site is connected to all the other destinations across the wider site.
- 11.10. Despite the hard landscaping proposals, the landscaping strategy will further enhance the local biodiversity on the site. Grass swales are proposed directly adjacent to the new building which will provide visual softening to the structure.
- 11.11. The applicant is not proposing any internal or external lighting as part of the scheme which may have an adverse impact on the visual amenity of dark skies across the open and rural landscape. Any future proposal for internal or external lighting will need to be submitted and approved to the local planning authority and retained thereafter.
- 11.12. Scale, Size, Form, and Activity**
- 11.13. The proposal is substantial in scale and size forming a rectangular shape with a large, curved roof and open-ended sides. The structure will be held up by 14 piers, 7 on each side, connected to the roof for.
- 11.14. The roof will be formed by 7 different connected section in a 'leaf' shape. 4 of these sections will be enclosed, the others will be semi-enclosed with multiple openings.
- 11.15. In terms of scale and size, the structure is not dissimilar to rural structures typical of an agricultural setting. The design of the building is unique and contemporary yet has been carefully considered to blend in the landscape. Enough shelter would be provided to serve the intended purpose and there are two cylindrical pods inside the structure with seating and cover.



11.16. Objections have been raised with concerns that the proposal would result in detrimental harm to the visual amenity of the area. Though the site is currently largely undeveloped, the proposed design is sympathetic to the rural aesthetic of the area.

11.17. In terms of the impact on wider views the development is sited at least 2km from the Epsom Downs Racecourse Grandstand. While there will be a minimal view of the structure, there are views of the Langley Vale residential settlement in closer proximity as well as other development structures. Given these factors, this will not result in an adverse impact.

11.18. During the winter months there will be marginal views of the structure from Langley Vale Road. Yet, this would only be a seasonal view of the structure that is sited more than 285m from the highway and 270 metres from the public right of way. Even then, the wider impact is not sufficient pronounced to justify refusal on its own and no adverse issues are raised.

#### **11.19. Materiality**

11.20. The proposal will be constructed almost entirely of timber materials which will be sustainably sourced. The exterior will be clad in timber shingles and the interior will be clad in timber strips. The four fully boarded bays of the shelter will be designed to be waterproof. Underneath the rainscreen timber boarding there will be a UV waterproof membrane dressed over the battens so that rainwater will drain to the central spine of the bay. The central spine will be detailed to act as a gutter, diverting rainwater to the base of the shelter where it will be collected and directed to the soakaway. Stainless steel footings will form the foundations.

11.21. Materials proposed are sustainable and satisfactory, complimenting the innovative form and creating aesthetic intrigue.



### **11.22. Functionality**

11.23. The National Design Guide 2021 states that one of the 10 characteristics of a well-designed place is development is functional, healthy, and sustainable.

11.24. Focus of the scheme has been centred around usability and movement around the wider site, maximising its allure to potential visitors. The space has both a functional aspect to provide shelter but is also a space that can promote social interaction and engagement with the surrounding site. This consideration from an early design is welcomed and is a positive benefit of the scheme.

### **11.25. Sustainability**

11.26. The application proposed the use of sustainable materials to construct the new building.

11.27. The entire structure will be sourced by sustainable timber. Foundations would be movable and recyclable and will have a reduced embodied energy impact in comparison to using concrete.

11.28. The Woodland Trust will work with partners to minimise the carbon footprint of the structure during construction and use. Site won spoil material will be incorporated into the landscape design through re-contouring and the creation of natural bunds in order to minimise waste.

11.29. A Sustainable Urban Drainage Strategy has been developed in coordination with the architects and engineers and is incorporated into the landscaping layout.

## **12. Heritage and Conservation**

12.1. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that development must ensure the preservation of any nearby listed building, including its setting.

12.2. Policy CS5 of the CS and Policy DM8 of the DMPD seek to protect and enhance heritage assets and their setting.

12.3. The proposal is located at least 400m away from a Listed Wall on Langley Vale Road. The Conservation Officer has commented that the proposal will not affect the setting of a Listed Wall and therefore no harm is identified.

12.4. The lies within an area of Archaeological Potential. The SCC Archaeology Officer comments that:

“In line with local plan policy, the applicant has submitted an archaeological assessment highlighting that there is archaeological potential retained at this site that may be negatively impacted by the development proposals.

The applicant has considered past advice and attached conditions for past proposals at this site and has produced an archaeological written scheme of investigation, designed to secure archaeological mitigation works should permission be granted. The written scheme of investigation is suitable and therefore I am satisfied to agree to the approach submitted in support of the application.”

- 12.5. In line with local and national policy, the SSC Archaeological Officer has recommended that a compliance condition is attached to the decision notice.

### **13. Trees and Landscaping**

- 13.1. Paragraph 136 of the NPPF 2023, 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.
- 13.2. There will be no trees lost as a result of the proposal. The Tree Officer has assessed the scheme on the grounds of the impact on the landscape and does not object.
- 13.3. The Environment Agency have been consulted and confirm that the proposal will present low risk to the environment.

### **14. Neighbour Amenity**

- 14.1. 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 191 of the NPPF 2023 and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 14.2. The main residential properties that will be affected by the proposal is Elton Cottage to the north of the site on the northern side of Langley Vale Road. The boundary of this property is located more than 290m from the site.
- 14.3. There will be a viewpoint from the upstairs window of Elton Cottage, but given the significant separation distances and boundary vegetation on either side of Langley Vale Road, this is not detrimentally harmful.
- 14.4. The applicant has suggested that additional tree planting could be secured outside of the site boundary to the tree line to the north to protect

the views from Elton Cottage. Given the above, the LPA do not feel this is necessary.

- 14.5. Noise impacts from the proposal will be limited and will not emulate the considerable distance to the neighbouring property. It is not anticipated that originally forecasted visitor numbers will increase as a result of the proposal.

## **15. Parking and Access**

- 15.1. 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.

### **15.2. Car Parking**

- 15.3. Permanent car parking for 70 vehicle spaces and overflow parking has already been permitted under the Mole Valley District Council Planning application ref: MO/2018/0004.
- 15.4. The 2017 joint hybrid application was submitted with an indicative masterplan of the wider project delivery at Langley Vale Wood and a full Transport Assessment. This included an outline application for a much larger visitor shelter in a similar position on the site. The assessment of the Mole Valley hybrid outline application considered the parking requirements as a whole.
- 15.5. The car park and overflow parking to the west of the application site were approved in anticipation of this current scheme coming forward. As such, the existing parking arrangements are acceptable to serve the development. It is not envisaged that vehicle numbers will increase as a result of the development as considered as a whole. The target of 100,000 visitors a year has not been reached.

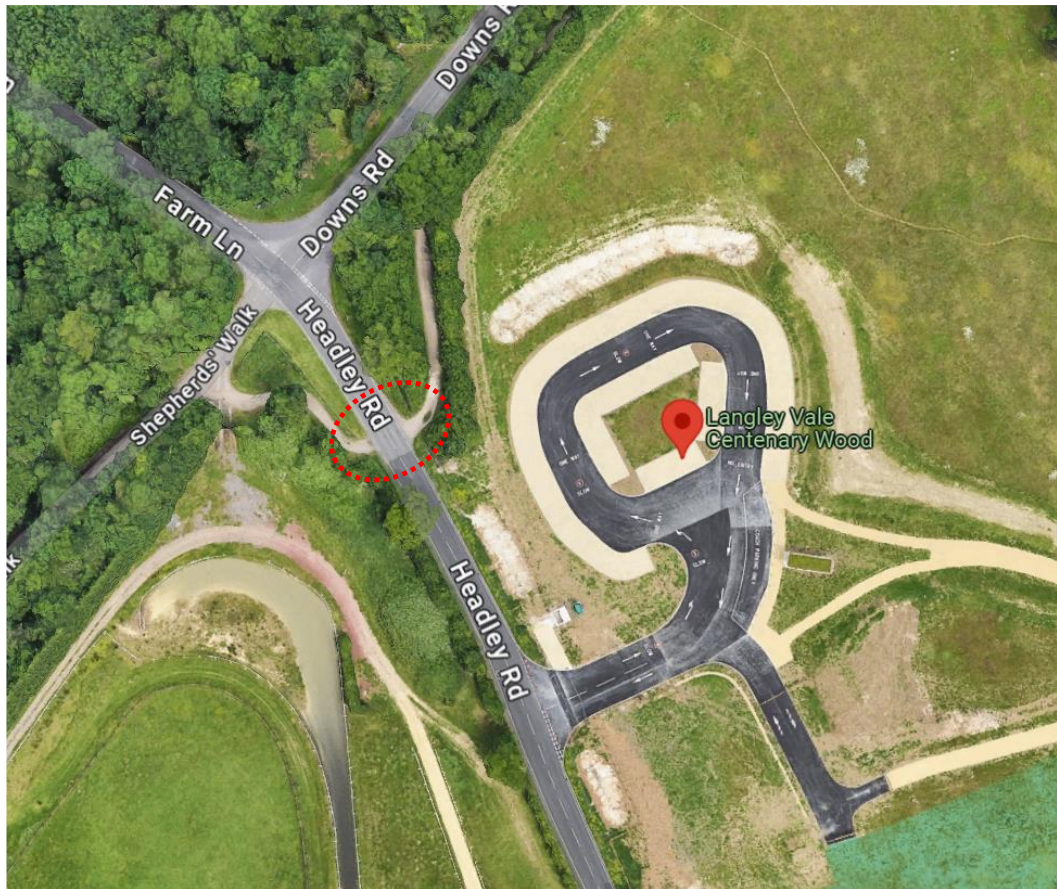
### **15.6. Cycle Parking**

- 15.7. There is existing provision on the wider site for 12 No. cycle parking spaces that are safe and secure within the existing entrance/ car parking area. The same conclusion is reached to the car parking arrangements.

### **15.8. Pedestrian and Vehicle Access and Manoeuvrability**

- 15.9. Paragraph 114 of the NPPF 2023 requires safe and suitable access, paragraph 115 allows for refusal where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road

network would be severe and paragraph 116 seeks to minimise conflicts between pedestrians, cyclists, and vehicles. This is reinforced in Policy CS16 of the CS and DM10 of the DMPD.



15.10. Objectors, namely the Jokey Club and TGMB, have raised concerns that the proposed development would adversely impact the safety of the horse crossing which is located 45m north-westwards of the existing access to Langley Vale Wood car park.

15.11. Surrey County were consulted on the 2017 hybrid application (ref: MO/2018/0004) and initially identified highway safety concerns relating to the arrival of a large-sized vehicle (coaches) to the site as well as coach parking provision. A subsequent meeting to discuss issues was held and the applicant then undertook further analysis to respond to the key points raised.

15.12. The following conclusions were made from Surrey County Highways in regard to highways safety:

*“Access & visibility – the proposed visibility splay for the new access on Headley Road is acceptable and reflects the recorded traffic speeds in this location.*

*Swept Path Analysis – Revised swept path analysis has been submitted which demonstrates that the site can be accessed by a standard size*

*coach without any encroachment across the centre line of the main carriageway...*

*Development Impact – The Transport Assessment submitted as part of the application outlined that the day-to-day operation of the car park would have a minimal impact on the local highway network... The CHA requested further information from the applicant in relation to the full car park being utilised for all 170 car parking spaces. The applicant provided a revised assessment that demonstrated that in a worst-case scenario with all 170 spaces full, the proposed access to the site and the junction of Downs Way with Headley Road would continue to operate with sufficient capacity to support the maximum car park use. The applicant advises that the maximum use of the car park will be infrequent and reserved for ‘special events’. The use and management of the car park on these special occasions can be covered in the Car Parking Management Plan and the Events Management Plan conditions.”*

- 15.13. All matters above have already been considered acceptable by the Highways Officer under the original hybrid planning application. The Highways Authority also made the following conclusions in respect to the impact of the development on the horse crossing.

