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Democratic Services



PLANNING COMMITTEE

Thursday 7 November 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 or tel: 01372 732000

EMERGENCY EVACUATION PROCEDURE

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

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

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

A link to the online address for this meeting is provided on the first page of this agenda. A limited number of seats will be available on a first-come first-served basis in the public gallery at the Town Hall. If you wish to observe the meeting from the public gallery, please arrive at the Town Hall reception before the start of the meeting. A member of staff will show you to the seating area. For further information please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, telephone: 01372 732000.

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

Agendas, reports and minutes for this Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at Democraticservices@epsom-ewell.gov.uk.

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

Public speaking

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

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

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

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

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

Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government Act 1972 (as amended). Should any such matters arise during the course of discussion of the below items or should the Chair agree to discuss any other such matters on the grounds of urgency, the Committee may wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Filming and recording of meetings

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

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

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

Guidance on Predetermination /Predisposition

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

Predisposition

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

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

Pre-determination / Bias

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

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

AGENDA

1. DECLARATIONS OF INTEREST

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 - 22)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on the 3 October 2024 (attached) and to authorise the Chair to sign them.

3. 23/00158/FUL - LAND AT FAIRVIEW ROAD (Pages 23 - 58)

The erection of 3 modular buildings to provide temporary accommodation for residents in the Borough, with associated parking, refuse and plant room.

4. 24/00992/FUL- 71 ROSEBERY ROAD, EPSOM, KT18 6AB (Pages 59 - 92)

Demolition of existing single storey dwelling and construction of 3 x 3-bed residential units with car parking, and associated access.

5. 24/01037/LBA - BRICK WALL TO THE REAR OF 102 AND 100B BEACONSFIELD ROAD EPSOM SURREY KT18 6HS (Pages 93 - 100)

Rebuilding of Grade II Listed wall to the rear of 100B and 102 Beaconsfield Road.

6. UPCOMING APPLICATIONS (Pages 101 - 102)

Summary of Likely Applications to be Heard at Planning Committee.

7. APPEALS REPORT (Pages 103 - 108)

Summary of all Planning Appeal Decisions and Current Appeals.

8. ENFORCEMENT REPORT (Pages 109 - 110)

Summary of Incoming and Closed Enforcement Cases byMonth.

9. PLANNING PERFORMANCE REPORT (Pages 111 - 112)

Summary of Planning Performance by Quarter.

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Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber, Epsom Town Hall on 3 October 2024

PRESENT -

Councillor Steven McCormick (Chair); Councillor Clive Woodbridge (Vice-Chair); Councillors Chris Ames (as nominated substitute for Councillor Kate Chinn), Neil Dallen, Julian Freeman, Bernie Muir, Phil Neale, Humphrey Reynolds and Chris Watson (not present for minute item 32)

Absent: Councillor Kate Chinn and Councillor Jan Mason

Officers present: Michael Elford (Principal Lawyer), Simon Taylor (Planning Development & Enforcement Manager), George Smale (Planning Officer) and Phoebe Batchelor (Democratic Services Officer)

24 DECLARATIONS OF INTEREST

Langley Vale Memorial Woodland Site, Headley Road, Epsom, Surrey, KT18 6BL – Agenda Item 3

Councillor Neil Dallen, Other Interest: Councillor Neil Dallen declared that he is a Member of the Epsom and Walton Downs Training and Management Board (TGMB). He stated that it did not affect his decision-making ability and that he maintained an open mind. He stated that he was not involved in the TGMB response to the application.

Councillor Chris Watson, Other Interest: Councillor Chris Watson declared that following a conversation and advice from the Council's Monitoring Officer, he would be withdrawing from sitting on the Langley Vale Memorial Woodland Site Application.

Councillor Clive Woodbridge, Other Interest: The Vice Chair, Councillor Clive Woodbridge, declared that he is a Member of the Epsom & Walton Downs Conservators, who are responsible for the management of the land adjacent to that of the application. He stated that this was not a conflict of interest, and he maintained an open mind.