*“Horse crossing – The site is close to Epsom Downs horse racing course and must therefore take account of the equine industry. The proposed car park access would be located 120m from an existing horse crossing on Headley Road. The applicant has presented an indicative scheme to improve the bridleway that crosses Headley Road to the west of the proposed site access. The CHA has considered the proposed scheme and are generally supportive of improving this horse crossing facility. Further design modifications would be required in order to make the horse crossing acceptable. Such works would be secured via a Section 278 Agreement and would be funded by the applicant.”*

- 15.14. The Langley Vale Wood applicant initially proposed a scheme to improve the horse crossing facility by which the Highway Authority were generally supportive of. A condition (Condition 4) was imposed to the original Mole Valley District Council application stating:

*Notwithstanding the submitted proposals, before the car park is brought into use, the works to the public highway and horse crossing on Headley Road, shall be implemented in accordance with a scheme to be prepared in consultation with Surrey County Council and The Jockey Club. The scheme shall be submitted to and agreed 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 and to satisfy Core Strategy policy CS18 and Local Plan policy MOV2 and accord with the advice in the NPPF.*

- 15.15. Condition 4 of the original application was subsequently discharged on 9 November 2021 (ref: MO/2021/1464AC). The applicant's submission set out a chronology of correspondence between The Woodland Trust, The County Highway Authority, and the Jockey Club between 2019 and April 2021.
- 15.16. Throughout the course of the discharge application, the Jockey Club had made a number of suggested improvements to the road on the approach of the crossing, including road markings, anti-slip surfacing, and additional signage. However, the Highway Authority reviewed all these suggestions and did not consider them as appropriate to impose. The proposals for the horse crossing were instead limited in scope and involved the retaining of the existing crossing and the cutting back of vegetation on the approach to it.
- 15.17. The Highway Authority therefore deemed that the existing crossing acceptable in its current form albeit with cutting back some vegetation in the visibility zones. The Local Planning Authority are guided by the professional advice of the Surrey County Highway Authority. They have concluded that the vehicle access of the site entrance does prejudice the safety of the crossing for vehicles, pedestrian, and horses. As such, highways safety will not be impeded as a result of the proposal and those issues raised by Jockey Club and TGMB have already been duly assessed.
- 15.18. Pedestrian access through to the application site itself will be functional, navigable, and ensure safety. No objection is raised.
- 15.19. Traffic Generation**
- 15.20. Policy DM35 of the DMPD requires consideration of the impact upon the transport network via a Transport Assessment or Statement.
- 15.21. The hybrid application submitted to Mole Valley District Council was assessed against a Transport Assessment (2017) that included full consideration of the traffic generation arising from the visitor hub in place and following review by SCC.
- 15.22. Section 8c) of the officer report for the original application (ref: MO/2018/0004) which assessed vehicle traffic implications is discussed as follows.
- 15.23. The applicant's original Transport Assessment was based on a similar site already being operated by the Woodland Trust, namely Heartwood Forest in St Albans. A traffic survey was undertaken leading up to and including a bank holiday weekend. The traffic survey was used to predict likely traffic generation flows on the surrounding road network based on a situation where only the 70 space 'permanent' car park would be at capacity and did not include a worst-case scenario of the additional 100 space 'overspill' car park also being at capacity. Further information was sought

from the applicants to demonstrate the impact on the surrounding road network with both car parks at full capacity. The Highway Authority considered this as a robust approach.

- 15.24. Traffic survey data was also collected at the two local junctions of Headley Road j/w Downs Road, and Langley Vale Road j/w Ashley Road. In addition, speed surveys were conducted along Headley Road close to the proposed new car park access. The predicted traffic generation associated with the proposed Centenary Woodland was then added to the existing network traffic flows established from the traffic surveys. To assess this impact, traffic modelling was undertaken at the priority junction of Headley Road j/w Downs Road and the signalised junction of Langley Vale Road j/w Ashley Road to assess their capacity during peak weekday traffic conditions.
- 15.25. The original transport statement outlined that the day-to-day operations of the car park would have a minimal impact on the local highway network. The applicants advised that the majority of 'normal' day to day traffic movements would be after 9am and before 3pm – outside the highway network peak hours. This position was supported by the traffic survey information presented from the comparable site.
- 15.26. The Highway Authority requested further information from the applicant in relation to the full car park being utilised for all 170 car parking spaces. The applicant provided a revised assessment that demonstrated that in a worst-case scenario with all 170 spaces full, the proposed access to the site and the junction of Downs Way with Headley Road would continue to operate with sufficient capacity to support the maximum car park use subject to Car Parking Management Plan and Events Management Plan Conditions on maximised use of the car park on 'special-event days'.
- 15.27. The Highway authority concluded that the operation of the proposed car park would have a minimal impact on the highway network operation at peak times.
- 15.28. A new Transport Statement, authored by EAS and dated February 2024, has been submitted with the proposal. The Statement principally serves to update and compare anticipated traffic figures from the original transport assessment undertaken in 2017 with those anticipated by the subject application in 2024.
- 15.29. Based on the new data collected, this Transport Statement concludes that general volumes of traffic on the surrounding highway network have fallen since 2016, and that Langley Vale's current contribution to highway network demand is imperceptible. It also reinforces that most traffic movements to the car park would be outside of AM and PM peak periods and on weekends, and these scenarios are acceptable from a transport and traffic perspective.

- 15.30. Updated automatic traffic counts across the main roads bordering the site have also shown a substantial net reduction in highway traffic overall, largely attributable to the rise of home working, post COVID-19 pandemic.
- 15.31. The Jockey Club and TGMB have looked at the traffic surveys within the Transport Statement and comment that an indicative average draw of 45 vehicles per week in a year cannot be representative of the general use of the site. This comment refers to the traffic counts into and out of the site on Wednesday, Saturday, and Sunday of the week commencing 6 November 2023.
- 15.32. The local authority acknowledges that surveys were not completed in times of peak demand, yet they do give an accurate indication of the general traffic activity on a typical week (i.e., not peak demand). Peak demand has already considered under the original hybrid application which permitted outline approval for a larger visitor centre on the site. Referring back to the original report, it has been appropriately demonstrated that in a worst-case scenario at maximum capacity, the proposed access to the site and the junction of Downs Way and Headley Road would continue to operate with significant capacity.
- 15.33. The Traffic Survey concludes that it is not anticipated that the shelter will generate any further traffic in and on itself when measured against the anticipated numbers of the original Transport Assessment but may increase dwell time on the site. Car parking facilities on the wider site are adequate to accommodate existing traffic and any further growth that may occur. Traffic will continue to be outside AM and PM peak periods and on weekends and this was and continues to be satisfactory. By implication, much of the concerns raised by objectors, including in relation to horse and rider safety, have already been assessed as acceptable in 2017 and this application and the information supporting it does not change this.
- 15.34. The increase in dwell times is expected to marginally increase traffic on a typical day-to-day basis. However, this does not change the original conclusions that the operation of the proposed car park would have a minimal impact on the highway network operation at peak times.

**15.35. Site Sustainability**

- 15.36. Paragraphs 112, 118 and 120 of the NPPF 2023 seek to ensure the growth of sustainable transport in managing development and approval of planning applications.
- 15.37. Paragraph 89 of the NPPF 2023 accepts that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.



15.38. The proposal is sited a substantial walking distance away from the nearest bus stop and railway station. Its location is constrained, and it has already been assessed that most users to the site will arrive by car.

15.39. The option of cycling to the site is realistic on the wider site and appropriate provision has already been implemented.

#### **15.40. Construction Management**

15.41. A Construction Management Plan will be required via condition to mitigate against any adverse risks associated with the construction phase. It is envisaged that some car parking spaces will need to be lost during the construction phase and this will need to be fully understood though it is not fatal to the application.

### **16. Ecology and Biodiversity**

#### **16.1. Ecological Impact**

16.2. Paragraphs 180 and 186 of the NPPF 2023, 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.

16.3. A Phase 2 Ecological Survey was submitted with the submission (undertaken by Southern Ecological Consultants, March 2024). Following a Preliminary Appraisal, the site was found to be suitable for reptiles and notable Flora. Phase 2 Surveys comprised of seven-visit reptile presence/absence survey and a detailed botanical survey.

16.4. Two individual common lizards were recorded on the visits, indicating a low population of reptiles present on the site. Due to the presence of reptiles within a suitable habitat, precautionary methods of working during construction have been recommended.

16.5. The results of botanical surveys confirm the absence of any notable or protected plant species.

16.6. The Council's Ecology Officer has raised no objection. Natural England raise no objection to the proposals. No comments have been received by the Surrey Wildlife Trust. Through acceptable mitigation measures, the proposal will ensure acceptability in terms of its impact on protected species.

**16.7. Biodiversity Net Gain**

- 16.8. Schedule 7A of the Town and Country Planning Act 1990 and Section 180 of the NPPF require delivery of biodiversity net gain (BNG) of 10%, including by establishing coherent ecological networks that are more resilient to current and future pressures with the overall intention to deliver a more or better-quality natural habitat than there was before development.
- 16.9. The application was accompanied by a BNG Assessment and Metric Tool.
- 16.10. The EEBC Ecology Officer has reviewed the submission and can confirm that the development will achieve the minimum 10% net gain on the application site. A Biodiversity Gain Plan will be secured by a section 106 legal agreement.
- 16.11. The Biodiversity Gain Plan will be prepared in accordance with National Planning Practice Guidance and the approved BNG Assessment and Metric Tool. The development will not be open to visitors until a completion report, evidencing the completed habitat enhancements, has been agreed. The Biodiversity Gain Plan shall be implemented and monitored in accordance with the approved details.

**17. Flooding and Drainage**

**17.1. Flood Risk and Vulnerability**

- 17.2. Paragraphs 165 and 173 of the NPPF 2023, Policy CS6 of the CS and Policy DM19 of the DMPD state that development at medium or high risk from flooding must ensure that there is no increase in flood risk, whether on or off site, and implementation of flood resilience and mitigation to reduce it to acceptable levels.
- 17.3. The site is within Flood Zone 1 and the proposal will not have an adverse impact on fluvial flood risk or poses risks in relation to use vulnerability.

**17.4. Sustainable Drainage**

- 17.5. Paragraph 173 of the NPPF 2023, Policy CS6 of the CS 2007 and Policy DM19 of the DMPD seek the implementation of sustainable urban drainage systems (SUDS).
- 17.6. A Sustainable Urban Drainage System has been developed into the landscaping layout. The rainwater run-off from each side of the timber structure roof is collected and directed away from the foundations towards a swale positioned adjacent to the proposed outer footpaths. The swale will be composed of the existing free draining chalk topsoil and subsoil to provide a gradual and natural free drainage of the surface water runoff.

- 17.7. The SCC Local Lead Flood Authority have reviewed the Sustainable Urban Drainage Strategy submitted by the applicant and raise no objection.
- 17.8. However, as the Applicant has not provided full details of the mitigation proposals, a condition requesting further details and a full mitigation strategy is to be submitted and agreed by the local planning authority prior to the commencement of the development.

## **18. Accessibility and Equality**

- 18.1. 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. Accessibility within the application site and wider site has been carefully considered and is a welcomed principle of the design of the proposal.
- 18.2. 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 because of the development.

## **CONCLUSION**

### **19. Green Belt Conclusion**

- 19.1. The proposal will result in inappropriate development in the Green Belt given that the structure will result in moderate to substantial harm to the openness of the arable field. However, the substantial harm is outweighed demonstrably by the Very Special Circumstances put forward in this case.

### **20. Planning Balance**

- 20.1. 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.

#### **20.2. Economic Considerations**

- 20.3. The proposed development would have a positive impact on the local economy by way of attracting visitors to the site and creating local and regional paid and unpaid opportunities for the Woodland Trust. This attracts minor weight in the planning balance.

**20.4. Social Considerations**

20.5. The proposal will support healthy and sustainable lifestyles by creating a new visitor facility on the site. The shelter will provide a covered area for meeting space and informal events, and proposes to support informal educational opportunities, namely tools to commemorate the lives lost during World War I and nature conservation.

20.6. The proposal will also support sustainable outdoor recreation in the rural environment.

20.7. The new visitor shelter will be accessible to the public including a diverse array of different groups. The location of the shelter is the most appropriate to deliver a hierarchy of spaces on the wider site map.

20.8. Local construction jobs will be delivered as a result of the proposal.

20.9. The social considerations are afforded significant weight in the planning balance.

**20.10. Environmental Considerations**

20.11. The proposal would integrate well into the landscape and has been carefully designed with a landscape strategy. The size, form, and scale of the building is not dissimilar to other buildings typically found in a rural environment, including focal buildings. The unique and contemporary form is sympathetic to the local environment and will appear aesthetically intriguing. High-quality and sustainably sourced materials will be used. No significant harm is identified.

20.12. It is not anticipated that originally forecast visitor numbers will increase as a result of the proposal. This is because the original application for the site to create a permanent and overflow car park was granted in anticipation of the wider project delivery which included the erection of a new visitor shelter. As such, there are no highways safety concerns. The Transport Statement has been updated since the original application and concludes that it is not anticipated that the shelter will generate any further traffic in and on itself but may increase dwell time on the site. Car parking facilities on the wider site are adequate to accommodate existing traffic and any further growth that may occur. No harm is identified.

20.13. Subject to agreed mitigation measures which will be included in a compliance condition, the proposal would have an acceptable impact on the protected species of reptiles. The EEBC Ecology Officer has reviewed the submission and can confirm that the development will achieve the minimum 10% net gain on the application site. A Biodiversity Gain Plan will be secured by a standard condition and a section 106 legal agreement.

20.14. A suitable surface water drainage scheme has been put forward. The details of such scheme shall be secured by pre-commencement condition. No issues are raised.

**20.15. Conclusion**

20.16. The application is recommended for approval subject to S106 Legal Agreement and planning conditions.

**RECOMMENDATION**

**To grant planning permission subject to a S106 Legal Agreement with the following Heads of Terms:**

- a) Biodiversity Net Gain (BNG) delivery and monitoring

**And 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 plans:

- 150\_3000\_P1
- 150\_3001\_P1
- 150\_3013\_P1
- 150\_3012\_P1
- 150\_3010\_P1
- 150\_3011\_P1
- 150\_3014\_P1
- 150\_3015\_P1
- SK19
- WTL684-GRA-XX-XX-DR-L-1101-P Rev 01
- WTL684-GRA-XX-XX-DR-L-1301-P Rev 01
- WTL684-GRA-XX-XX-DR-L-1102-P Rev 01,

All received by the local planning authority on 19 April 2024.

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**

No development including any preparation works shall commence until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. The statement shall include:

- a) Parking for vehicles of site personnel, operatives and visitors
- b) Loading and unloading of plant and materials
- c) Storage of plant and materials used in constructing the development
- d) Programme of works (including measures for traffic management)
- e) Provision of boundary security hoarding behind any visibility zones
- f) Wheel washing facilities
- g) Measures to control the emissions of dust and dirt during construction
- h) A scheme for the recycling/disposing of waste resulting from demolition and construction works
- i) Hours of work and deliveries, having particular regard to morning and afternoon peak traffic periods and the usual training patterns of morning training of horses and the their use of nearby roads and paths
- j) Avoidance of root protection areas of trees
- k) Delivery routes, avoiding narrow roads and lanes
- l) Management within the scope of the operation of the existing car park

The approved statement shall be adhered to throughout the construction period.

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

### **4) Sustainable Urban Drainage System (SUDS)**

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

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

### **5) Compliance with Ecology Survey**

The mitigation measures detailed in Section 4 of the approved Ecology Survey (ref: Phase 2 Ecological Surveys and Assessment, authored by Southern Ecological Solutions, dated March 2024) shall be carried out in full prior to occupation of the development hereby permitted and thereafter maintained for the lifetime of the development.

Reason: In the interests of minimising flood risk in accordance with Policy CS6 of the Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015.

**6) Compliance with Archaeological Assessment**

The development shall be built in accordance with the written scheme of Investigation for an Archaeological Trial Trench (Appendix 5.2 of the Supplementary Environmental Archaeology (WSI for EVAL SCAU 2024.pdf).

Reason: To safeguard the special archaeological interest of the site in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

**7) No Internal or External Lighting**

No internal or external lighting shall be installed on the site or affixed to any buildings on the site unless the local planning authority has first approved in writing details of the position, height, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and visual amenity and to protect dark skies in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

## **INFORMATIVES**

**1) 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.

**2) 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.

**3) Highway Works**

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 or to install dropped kerbs. Please see [www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs).

**4) Wheel Washing**

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) Damage to Highway**

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) 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.

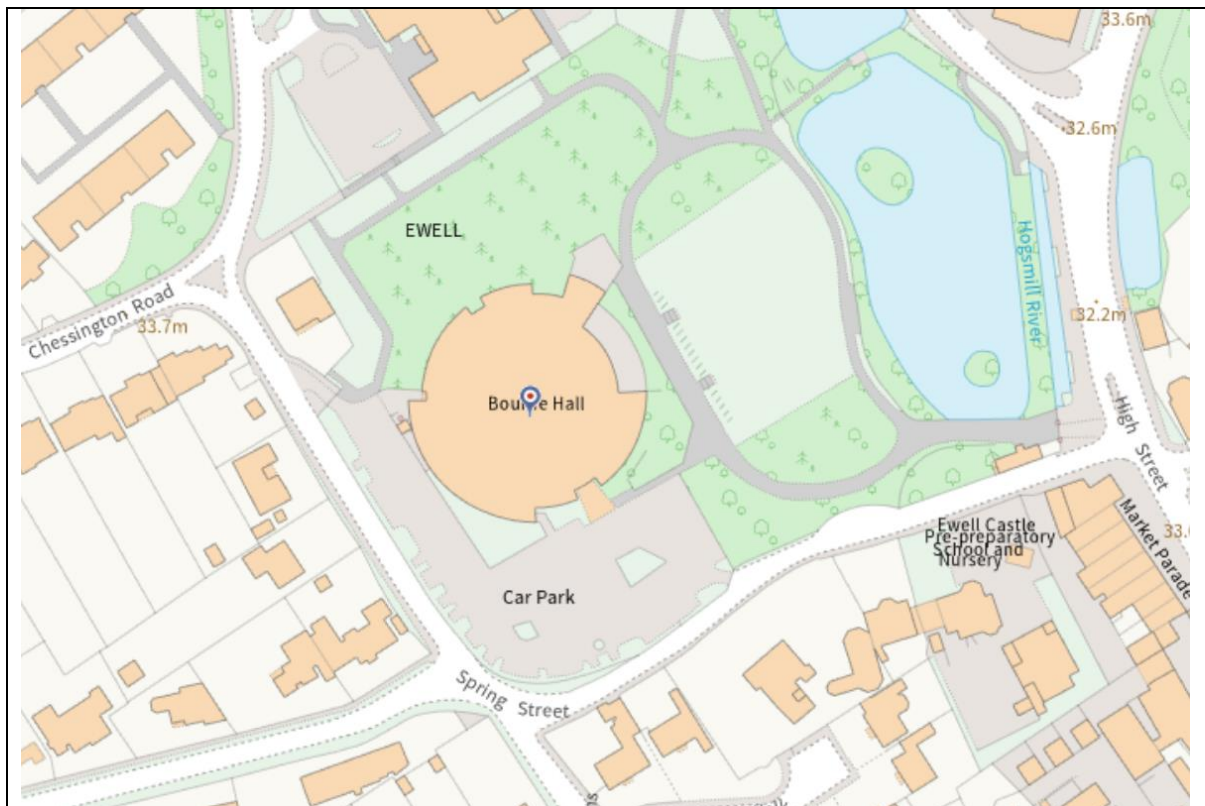
**7) Changes to the Approved Plans**

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.



**24/01013/FUL- Bourne Hall, Spring Street, Ewell KT17 1UD**

<b>Application Number</b>	24/01013/FUL
<b>Application Type</b>	Full Planning Permission (Minor)
<b>Address</b>	Bourne Hall, Spring Street, Ewell KT17 1UD
<b>Ward</b>	Ewell Village
<b>Proposal</b>	Installation of Solar PV to flat roofs and Tesla Powerwall batteries for power storage.
<b>Expiry Date</b>	05 October 2024
<b>Recommendation</b>	Approval, subject to conditions and informatives
<b>Number of Submissions</b>	0
<b>Reason for Committee</b>	Council application
<b>Case Officer</b>	George Smale, Planning Officer
<b>Contact Officer</b>	Simon Taylor, Interim Manager
<b>Plans, Documents and Submissions</b>	Available here: <a href="#">Bourne Hall</a>
<b>Glossary of Terms</b>	Found at the following link: <a href="#">Glossary of Terms</a>



## SUMMARY

### 1. Summary and Recommendation

- 1.1. This application is before the committee as the site is located on Council owned land and the applicant is a representative on behalf of the Council. It is recommended for approval.
- 1.2. This application is a modified resubmission of a previous planning application 24/00419/FUL for the installation of a Photovoltaic (PV) Solar Panel system on the existing perimeter flat roof of the Grade II Listed Bourne Hall.
- 1.3. The application was approved by the committee in May 2024, but could not be implemented given that concrete ballast weights to support the panels would not be able to be structurally supported on the existing perimeter flat roof.
- 1.4. The main change between this application and the previous submission is that the Solar Panels will be supported by a steel-framed mounted system. The energy generated from the system and number of Solar Panels will remain unchanged. A Listed Building Consent (app ref: 24/01015/LBA) accompanies this application as a separate consent which is also recommended for approval.
- 1.5. The site is owned by the Council and enables several leisure, parkland and open space, and community uses. The site is also located in the Ewell Village Conservation Area. Bourne Hall comprises of a 1960s library, social centre, and museum with modernist architectural merit.
- 1.6. There is an extensive planning history to the wider site and parkland. However, the only recent history for the hall itself has involved permitted works to doors and light fittings, the installation of Solar Panels (under consideration), resurfacing of the perimeter roof (under consideration), and alterations to fenestration (under consideration).
- 1.7. No neighbour submissions have been received during the consultation phase of the application.
- 1.8. The Council's Conservation Officer has commented that the proposal will result in less than substantial harm to the designated heritage asset. commented environmental, social, and economic benefits of the scheme (namely energy efficiency and cost savings) outweigh such harm.
- 1.9. The promotion of sustainable energy consumption patterns will improve the overall operational function of the building which in turn will have a direct positive benefit on social infrastructure for local community use. It will also have a significant contribution in decarbonising the existing.

- 1.10. The development does not require works or alterations to the external roof surface and therefore is not foreseen to adversely impact the protected species of bats. A precautionary informative has been added to the decision notice to advise if protected species are found during the works.
- 1.11. As such, the recommendation before the committee is that the application should be approved subject to conditions.

## PROPOSAL

### 2. Description of Proposal

- 2.1. The proposal involves:
  - The instillation of a Photovoltaic Solar System and ancillary equipment to the south facing section of the perimeter flat roof of Bourne Hall.
  - 120 solar panels stabilised by a mounting steel-framed system bolted to the existing roof.
  - An inverter and Tesla Powerwall Battery would be located within the internal electrical rooms.
- 2.2. The application follows the recent approval of 24/00419/FUL for solar panels to the roof of Bourne Hall. The primary difference in this application is the use of a steel frame to support the panels. The application is accompanied by full application 24/01015/LBA.

## SITE

### 3. Description

- 3.1. Bourne Hall is a large dome-shaped building of a distinctive and striking architectural style, serving as Library and Social Centre since 1970. The building is Grade II Listed, council owned, and centred within Bourne Hall Park. The entire site has important local community value.
- 3.2. The exterior of the building is a curving volume with a continuous band of aluminium windows at first and second floor level. The upper floor slopes inward and the structure is surmounted by a broad copper dome, resembling the appearance of a flying saucer. A circular layout is planned within the building that expands over three level which includes a main hall, open-plan library, mezzanine museum, and studio spaces.
- 3.3. The surrounding area comprises a large open parkland with a number of large redwood trees, green spaces, and water courses. The entire site area is located in the Ewell Village Conservation Area, a historic area encompassing Bourne Hall, the commercial village centre, and outlying residential areas.

3.4. The site is accessed by vehicle from Spring Street, and pedestrian routes can be found through the park to the north and from the High Street to the East. The nearest residential properties are located on the western side of Spring Street, approximately 36m from the outer edge of Bourne Hall.

**4. Constraints**

- Built Up Area
- Grade II Listed Building
- Ewell Village Conservation Area
- Article 4 Directive
- Locally Listed Building
- SSSI Impact Risk Zones
- Great Crested Newt Consultation Zone
- Tree Inspections
- Source Protection Zones

**5. History**

5.1. The following recent applications are relevant:

App No.	Description	Status
24/01091/LBA	Listed Building Consent: Alterations to fenestration.	Pending consideration
24/01015/LBA	Installation of Solar PV to flat roofs and Tesla Powerwall batteries for power storage.	Pending consideration
24/00618/LBA	Listed Building Consent: Install a new layer of roof felt to the existing felt roof	Pending consideration
24/00066/LBA	Listed Building Consent: Replacement of 13 internal fire doors to meet BS guidelines.	Permitted 13 June 2024
24/00419/FUL	Install Solar PV to the south facing section of the perimeter flat roof	Permitted 13 June 2024
24/00064/LBA	Listed Building Consent: Install Solar PV to the south facing section of the perimeter flat roof.	Permitted 13 June 2024
18/01247/LBA	Replacement of 6 internal doors.	Permitted 15 February 2019
17/00445/LBA	Listed Building Consent for proposed replacement of existing light fittings with LED light fittings in Museum and Library areas of Grade II listed building.	Permitted 15 September 2017

**CONSULTATIONS**

Consultee	Comments
<b>Internal Consultees</b>	
Conservation Officer	The proposal will result in less than substantial harm to the Grade II Listed Building

Consultee	Comments
Ecology Officer	No comments received.
<b>Public Consultation</b>	
Neighbours	The application was advertised by means of a site notice and press notice, concluding on 06 September 2024. No submissions were received.

## PLANNING LEGISLATION, POLICY, AND GUIDANCE

### 6. Legislation and Regulations

- 6.1. Town and Country Planning Act 1990
- 6.2. Planning (Listed Buildings and Conservation Areas) Act 1990

### 7. Planning Policy

- 7.1. National Planning Policy Framework 2023 (NPPF)
  - Section 2: Achieving Sustainable Development
  - Section 4: Decision-Making
  - Section 12: Achieving Well-Designed and Beautiful Places
  - Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
  - Section 15: Conserving and Enhancing the Natural Environment
  - Section 16: Conserving and Enhancing the Historic Environment
- 7.2. Epsom and Ewell Core Strategy 2007 (CS)
  - Policy CS1: Sustainable Development
  - Policy CS3: Biodiversity and Designated Nature Conservation Areas
  - Policy CS5: The Built Environment
  - Policy CS6: Sustainability in New Development
  - Policy CS13: Community, Cultural and Built Sports Facilities
- 7.3. Epsom and Ewell Development Management Policies Document 2015 (DMPD)
  - Policy DM4: Biodiversity and New Development
  - Policy DM8: Heritage Assets
  - Policy DM10: Design Requirements for New Developments
  - Policy DM34: New Social Infrastructure

### 8. Supporting Guidance

- 8.1. National Planning Policy Guidance (NPPG)
  - Biodiversity Net Gain (draft)
  - Climate Change
  - Determining a Planning Application
  - Historic Environment

- Natural Environment
  - Permission in Principle
  - Renewable and Low Carbon Energy
  - Use of Planning Conditions
- 8.2. Supplementary Planning Documents and Guidance
- Sustainable Design Supplementary Planning Document 2016
- 8.3. Other Documentation
- Ewell Village Character Appraisal
  - [Historic England Official List](#)

## PLANNING ASSESSMENT

### 9. Principle of Development

#### 9.1. Built-up Area

- 9.2. The site is within the built-up area of Epsom and the principle of development is acceptable, subject to consideration of the principles, objectives, and policies in the CS, the DMPD and supporting guidance and documents.

#### 9.3. Social Infrastructure

- 9.4. 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.
- 9.5. Policy DM34 of the DMPD allows for social infrastructure development where there is identified need, it is provided in a multi-use, well designed and flexible building with inclusive access to the building, good access to public transport, adequate parking provision and no adverse impact on residential character and amenity.
- 9.6. The existing building of Bourne Hall is a high energy user, consuming over 180,000kWh's of electricity annually, which is recognised as the second highest for figure for council owned operational buildings in the Borough. The proposal of a large-scale PV Solar system on the existing building will allow the council to generate its own electricity, contributing to sustainable development, reducing energy costs, and securing the longevity of future energy consumption patterns.
- 9.7. The council have identified the need of installing a PV solar system, improving the operational function of the building and its energy usage. This, in turn, will have a positive net impact on the social infrastructure provision within the Borough. As such, the proposal is acceptable in principle, compliant with Policy DM34 of the DMPD.

## 10. Heritage and Conservation

- 10.1. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that development must ensure the preservation of the listed building, including its setting.
- 10.2. Section 72 of the Planning (Conservation Areas) Act 1990 requires special regard to the desirability of preserving or enhancing the character or appearance of that area.
- 10.3. Paragraphs 203-208 of the NPPF 2023 requires consideration of the harm to the significance of a designated heritage asset. Paragraph 195 says heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generation.
- 10.4. Paragraph 206 requires clear and convincing justification where there is harm to or the loss of a designated heritage asset. Paragraph 202 states that where there is less than substantial harm, the harm must be weighed against the public benefits.
- 10.5. Policy CS5 of the CS and Policy DM8 of the DMPD seek to protect and enhance heritage assets and their setting.
- 10.6. Bourne Hall has been Grade II Listed by national government since 30 April 2015. The principal justifications for the listing of the building are taken from the official Historic England Listing:
  - Bourne Hall Library and Social Centre of 1967 – 1970 A. G. Sheppard Fidler and Associates
  - Architectural interest- a striking design, notable for its space-age flair and the generous, top-lit principal interior space.
  - Plan form: the circular layout is well-organised, legible, and flexible;
  - Historic interest: as an ambitious example of the expansion of the library service and the integration of community facilities and disabled access.
- 10.7. Bourne Hall is located within the Ewell Village Conservation Area. In the Character and Management Appraisal Document (2009), Bourne Hall, a 1960s building of some merit, and its parkland, is characterised as an important local amenity. Surrounding trees, water features and green spaces give this part of the conservation area a more rural quality despite the busy traffic along Kingston Road.
- 10.8. The main change with this application and the previous submission is that the Solar Panels will now be supported by a steel-framed mounted system instead of concrete ballast weights. This is because existing flat roof cannot structurally support a concrete ballast weight supported system.

- 10.9. There will be a small change in the position of some of the roof panels to be sited closer to the southwestern area of the permitter roof from the previous submission. Separation distances from the sides of the roof will remain the same.
- 10.10. The EEBC Conservation Officer has concluded that “On balance the concealment of the steel structure and solar panels from general view from the ground is welcomed although the added height to the parapet/fascia and use of materials that are used in achieving this concealment is not in keeping but can be outweighed by the public benefits.”
- 10.11. As the PV Solar Panels are only marginally visible from any public vantage point at ground level and are positioned away from the outer edge of the roof, the development will result in less than substantial harm to the Grade II Listed Asset and to the Ewell Village.
- 10.12. The inverter and Tesla Powerwall Battery is located within the internal electrical rooms will not result in harm to the historic fabric or character of the listed building.
- 10.13. It is therefore necessary to weigh the scheme against the public benefits of the proposal which include a significant infrastructure contribution to decarbonise the operations of Bourne Hall, the promotion of sustainable energy consumption patterns to benefit the local community, and ensuring cost-effective electricity expenditure, allowing redistribution into more appropriate areas.
- 10.14. As such, the significant environmental impact, modest social, and minor economic impacts of the proposal would outweigh the less than substantial harm to the Grade II Listed Asset and Ewell Village Conservation Area, and the development is acceptable in this regard.

## **11. Design and Character**

- 11.1. Paragraphs 129, 135 and 139 of the NPPF 2023 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.
- 11.2. The submitted block plans displays the 120 No. individual solar panels well-proportioned on the western and southern side of the flat roof and single storey perimeter roof slope. The solar panels will only be marginally visible from the street scene.



- 11.3. As such, there are no design or visual amenity concerns from the proposed development.
- 11.4. In terms of the structural changes, the submitted Design and Access Statement states:

*“The mounting system and panels must be supported via a steel framework as shown on drawing.... The section beams have to be supported from the perimeter of the roof back to the concrete ring beam in the central perimeter of roof. There are no physical fixings through the roof for this system, the beams will rest on rubber feet on top of the new roof covering to prevent any damage to the roof which would invalidate the 25-year guarantee. There is no requirement for concrete ballast weights within the mounting system as the steelwork when bolted together on the roof will prevent any movement through wind due to the weight of the support system.”*

- 11.5. The Local Planning Authority are content that this scheme can be implemented without posing structural issues to the perimeter flat roof.

## **12. Environmental Sustainability**

- 12.1. On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions by adopting the Climate Change Action Plan. Policy CS6 of the CS also 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.
- 12.2. The Design and Access Statement identifies that Bourne Hall is currently one of the Council's highest energy consuming operational assets. The building consumes over 180,000 kWh's of electricity annually, the equivalent of 36 tonnes of carbon dioxide emissions, a 24% share of the Council's direct emissions.
- 12.3. One of the actions of Epsom and Ewell's Climate Action Plan, agreed by Full Council in 2020, is to install PV solar systems and solar storage on Council owned operational assets and land wherever viable. This is a strong step for the Council to decarbonise the energy usage of all existing council-owned buildings.
- 12.4. The proposal involves the delivery of a 120 panel PV solar system, capable of generating 385 watts per panel. The proposal also includes ancillary storage and Tesla Powerwall battery provision in the existing internal electrical rooms.
- 12.5. The proposed development would have a significant contribution in decarbonising the existing building and progressing Epsom and Ewell's mission to tackling climate change and reducing carbon emissions. This

outcome of the proposal is given significant weight in the planning balance.

### **13. Neighbour Amenity**

- 13.1. 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.
- 13.2. The side flank of Bourne Hall is located at least 36m away from the nearest neighbouring residential property across Spring Street. Landscape screening also bounds much the site to the west and the south. As such, it is not foreseen the proposal will result in undue harm to the amenities of neighbouring occupiers, primarily in relation to glare.

### **14. Ecology and Biodiversity**

#### **14.1. Ecological Impact**

- 14.2. Paragraphs 180 and 186 of the NPPF 2023, 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.
- 14.3. The site is within a SSSI Impact Risk Zone Area. Given the surrounding presence of a heavily wooded and green environment, the existing building may host roosting opportunities for the protected species of bats.
- 14.4. The proposed solar panel system rested on a steel frame atop the existing roof and will not result in detrimental harm to the protected species.

#### **14.5. Biodiversity Net Gain**

- 14.6. Schedule 7A of the Town and Country Planning Act 1990 and Section 180 of the NPPF require delivery of biodiversity net gain (BNG) of 10%, including by establishing coherent ecological networks that are more resilient to current and future pressures with the overall intention to deliver a more or better-quality natural habitat than there was before development.
- 14.7. The 'Biodiversity net gain: exempt developments' guidance from the Department for Environment, Food, & Rural Affairs and the Biodiversity Gain Requirements (Exemptions) Regulations 2024 sets out the developments which fall below the threshold to comply mandatorily with the Biodiversity net-gain requirement.

- 14.8. The de minimis exemption applies when the development does not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat. A habitat is impacted where the habitat is lost or degraded such that there is a decrease in biodiversity value of that habitat.
- 14.9. The proposed development is to be mounted on a steel frame on the existing perimeter roof surface. The roof surface does not provide an on-site habitat. As such, the de minimis exemption is valid in this instance and the biodiversity gain planning condition does not apply in relation to planning permission.

### **15. Accessibility and Equality**

- 15.1. 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 significant adverse impacts as a result of the development.

### **16. Community Infrastructure Levy**

- 16.1. The application is not liable for CIL payments.

## **CONCLUSION**

### **17. Planning Balance**

- 17.1. 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.
- 17.2. Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires the council to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.” Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving or enhancing the character or appearance of that area.
- 17.3. Economic Considerations**
- 17.4. The proposal represents a cost-effective measure to offset existing electricity expenditure, allowing redistribution into more appropriate areas. It also has broader economic benefits associated with the wider environmental improvements. These benefits are afforded minor weight.

**17.5. Social Considerations**

17.6. The promotion of sustainable development and energy consumption patterns within an existing council asset will have a direct impact on improving and securing energy usage within the building. This, in turn, will improve the functionality of the social infrastructure for the local community and is therefore a benefit given modest weight in the planning balance.

**17.7. Environmental Considerations**

17.8. The proposed development will result in a significant contribution to decarbonising the existing building and progressing in Epsom and Ewell's mission to tackling climate change and reducing carbon emissions. This outcome of the proposal is given significant weight in the planning balance.

17.9. The Conservation Officer has identified that the proposal would result in less than substantial harm to the Grade II Listed Building and the character of the Ewell Village Conservation Area. However, the harm identified is outweighed by public benefits.

**17.10. Conclusion**

17.11. Officers' recommendation before the committee is to approve the application subject to conditions.

**RECOMMENDATION**

**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 plans numbered AS-2-01, AS-2-03, AS-23-01, S-2-01 and AM-04-01, received by the local planning authority on 17 & 18 September 2024 and 31 July 2024.

Reason: For avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and to ensure a satisfactory external appearance in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM8, DM9 and DM10 of the Development Management Policies Document 2015.

**3) No Longer in Use**

The development as approved, inclusive of the panels and steel frame, shall be removed no longer than one month after the use and operations of the PV Solar Panel system ceases.

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

**Informatives**

**1) 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.

**2) Conservation of the Listed Buildings**

You are reminded that all works to a listed building must be carried out with the utmost care and to the highest standards of quality and workmanship. Any damage to the listed building shall be immediately made good using materials to match the originals. Unauthorised works that harm the listed building constitute a criminal offence and will be liable to fines of up to £20,000 per offence.

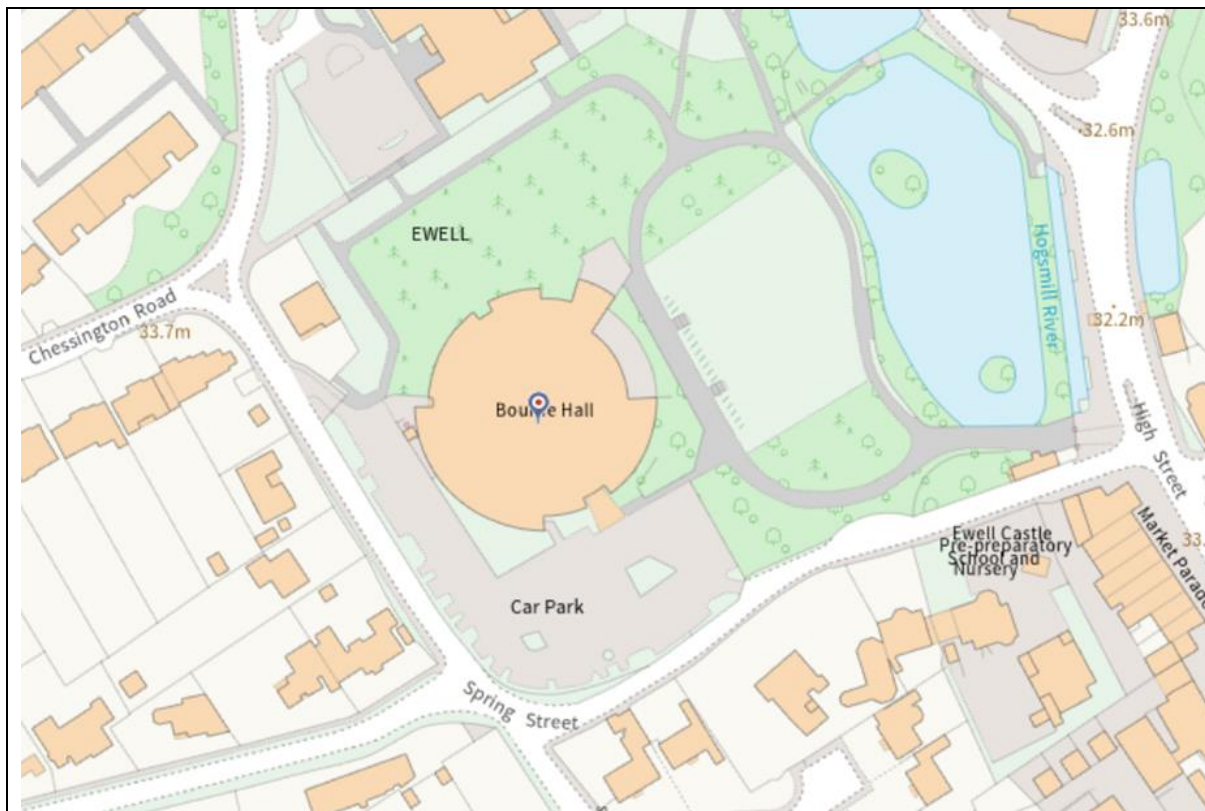
**3) Protected Species**

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.

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**24/01015/LBA - Bourne Hall, Spring Street, Ewell, Surrey, KT17 1UD**

<b>Application Number</b>	24/01015/LBA
<b>Application Type</b>	Listed Building Consent
<b>Address</b>	Bourne Hall, Spring Street, Ewell KT17 1UD
<b>Ward</b>	Ewell Village
<b>Proposal</b>	Installation of Solar PV to flat roofs and Tesla Powerwall batteries for power storage.
<b>Expiry Date</b>	05 October 2024
<b>Recommendation</b>	Approval, subject to conditions and informatives
<b>Number of Submissions</b>	0
<b>Reason for Committee</b>	Council application
<b>Case Officer</b>	George Smale, Planning Officer
<b>Contact Officer</b>	Simon Taylor, Interim Manager
<b>Plans, Documents and Submissions</b>	Available at <a href="#">Bourne Hall</a>
<b>Glossary of Terms</b>	Found at the following link: <a href="#">Glossary of Terms</a>



## SUMMARY

### 1. Summary and Recommendation

- 1.1. This application is before the committee as the site is located on Council owned land and the applicant is a representative on behalf of the Council. It is recommended for approval.
- 1.2. This application is a modified resubmission of a previous Listed Building Consent 24/00064/LBA for Listed Building Consent for the installation of a Photovoltaic (PV) Solar Panel system on the existing perimeter flat roof of the Grade II Listed Bourne Hall.
- 1.3. The application was approved by the committee in May 2024, but could not be implemented given that concrete ballast weights to support the panels would not be able to be structurally supported on the existing perimeter flat roof.
- 1.4. The main change between this application and the previous submission is that the Solar Panels will be supported by a steel-framed mounted system. A Full Application (app ref: 24/01013/FUL) has been submitted alongside this Listed Building Consent which is also recommended for approval.
- 1.5. The site is owned by the Council and enables several leisure, parkland and open space, and community uses. The site is also located in the Ewell Village Conservation Area. Bourne Hall comprises of a 1960s library, social centre, and museum with modernist architectural merit.
- 1.6. There is an extensive planning history to the wider site and parkland. However, the only recent history for the hall itself has involved permitted works to doors and light fittings, the installation of Solar Panels (under consideration), resurfacing of the perimeter roof (under consideration), and alterations to fenestration (under consideration).
- 1.7. No neighbour submissions have been received during the consultation phase of the application.
- 1.8. The Council's Conservation Officer has commented that the proposal will result in less than substantial harm to the designated heritage asset. In the planning balance, the environmental and economic benefits of the scheme (namely energy efficiency and cost savings) outweigh such harm.
- 1.9. As such, the recommendation before the committee is that the application should be approved subject to conditions.



## PROPOSAL

### 2. Description of Proposal

2.1. The proposal involves:

- The instillation of a Photovoltaic Solar System and ancillary equipment to the south facing section of the perimeter flat roof of Bourne Hall.
- 120 solar panels stabilised by a mounting steel-framed system bolted to the existing roof.
- An inverter and Tesla Powerwall Battery located within the internal electrical rooms.

2.2. The application follows the recent approval of 24/00064/LBA for solar panels to the roof of Bourne Hall. The primary difference in this application is the use of a steel frame to support the panels. The application is accompanied by full application 24/01013/FUL.

## SITE

### 3. Description

3.1. Bourne Hall is a large dome-shaped building of a distinctive and striking architectural style, serving as Library and Social Centre since 1970. The building is Grade II Listed, council owned, and centred within Bourne Hall Park. The entire site has important local community value.

3.2. The exterior of the building is a curving volume with a continuous band of aluminium windows at first and second floor level. The upper floor slopes inward and the structure is surmounted by a broad copper dome, resembling the appearance of a flying saucer. A circular layout is planned within the building that expands over three level which includes a main hall, open-plan library, mezzanine museum, and studio spaces.

3.3. The surrounding area comprises a large open parkland with a number of large redwood trees, green spaces, and water courses. The entire site area is located in the Ewell Village Conservation Area, a historic area encompassing Bourne Hall, the commercial village centre, and outlying residential areas.

3.4. The site is accessed by vehicle from Spring Street, and pedestrian routes can be found through the park to the north and from the High Street to the east. The nearest residential properties are located on the western side of Spring Street, approximately 36m from the outer edge of Bourne Hall.

### 4. Constraints

- Built Up Area

- Grade II Listed Building
- Ewell Village Conservation Area
- Article 4 Directive
- Locally Listed Building
- SSSI Impact Risk Zones
- Great Crested Newt Consultation Zone
- Tree Inspections
- Source Protection Zones

## 5. History

5.1. The following recent applications are relevant:

App No.	Description	Status
24/01091/LBA	Listed Building Consent: Alterations to fenestration	Pending consideration
24/01013/FUL	Installation of Solar PV to flat roofs and Tesla Powerwall batteries for power storage.	Pending consideration
24/00618/LBA	Listed Building Consent: Installation of new layer of roof felt to the existing felt roof (retrospective)	Pending consideration
24/00419/FUL	Install Solar PV to the south facing section of the perimeter flat roof.	Permitted 13 June 2024
24/00064/LBA	Listed Building Consent: Install Solar PV to the south facing section of the perimeter flat roof	Permitted 13 June 2024
24/00066/LBA	Listed Building Consent: Replacement of 13 internal fire doors to meet BS guidelines.	Permitted 13 June 2024
18/01247/LBA	Replacement of 6 internal doors.	Permitted 15 February 2019
17/00445/LBA	Listed Building Consent for proposed replacement of existing light fittings with LED light fittings in Museum and Library areas of Grade II listed building.	Permitted 15 September 2017

## CONSULTATIONS

Consultee	Comments
<b>Internal Consultees</b>	
Conservation Officer	The proposal will result in less than substantial harm to the Grade II Listed Building
Ecology Officer	No comments received.
<b>Public Consultation</b>	
Neighbours	The application was advertised by means of a site notice and press notice, concluding on 06 September 2024. No submissions were received.

## PLANNING LEGISLATION, POLICY, AND GUIDANCE

### 6. Legislation and Regulations

- 6.1. Town and Country Planning Act 1990
- 6.2. Planning (Listed Buildings and Conservation Areas) Act 1990

### 7. Planning Policy

- 7.1. National Planning Policy Framework 2023 (NPPF)
  - Section 2: Achieving Sustainable Development
  - Section 16: Conserving and Enhancing the Historic Environment
- 7.2. Epsom and Ewell Core Strategy 2007 (CS)
  - Policy CS1: Sustainable Development
  - Policy CS5: The Built Environment
- 7.3. Epsom and Ewell Development Management Policies Document 2015 (DMPD)
  - Policy DM8: Heritage Assets

### 8. Supporting Guidance

- 8.1. National Planning Policy Guidance (NPPG)
  - Historic Environment
  - Use of Planning Conditions
- 8.2. Supplementary Planning Documents and Guidance
  - Sustainable Design Supplementary Planning Document 2016
- 8.3. Other Documentation
  - Ewell Village Character Appraisal
  - [Historic England Official List](#)

## PLANNING ASSESSMENT

### 9. Listed Significance

- 9.1. Bourne Hall has been Grade II Listed by national government since 30 April 2015. The principal justifications for the listing of the building are taken from the official Historic England Listing:
  - Bourne Hall Library and Social Centre of 1967 – 1970 A. G. Sheppard Fidler and Associates
  - Architectural interest- a striking design, notable for its space-age flair and the generous, top-lit principal interior space.
  - Plan form: the circular layout is well-organised, legible, and flexible;

- Historic interest: as an ambitious example of the expansion of the library service and the integration of community facilities and disabled access.

9.2. The following paragraphs from the list description are also relevant:

*“MATERIALS / STRUCTURE: the structure is of reinforced and pre-cast concrete, with aluminium windows, green Cumbrian slate copings and mosaic external finishes to the perimeter wall. The copper-clad dome with its central glassfibre rooflight is 42.6m (140') in diameter and 11.2m (37') at its highest point. 20 vertical pre-cast concrete ribs form a corona. The knuckles of the ribs are held in position by an in-situ pre-stressed, post-tensioned concrete ring beam which forms both the gutter and the eaves for the main dome. The roof construction is a sandwich of materials: the outer layer is sheet copper bonded to felt and wood wool panels on steel joints spanning between the frame. Towards the outer edges of the roof the wood wool panels are replaced by a band of lightweight 'Gunite' concrete sprayed onto permanent formwork.”*

*EXTERIOR: the exterior is a curving volume with a continuous band of aluminium windows at ground and first floor. The upper floor slopes inward and is surmounted by a broad copper dome, from which emerges a corona of pre-stressed, post-tensioned concrete ribs. Single-storey volumes of varying widths project forward of the circular footprint. The windows are separated by load-bearing pre-cast white concrete mullions running between a floating plinth and fascia, and some windows have Cumbrian slate panels beneath. The elevations are designed to a 4" (c.10cm) module enabling standardised pre-cast components. The result resembles a flying saucer, and was designed to sit low within the existing mature landscape. The ribbed concrete boiler chimney is 12.8m (42') high and provides a vertical counterpart to the library's dome.*

## 10. Impact on the Heritage Asset

- 10.1. Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires the council to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
- 10.2. Paragraphs 203-208 of the NPPF 2023 requires consideration of the harm to the significance of a designated heritage asset. Paragraph 195 says heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generation.
- 10.3. Paragraph 206 requires clear and convincing justification where there is harm to or the loss of a designated heritage asset. Paragraph 202 states that where there is less than substantial harm, the harm must be weighed against the public benefits.

- 10.4. Policy CS5 of the CS and Policy DM8 of the DMPD seek to protect and enhance heritage assets and their setting.
- 10.5. The main change with this application and the previous approval is that the Solar Panels will now be supported by a steel-framed mounted system instead of concrete ballast weights. This is because existing flat roof cannot structurally support a concrete ballast weight supported system.
- 10.6. There will be a small change in the position of some of the roof panels to be sited closer to the southwestern area of the perimeter roof from the previous submission. Separation distances from the sides of the roof will remain the same.
- 10.7. The EEBC Conservation Officer has concluded that “On balance the concealment of the steel structure and solar panels from general view from the ground is welcomed although the added height to the parapet/fascia and use of materials that are used in achieving this concealment is not in keeping but can be outweighed by the public benefits.”
- 10.8. As the PV Solar Panels are only marginally visible from any public vantage point at ground level and are positioned away from the outer edge of the roof, the development will result in less than substantial harm to the Grade II Listed Asset and to the Ewell Village.
- 10.9. The inverter and Tesla Powerwall Battery is located within the internal electrical rooms will not result harm to the historic fabric or character of the listed building.
- 10.10. It is therefore necessary to weigh the scheme against the public benefits of the proposal, which include a significant infrastructure contribution to decarbonise the operations of Bourne Hall, the promotion of sustainable energy consumption patterns to benefit the local community, and ensuring cost-effective electricity expenditure, allowing redistribution into more appropriate areas.
- 10.11. As such, the significant environmental impact, modest social, and minor economic impacts of the proposal would outweigh the less than substantial harm to the Grade II Listed Asset and Ewell Village Conservation Area, and the development is acceptable in this regard.

## **11. Design and Character**

- 11.1. Paragraphs 129, 135 and 139 of the NPPF 2023 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.

- 11.2. The submitted block plans displays the 120 No. individual solar panels well-proportioned on the western and southern side of the flat roof and single storey perimeter roof slope. The solar panels will only be marginally visible from the street scene and the Tesla Powerwall battery will be stored in the internal electrical with negligible impact on the Listed Building itself.
- 11.3. As such, there are no design or visual amenity concerns from the proposed development.

## 12. Accessibility and Equality

- 12.1. 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 significant adverse impacts as a result of the development.

## CONCLUSION

## 13. Planning Balance

- 13.1. The proposed mounted PV solar system will result in less than substantial harm to the Grade II Listed Asset and the character and appearance of the Conservation Area. However, this harm is significantly outweighed by the significant public benefits of the development and the application is supported.

## RECOMMENDATION

**To grant listed building consent 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 18 (1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 52 (4) of the Planning and Compulsory Purchase Act 2004.

#### 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 plans numbered AS-2-01, AS-2-03, AS-23-01, S-2-01 and AM-04-01, received by the local planning authority on 17 and 18 September 2024 and 31 July 2024.

Reason: For avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and to ensure a satisfactory external appearance in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM8, DM9 and DM10 of the Development Management Policies Document 2015.

**3) No Longer in Use**

The development as approved, inclusive of the panels and steel frame, shall be removed no longer than one month after the use and operations of the PV Solar Panel system ceases.

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

**Informatives**

**1) 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.

**2) Conservation of the Listed Buildings**

You are reminded that all works to a listed building must be carried out with the utmost care and to the highest standards of quality and workmanship. Any damage to the listed building shall be immediately made good using materials to match the originals. Unauthorised works that harm the listed building constitute a criminal offence and will be liable to fines of up to £20,000 per offence.

**3) 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.

**4) Planning Permission**

This permission does not grant planning permission for the works, for which separate consent is required under the Town and Country Planning Act (1990).



**24/01091/LBA - Bourne Hall, Spring Street, Ewell, Surrey, KT17 1UD**

<b>Application Number</b>	24/01091/LBA
<b>Application Type</b>	Listed Building Consent
<b>Address</b>	Bourne Hall, Spring Street, Ewell KT17 1UD
<b>Ward</b>	Ewell Village
<b>Proposal</b>	Alterations to fenestration.
<b>Expiry Date</b>	14 October 2024
<b>Recommendation</b>	Approval, subject to conditions and informatives
<b>Number of Submissions</b>	0
<b>Reason for Committee</b>	Council application
<b>Case Officer</b>	George Smale, Planning Officer
<b>Contact Officer</b>	Simon Taylor, Interim Manager
<b>Plans, Documents and Submissions</b>	Available at <a href="#">Bourne Hall</a> .
<b>Glossary of Terms</b>	Found at the following link: <a href="#">Glossary of Terms</a>



## SUMMARY

### 1. Summary and Recommendation

- 1.1. This application is before the committee as the site is located on Council owned land and the applicant is a representative on behalf of the Council. It is recommended for approval.
- 1.2. This is a proposal for Listed Building Consent for the replacement of all the single-glazed windows on the building with double glazed windows. The existing ground floor door fenestration will also be replaced with double glazing.
- 1.3. The site is owned by the Council and enables several leisure, parkland and open space, and community uses. The site is also located in the Ewell Village Conservation Area. Bourne Hall comprises of a 1960s library, social centre, and museum with modernist architectural merit.
- 1.4. There is an extensive planning history to the wider site and parkland. However, the only recent history for the hall itself has involved permitted works to doors and light fittings, the installation of Solar Panels (under consideration), and alterations to fenestration (under consideration).
- 1.5. The Council's Conservation Officer raises objection to the proposal, concluding that the development will result in less than substantial harm to the listed asset. However, the environmental and economic benefits (namely energy efficiency and cost savings) of the scheme outweigh such harm.
- 1.6. As such, the recommendation before the committee is that the application should be approved subject to conditions.

## PROPOSAL

### 2. Description of Proposal

- 2.1. The proposal involves the following ground floor works:
  - The replacement of single glazed aluminium framed fixed and pivot windows and door with aluminium framed sealed double-glazed units with anodized finish.
  - The existing layout and pattern of openings will match existing but there will be a replacement of the central pivot operation with a bottom hung tilt operation.
  - The single door will be replaced in matching operation to existing.
  - All linings and relative fixing positions within the structural frame will be maintained.
- 2.2. The proposal involves the following first floor works:

- The replacement of single glazed aluminium framed fixed windows with aluminium framed sealed double-glazed units in anodized finish to match the existing layout and pattern of openings.
- All linings and relative fixing positions within the structural frame will be maintained.

## SITE

### 3. Description

- 3.1. Bourne Hall is a large dome-shaped building of a distinctive and striking architectural style, serving as Library and Social Centre since 1970. The building is Grade II Listed, council owned, and centred within Bourne Hall Park. The entire site has important local community value.
- 3.2. The exterior of the building is a curving volume with a continuous band of aluminium windows at first and second floor level. The upper floor slopes inward and the structure is surmounted by a broad copper dome, resembling the appearance of a flying saucer. A circular layout is planned within the building that expands over three level which includes a main hall, open-plan library, mezzanine museum, and studio spaces.
- 3.3. The surrounding area comprises a large open parkland with a number of large redwood trees, green spaces, and water courses. The entire site area is located in the Ewell Village Conservation Area, a historic area encompassing Bourne Hall, the commercial village centre, and outlying residential areas.
- 3.4. The site is accessed by vehicle from Spring Street, and pedestrian routes can be found through the park to the north and from the High Street to the East. The nearest residential properties are located on the western side of Spring Street, approximately 36m from the outer edge of Bourne Hall.

### 4. Constraints

- Built Up Area
- Grade II Listed Building
- Ewell Village Conservation Area
- Article 4 Directive
- Locally Listed Building
- SSSI Impact Risk Zones
- Great Crested Newt Consultation Zone
- Tree Inspections
- Source Protection Zones

### 5. History

- 5.1. The following recent applications are relevant:

App No.	Description	Status
24/01015/LBA	Installation of Solar PV to flat roofs and Tesla Powerwall batteries for power storage.	Pending consideration
24/01013/FUL	Installation of Solar PV to flat roofs and Tesla Powerwall batteries for power storage.	Pending consideration
24/00618/LBA	Listed Building Consent: Installation of new layer of roof felt to the existing felt roof (retrospective)	Pending consideration
24/00064/LBA	Listed Building Consent: Install Solar PV to the south facing section of the perimeter flat roof	Permitted 13 June 2024
24/00419/FUL	Install Solar PV to the south facing section of the perimeter flat roof	Permitted 13 June 2024
24/00066/LBA	Listed Building Consent: Replacement of 13 internal fire doors to meet BS guidelines.	Permitted 13 June 2024
18/01247/LBA	Replacement of 6 internal doors.	Permitted 15 February 2019
17/00445/LBA	Listed Building Consent for proposed replacement of existing light fittings with LED light fittings in Museum and Library areas of Grade II listed building.	Permitted 15 September 2017

## CONSULTATIONS

Consultee	Comments
<b>Internal Consultees</b>	
Conservation Officer	Concerns raised that the replacement windows would harm the character and appearance of the Listed Building.
<b>Public Consultation</b>	
Neighbours	The application was advertised by means of a site notice and press notice, concluding on 20 September 2024. No submissions were received.

## PLANNING LEGISLATION, POLICY, AND GUIDANCE

### 6. Legislation and Regulations

- 6.1. Town and Country Planning Act 1990
- 6.2. Planning (Listed Buildings and Conservation Areas) Act 1990

### 7. Planning Policy

- 7.1. National Planning Policy Framework 2023 (NPPF)
  - Section 2: Achieving Sustainable Development
  - Section 16: Conserving and Enhancing the Historic Environment

- 7.2. Epsom and Ewell Core Strategy 2007 (CS)
  - Policy CS1: Sustainable Development
  - Policy CS5: The Built Environment
- 7.3. Epsom and Ewell Development Management Policies Document 2015 (DMPD)
  - Policy DM8: Heritage Assets

## 8. Supporting Guidance

- 8.1. National Planning Policy Guidance (NPPG)
  - Historic Environment
  - Use of Planning Conditions
- 8.2. Supplementary Planning Documents and Guidance
  - Sustainable Design Supplementary Planning Document 2016
- 8.3. Other Documentation
  - Ewell Village Character Appraisal
  - [Historic England Official List](#)

## PLANNING ASSESSMENT

### 9. Listed Significance

- 9.1. Bourne Hall has been Grade II Listed by national government since 30 April 2015. The principal justifications for the listing of the building are taken from the official Historic England Listing:
  - Bourne Hall Library and Social Centre of 1967 – 1970 A. G. Sheppard Fidler and Associates
  - Architectural interest- a striking design, notable for its space-age flair and the generous, top-lit principal interior space.
  - Plan form: the circular layout is well-organised, legible, and flexible;
  - Historic interest: as an ambitious example of the expansion of the library service and the integration of community facilities and disabled access.

- 9.2. The following paragraphs from the list description are also relevant:

*“MATERIALS / STRUCTURE: the structure is of reinforced and pre-cast concrete, with aluminium windows, green Cumbrian slate copings and mosaic external finishes to the perimeter wall. The copper-clad dome with its central glassfibre rooflight is 42.6m (140') in diameter and 11.2m (37') at its highest point. 20 vertical pre-cast concrete ribs form a corona. The knuckles of the ribs are held in position by an in-situ pre-stressed, post-tensioned concrete ring beam which forms both the gutter and the eaves for the main dome. The roof construction is a sandwich of materials: the outer layer is sheet copper bonded to felt and wood wool panels on steel*

*joints spanning between the frame. Towards the outer edges of the roof the wood wool panels are replaced by a band of lightweight 'Gunite' concrete sprayed onto permanent formwork."*

*EXTERIOR: the exterior is a curving volume with a continuous band of aluminium windows at ground and first floor. The upper floor slopes inward and is surmounted by a broad copper dome, from which emerges a corona of pre-stressed, post-tensioned concrete ribs. Single-storey volumes of varying widths project forward of the circular footprint. The windows are separated by load-bearing pre-cast white concrete mullions running between a floating plinth and fascia, and some windows have Cumbrian slate panels beneath. The elevations are designed to a 4" (c.10cm) module enabling standardised pre-cast components. The result resembles a flying saucer and was designed to sit low within the existing mature landscape. The ribbed concrete boiler chimney is 12.8m (42') high and provides a vertical counterpart to the library's dome.*

## **10. Impact on the Heritage Asset**

- 10.1. Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires the council to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
- 10.2. Paragraphs 203-208 of the NPPF 2023 requires consideration of the harm to the significance of a designated heritage asset. Paragraph 195 says heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generation.
- 10.3. Paragraph 206 requires clear and convincing justification where there is harm to or the loss of a designated heritage asset. Paragraph 202 states that where there is less than substantial harm, the harm must be weighed against the public benefits.
- 10.4. Policy CS5 of the CS and Policy DM8 of the DMPD seek to protect and enhance heritage assets and their setting.
- 10.5. The proposal involves the entire replacement of the ground floor windows and door and first floor windows. The existing thermally inefficient windows comprise a mix of centre hung pivot windows and a single hung door. The fenestration will be replaced with 24mm sealed double glazed units set in thermally broken aluminium frames.
- 10.6. The supplier and installer of the Smarts System Alitherm Heritage Aluminium range have recommended that the proposed replacement windows are a close match to the face, width and detail of the existing frames, however the existing centre pivot mechanism used in opening the window is not possible to replicate without resorting to a much wider frame to the face profile or proposing expensive steel frames which would

not match the existing anodized finish or the fabricated appearance characteristic of aluminium.

- 10.7. The barrel type trickle vent (a small opening in a window or door that allows fresh air to circulate into a room while allowing polluted air to escape) would be replaced with an anodized finish glass fitted vent. All linings and relative fixing positions within the structural frame are proposed to be maintained.
- 10.8. The applicant's heritage statement concedes that although the proposal will involve the loss of some historic features, namely the pivot mechanism and the barrel type trickle vents, the replacement windows and door have been designed to replicate the appearance of the original units as closely as possible whilst also enhancing their thermal performance and maintenance requirements.
- 10.9. The EEBC Conservation Officer has raised a primary concern with the loss of the historic pivot mechanism of the existing windows. The original windows are a key feature of the listed building, and these important features would not be preserved in this scheme. The proposal has taken no opportunities to enhance the special features of the listed building which it could have done by removing the unsightly vents and louvres. More specifically, there is less than substantial harm to the heritage asset and the character of the conservation area for the following reasons:
- The central, horizontal pivoting opening mechanism is a key feature of the windows and the listed building. This allows windows to be opened horizontally allowing fresh air to enter from the bottom opening and foul air to escape from the top. The replacement windows will be full height opening windows which will have a different appearance to the originals which would fail to replicate this key feature of the listed building.
  - The existing and proposed sections will not have the same appearance. Whereas the existing frame profile is straight and square sectioned, the proposed is thinner near the wall, then wider, and has a gap. These features are modernising and fail to achieve the high quality of the sleek design created by the original architects.
  - The proposed elevations show vents installed in the window glass and this is a lost opportunity to improve the ventilation and remove these features.
  - Original barrel trickle vents will be lost which is regrettable as an original and interestingly designed feature. Details of new trickle vents are given in a brochure, but not drawn onto a scale drawing. Their impact should be minimised. It would have been better to design background ventilation in another way.
  - There is no information on window handles, glass, or any other window furniture.
  - If the glass is coloured or has an unattractive visual distortion, this would be harmful. The colour of the window frames can be matched acceptably, but this must be conditioned.

- 10.10. Given the less than substantial harm, is therefore necessary to weigh the scheme against the public benefits of the proposal.
- 10.11. The heritage statement gives the following benefit: “the enhancement of the thermal performance and heat load (and therefore cost of heating) of the public building, which is considered to be in the public benefit in order to ensure the building remains in an economically viable public use.”
- 10.12. The proposal will still generate significant infrastructure contributions to improve the thermal efficiency of the building and reducing heat loss, and ensuring cost effective measures to reduce maintenance, allowing redistribution into more appropriate areas.
- 10.13. These environmental and minor economic benefits would outweigh the less than substantial harm to the Grade II Listed Asset and Ewell Village Conservation Area, and on this basis, the development is acceptable. However, detailed specifications are required including how the pivot plates are applied to the centre of frames, inside and outside, to imitate the original opening method and thereafter maintained in perpetuity alongside details of the frame finish, glass, window furniture, colour and finish of the spacer inside the double-glazed unit and a scale elevation drawing of a proposed window showing location and extent of trickle vent

## **11. Design and Character**

- 11.1. Paragraphs 129, 135 and 139 of the NPPF 2023 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.
- 11.2. The design of the windows will match the aluminium characteristic and anodized finish of the existing. Outside of the heritage considerations outlined in Section 10, the proposal will not result in detrimental harm to the visual amenity and local character of the historic environment.
- 11.3. The development will serve a functional purpose of improving insulation and energy efficiency within the building. Heat savings of between 10% to 20% from the window replacement are expected which would result in a substantial reduction in carbon emissions for the whole building.

## **12. Accessibility and Equality**



- 12.1. 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 significant adverse impacts as a result of the development.

## CONCLUSION

### 13. Planning Balance

- 13.1. The proposed replacement of the existing fenestration and door with will result in less than substantial harm to the Grade II Listed Asset. However, this harm is outweighed by the public benefits of the development and the application is supported.

## RECOMMENDATION

**To grant listed building consent 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 18 (1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 52 (4) of the Planning and Compulsory Purchase Act 2004.

#### 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 plans numbered/titled:

- Detail 1A
- Detail 1E
- Detail 2A
- Detail 3A
- Detail 19A
- Ground Floor Fixed Windows Existing and Proposed
- First Floor Fixed Windows Existing and Proposed
- Ground Floor Pivot Windows Existing and Proposed
- Proposed Elevations 1 of 3
- Proposed Elevations 2 of 3
- Proposed Elevations 3 of 3

- Windows Survey Details

All received by the local planning authority on 19 August 2024.

Reason: For avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and to ensure a satisfactory external appearance in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM8, DM9 and DM10 of the Development Management Policies Document 2015.

### **3) Materials**

Prior to the commencement of the development hereby permitted, detailed specifications of the windows shall be submitted to and approved in writing by the local planning authority. These shall include

- Frame finish (sample)
- Glass (sample)
- Window furniture
- Location and extent of trickle vent (drawing at scale of 1:20)
- Colour and finish of the spacer inside the double glazed unit
- Pivot plates

The approved details shall be implemented 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 Section 16 of the National Planning Policy Document 2023, Policy CS5 of the Core Strategy 2007 and Policy DM8 of the Development Management Policies Document 2015.

### **4) Pivot Plates**

Prior to first use of the windows, pivot plates are to be applied to the centre of each respective window frame, inside and outside, to imitate the original opening method and thereafter maintained in perpetuity.

Reason: To ensure a satisfactory external appearance in accordance with Section 16 of the National Planning Policy Document 2023, Policy CS5 of the Core Strategy 2007 and Policy DM8 of the Development Management Policies Document 2015.

## **Informatives**

### **1) 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.

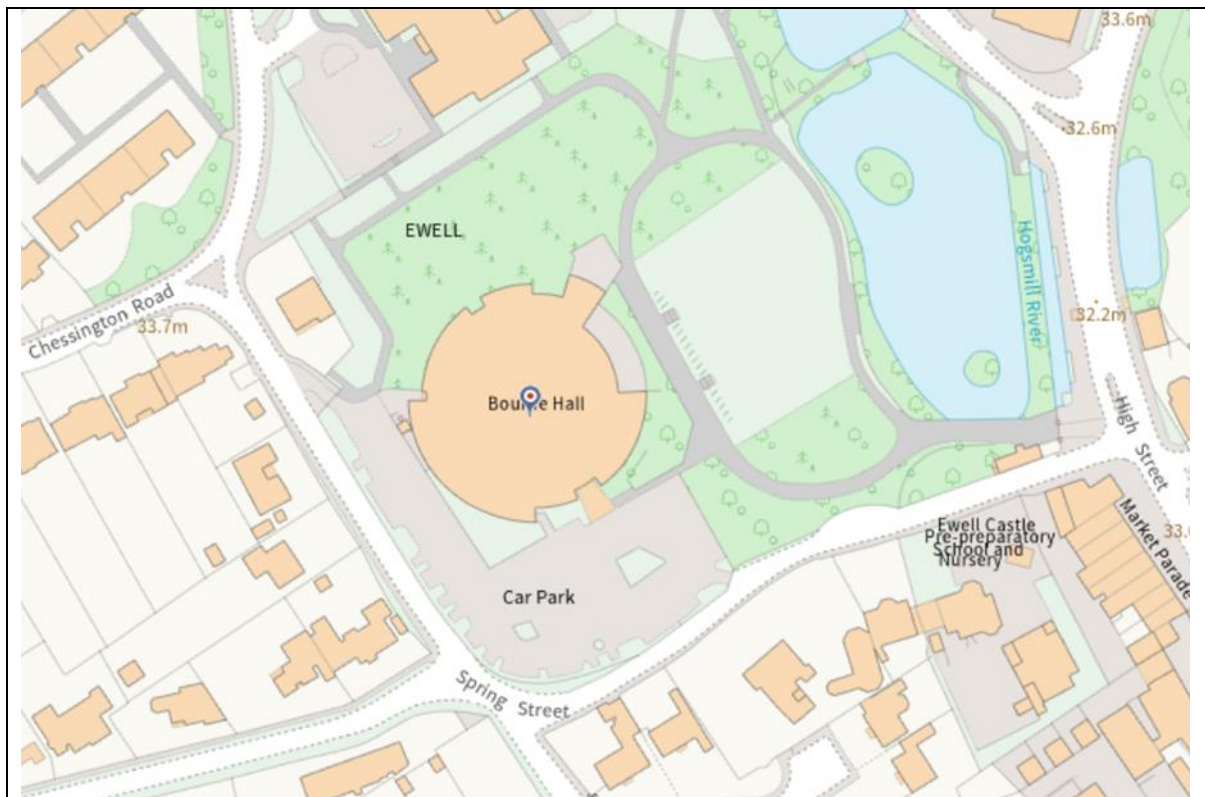
**2) Conservation of the Listed Buildings**

You are reminded that all works to a listed building must be carried out with the utmost care and to the highest standards of quality and workmanship. Any damage to the listed building shall be immediately made good using materials to match the originals. Unauthorised works that harm the listed building constitute a criminal offence and will be liable to fines of up to £20,000 per offence.

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**24/00618/LBA- Bourne Hall, Spring Street, Ewell, Surrey, KT17 1UD**

<b>Application Number</b>	24/00618/LBA
<b>Application Type</b>	Listed Building Consent
<b>Address</b>	Bourne Hall, Spring Street, Ewell KT17 1UD
<b>Ward</b>	Ewell Village
<b>Proposal</b>	Installation of new layer of roof felt to the existing felt roof (retrospective)
<b>Expiry Date</b>	05 October 2024
<b>Recommendation</b>	Approval, subject to conditions and informatives
<b>Number of Submissions</b>	0
<b>Reason for Committee</b>	Council application
<b>Case Officer</b>	George Smale, Planning Officer
<b>Contact Officer</b>	Simon Taylor, Interim Manager
<b>Plans, Documents and Submissions</b>	Available at <a href="#">Bourne Hall</a> .
<b>Glossary of Terms</b>	Found at the following link: <a href="#">Glossary of Terms</a>



## SUMMARY

### 1. Summary and Recommendation

- 1.1. This application is before the committee as the site is located on Council owned land and the applicant is a representative on behalf of the Council. It is recommended for approval.
- 1.2. This is a proposal for Listed Building Consent for the installation of a new felt layer over the entire existing perimeter roof of Bourne Hall. The works are completed, and the application is retrospective in its nature.
- 1.3. The site is owned by the Council and enables several leisure, parkland and open space, and community uses. The site is also located in the Ewell Village Conservation Area. Bourne Hall comprises of a 1960s library, social centre, and museum with modernist architectural merit.
- 1.4. There is an extensive planning history to the wider site and parkland. However, the only recent history for the hall itself has involved permitted works to doors and light fittings, the installation of Solar Panels (under consideration), and alterations to fenestration (under consideration).
- 1.5. Whilst undertaking separate repair works to the roof it was established that the entire felted area of the roof would require replacement in addition to some works to the parapets. Given the extent of works required, an application for Listed Building Consent was then submitted.
- 1.6. The Council's Conservation Officer raises objection to the proposal, concluding that the development will result in less than substantial harm to the listed asset. The benefits of the scheme outweigh such harm.
- 1.7. As such, the recommendation before the committee is that the application should be approved subject to conditions.

## PROPOSAL

### 2. Description of Proposal

- 2.1. The proposal involves:
  - The installation of a new felt layer over the entire existing perimeter roof of Bourne Hall, comprising of grey Garland felt material.
  - An additional strip of Glass Reinforced Plastic (GRP) in a black colour on the existing parapet to accommodate the felt roof.
- 2.2. The application is for retrospective works to a Listed Building. The applicant- Epsom & Ewell Property and Regeneration Team- has made the following statement in respect to undertaking such works:

*“Retrospective consent is sought by the applicant as it was not aware the works constituted an alteration to a Listed Building under the Planning (Listed Buildings and Conservation Areas) Act 1990. Instead, the applicant acted in good faith to protect the structure of the building believing the works were essential repair and maintenance items only. The existing felt roof remained in situ and an identical layer of felt added to ensure no further leaks could harm the building.*

*We confirm the works were urgently necessary for the preservation of the building and that it was not possible to achieve this by temporary works of repair. As soon as the Local Planning Authority alerted the applicant to the requirement for Listed Building Consent, an application was submitted without delay to address the matter.*

*However, it is accepted that the additional felt layer applied to the whole roof and was not limited to the minimum measures immediately necessary. In future, Listed Building Consent will be submitted for all works irrespective of their nature.*

*The applicant has learnt from this omission and amended its procedures accordingly.”*

## SITE

### 3. Description

- 3.1. Bourne Hall is a large dome-shaped building of a distinctive and striking architectural style, serving as Library and Social Centre since 1970. The building is Grade II Listed, council owned, and centred within Bourne Hall Park. The entire site has important local community value.
- 3.2. The exterior of the building is a curving volume with a continuous band of aluminium windows at first and second floor level. The upper floor slopes inward and the structure is surmounted by a broad copper dome, resembling the appearance of a flying saucer. A circular layout is planned within the building that expands over three level which includes a main hall, open-plan library, mezzanine museum, and studio spaces.
- 3.3. The surrounding area comprises a large open parkland with a number of large redwood trees, green spaces, and water courses. The entire site area is located in the Ewell Village Conservation Area, a historic area encompassing Bourne Hall, the commercial village centre, and outlying residential areas.
- 3.4. The site is accessed by vehicle from spring street, and pedestrian routes can be found through the park to the north and from the High Street to the East. The nearest residential properties are located on the western side of Spring Street, approximately 36m from the outer edge of Bourne Hall.

#### 4. Constraints

- Built Up Area
- Grade II Listed Building
- Ewell Village Conservation Area
- Article 4 Directive
- Locally Listed Building
- SSSI Impact Risk Zones
- Great Crested Newt Consultation Zone
- Tree Inspections
- Source Protection Zones

#### 5. History

5.1. The following recent applications are relevant:

App No.	Description	Status
24/01091/LBA	Listed Building Consent: Alterations to fenestration.	Pending consideration
24/01015/LBA	Installation of Solar PV to flat roofs and Tesla Powerwall batteries for power storage.	Pending consideration
24/01013/FUL	Installation of Solar PV to flat roofs and Tesla Powerwall batteries for power storage.	Pending consideration
24/00419/FUL	Install Solar PV to the south facing section of the perimeter flat roof.	Permitted 13 June 2024
24/00419/FUL	Install Solar PV to the south facing section of the perimeter flat roof	Permitted 13 June 2024
24/00066/LBA	Listed Building Consent: Replacement of 13 internal fire doors to meet BS guidelines.	Permitted 13 June 2024
18/01247/LBA	Replacement of 6 internal doors.	Permitted 15 February 2019
17/00445/LBA	Listed Building Consent for proposed replacement of existing light fittings with LED light fittings in Museum and Library areas of Grade II listed building.	Permitted 15 September 2017

### CONSULTATIONS

Consultee	Comments
<b>Internal Consultees</b>	
Conservation Officer	No objection to the felt cover subject to condition. Less than substantial harm to roof covering.
<b>Public Consultation</b>	
Neighbours	The application was advertised by means of a site notice and press notice, concluding on 06 September 2024. No submissions were received.



## PLANNING LEGISLATION, POLICY, AND GUIDANCE

### 6. Legislation and Regulations

- 6.1. Town and Country Planning Act 1990
- 6.2. Planning (Listed Buildings and Conservation Areas) Act 1990

### 7. Planning Policy

- 7.1. National Planning Policy Framework 2023 (NPPF)
  - Section 2: Achieving Sustainable Development
  - Section 16: Conserving and Enhancing the Historic Environment
- 7.2. Epsom and Ewell Core Strategy 2007 (CS)
  - Policy CS1: Sustainable Development
  - Policy CS5: The Built Environment
- 7.3. Epsom and Ewell Development Management Policies Document 2015 (DMPD)
  - Policy DM8: Heritage Assets

### 8. Supporting Guidance

- 8.1. National Planning Policy Guidance (NPPG)
  - Historic Environment
  - Use of Planning Conditions
- 8.2. Supplementary Planning Documents and Guidance
  - Sustainable Design Supplementary Planning Document 2016
- 8.3. Other Documentation
  - Ewell Village Character Appraisal
  - [Historic England Official List](#)

## PLANNING ASSESSMENT

### 9. Listed Significance

- 9.1. Bourne Hall has been Grade II Listed by national government since 30 April 2015. The principal justifications for the listing of the building are taken from the official Historic England Listing:
  - Bourne Hall Library and Social Centre of 1967 – 1970 A. G. Sheppard Fidler and Associates
  - Architectural interest- a striking design, notable for its space-age flair and the generous, top-lit principal interior space.
  - Plan form: the circular layout is well-organised, legible, and flexible;

- Historic interest: as an ambitious example of the expansion of the library service and the integration of community facilities and disabled access.

9.2. The following paragraphs from the list description are also relevant:

*“MATERIALS / STRUCTURE: the structure is of reinforced and pre-cast concrete, with aluminium windows, green Cumbrian slate copings and mosaic external finishes to the perimeter wall. The copper-clad dome with its central glassfibre rooflight is 42.6m (140') in diameter and 11.2m (37') at its highest point. 20 vertical pre-cast concrete ribs form a corona. The knuckles of the ribs are held in position by an in-situ pre-stressed, post-tensioned concrete ring beam which forms both the gutter and the eaves for the main dome. The roof construction is a sandwich of materials: the outer layer is sheet copper bonded to felt and wood wool panels on steel joints spanning between the frame. Towards the outer edges of the roof the wood wool panels are replaced by a band of lightweight 'Gunite' concrete sprayed onto permanent formwork.”*

*EXTERIOR: the exterior is a curving volume with a continuous band of aluminium windows at ground and first floor. The upper floor slopes inward and is surmounted by a broad copper dome, from which emerges a corona of pre-stressed, post-tensioned concrete ribs. Single-storey volumes of varying widths project forward of the circular footprint. The windows are separated by load-bearing pre-cast white concrete mullions running between a floating plinth and fascia, and some windows have Cumbrian slate panels beneath. The elevations are designed to a 4" (c.10cm) module enabling standardised pre-cast components. The result resembles a flying saucer and was designed to sit low within the existing mature landscape. The ribbed concrete boiler chimney is 12.8m (42') high and provides a vertical counterpart to the library's dome.*

## 10. Impact on the Heritage Asset

- 10.1. Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires the council to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
- 10.2. Paragraphs 203-208 of the NPPF 2023 requires consideration of the harm to the significance of a designated heritage asset. Paragraph 195 says heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generation.
- 10.3. Paragraph 206 requires clear and convincing justification where there is harm to or the loss of a designated heritage asset. Paragraph 202 states that where there is less than substantial harm, the harm must be weighed against the public benefits.

- 10.4. Policy CS5 of the CS and Policy DM8 of the DMPD seek to protect and enhance heritage assets and their setting.



- 10.5. The proposal involves the recovering of the pre-existing perimeter flat roof with a grey Garland felt roof layer. The felt roof is attached to the parapet with a strip of black coloured Glass Reinforced Plastic (GRP) which will be visible on the façade of the building (see photo above).
- 10.6. The Design and Conservation Officer raises no objection to this aspect. A condition has been recommended that clusters of wires and pipes passing over the fascia shall be painted to match the fascia and parapet. However, works have already been completed and wire piping visible on the site were observed as matching the colours. As such, this condition is not necessary.
- 10.7. The additional strip of GRP on the parapet is a minor feature of the scheme which functions as a supporting mechanism to hold down the felt roof. This will have a marginal visible impact on the façade of the building.
- 10.8. Cumulatively, the change in roof materials and the additional strip of GRP on the parapet results in less than substantial harm to the Listed Building and Ewell Village Conservation by virtue of its minor change in visual appearance when measured against the original building.
- 10.9. It is therefore necessary to weigh the scheme against the public benefits of the proposal which include improving the structural soundness of the roof and wider repair and maintenance works, thus preventing future

issues such as water leaks, ensuring lower maintenance costs as part of the 25-year guarantee. The upkeep of the roof will contribute to the long term sustainability of Bourne Hall as community valued council asset within the Borough.

- 10.10. As such, the significant environmental and social impacts, and minor economic impacts of the proposal would outweigh the less than substantial harm to the Grade II Listed Asset and Ewell Village Conservation Area, and the development is acceptable in this regard.

## 11. Design and Character

- 11.1. Paragraphs 129, 135 and 139 of the NPPF 2023 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.
- 11.2. The design of the new felt roof and GRP parapet strip provides an important function in upkeeping the existing roof. The visual impacts identified will not result in detrimental harm to the visual amenity or character of the local area.

## 12. Accessibility and Equality

- 12.1. 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 significant adverse impacts as a result of the development.

## CONCLUSION

## 13. Planning Balance

- 13.1. The proposed re-roofing of the perimeter of the building with a new felt roof layer will result in less than substantial harm to the Grade II Listed Asset and the character and appearance of the Conservation Area. However, this harm is outweighed by the significant public benefits of the development and the application is supported.

## RECOMMENDATION

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

**Conditions**

**1) Approved Plans**

Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be carried out in accordance with the plans numbered/titled AS-2-01 and Bourne Hall - Solar PV BLOCK PLAN

Reason: For avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and to ensure a satisfactory external appearance in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM8, DM9 and DM10 of the Development Management Policies Document 2015.

**2) Materials**

The materials used in the construction of the external surfaces of the extension hereby permitted shall be retained in accordance with those indicated within the application form associated with the application, 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.

**Informatives**

**1) 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.

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**MONTHLY ENFORCEMENT REPORT**

<b>Report</b>	Summary of Incoming and Closed Enforcement Cases by Month
<b>Period</b>	February-September 2024
<b>Author</b>	Simon Taylor, Interim Manager, Development Management
<b>Date of Report</b>	25 September 2024

**SUMMARY**

The following table indicates the current live enforcement cases, those opened (received) and closed (resolved) at the end of each month.

<b>2024</b>	<b>Live</b>	<b>Opened</b>	<b>Closed</b>	<b>Net change</b>
February	305	41	54	-13
March	286	17	42	-25
April	278	22	7	+15
May	286	29	45	-16
June	299	32	22	+10
July	283	27	52	-25
August	273	51	52	-1
September (to 25/9/24)	265	18	26	-8

Note: There is a margin of error in the above table that is gradually reconciling itself since the conclusion of the enforcement audit.

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**UPCOMING APPLICATIONS REPORT**

<b>Report</b>	Summary of Likely Applications to be Heard at Planning Committee
<b>Period</b>	October 2024 onwards
<b>Author</b>	Simon Taylor, Interim Manager, Development Management
<b>Date of Report</b>	25/09/2024

**SUMMARY**

<b>Application No</b>	<b>Address</b>	<b>Proposal</b>	<b>Reason for Call In</b>	<b>Potential Meeting</b>
23/00158/FUL	Land At Fairview Road, Epsom KT17 1JD	Three modular buildings for temporary accommodation	Council application	November
24/00992/FUL	71 Rosebery Road, Epsom KT18 6AB	Three x 3 bed dwellings	Called in	November
24/01037/LBA	Rear Of 100B-102 Beaconsfield Road, Epsom KT18 6HS	Rebuilding of listed wall	Council application	November
23/01114/REM	Hobbledown, Horton Lane, Epsom KT19 8PT	Changes to conditions relating to access via McKenzie Road	Called in	December
24/01107/FUL	Former Gas Holder Station East Street, Epsom	Five residential towers and new performing arts centre	Major application	December /January

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