Councillor Steven McCormick, Other Interest: The Chair, Councillor Steven McCormick, declared that he is the Chair of the Epsom & Walton Downs Conservators and sits on the TGMB. He stated that he had a clear and open mind in respect to the application.

Bourne Hall, Spring Street, Ewell, Surrey, KT17 1UD – Agenda items 4-7

Councillor Clive Woodbridge, Other Interest: The Vice Chair, Councillor Clive Woodbridge, declared that he is the Chair of Community and Wellbeing Committee, who are responsible for the management of Bourne Hall. He stated that he remained unbiased and maintained an open mind.

Councillor Neil Dallen, Other Interest: Councillor Neil Dallen declared that he is the Chair of Strategy and Resources Committee, who are responsible for the management of the Council's Buildings, which is relevant to the Bourne Hall Applications. He stated that he remained unbiased and maintained an open mind.

25 MINUTES OF THE PREVIOUS MEETING

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on 3 October 2024, and authorised the Chair to sign them.

26 24/01013/FUL- BOURNE HALL, SPRING STREET, EWELL, SURREY, KT17 1UD**Description:**

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

Officer Recommendation:

Approval, subject to conditions and informatives.

Officer Presentation:

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

Decision:

Following consideration, Councillor Julian Freeman proposed a motion to approve the Officer recommendation as set out in the report. The proposal was seconded by Councillor Neil Dallen.

Subsequently, the Committee unanimously resolved 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.

27 24/01015/LBA- BOURNE HALL, SPRING STREET, EWELL, SURREY, KT17 1UD

Description:

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

Officer Recommendation:

Approval, subject to conditions and informatives.

Officer Presentation:

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

Decision:

Following consideration, Councillor Julian Freeman proposed a motion to approve the Officer recommendation as set out in the report. The proposal was seconded by Councillor Bernie Muir.

Subsequently, the Committee unanimously resolved 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).

28 24/01091/LBA - BOURNE HALL, SPRING STREET, EWELL, SURREY, KT17 1UD

Description:

Alterations to fenestration.

Officer Recommendation:

Approval, subject to conditions and informatives.

Officer Presentation:

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

Decision:

Following consideration, Councillor Humphrey Reynolds 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 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.

29 24/00618/LBA- BOURNE HALL, SPRING STREET, EWELL, SURREY, KT17 1UD

Description:

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

Officer Recommendation:

Approval, subject to conditions and informatives.

Officer Presentation:

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

Decision:

Following consideration, Councillor Neil Dallen proposed a motion to approve the Officer recommendation as set out in the report. The proposal was seconded by Councillor Julian Freeman.

Subsequently, the Committee unanimously resolved 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.

30 ENFORCEMENT REPORT

The Committee received and noted a report providing a summary of incoming and closed enforcement cases by month.

The following matter was discussed:

- a) **Enforcement Activity.** A Member of the Committee asked if any enforcement activity had taken place during the period indicated on the report. The Planning and Enforcement Manager confirmed that enforcement activity had taken place. The Chair noted the comments and said an additional column could be added to the table to show enforcement actions and why enforcement cases were closed.

31 UPCOMING APPLICATIONS

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

The following matter was discussed:

- b) **Site Visits.** A Member of the Committee asked if requested Site Visits for certain upcoming applications will be taking place. The Chair informed the Committee that Site Visits will be organised soon and invites sent out to Committee Members shortly.

32 24/00437/FUL- LANGLEY VALE MEMORIAL WOODLAND SITE

Councillor Chris Watson excused himself and left the Council Chamber for the duration of the application.

Following debate, the Chair proposed the item was dealt with at the end of the agenda, in order to give the time for the proposed condition to be worded, prior to it being voted on by the Committee.

Councillor Bernie Muir seconded the proposal. The Committee voted (5 for, 3 against) in favour of deferring the item to the end of the agenda.

Description:

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

Officer Recommendation:

Approval, subject to conditions and informatives.

Including the addition of an informative to the decision notice in relation to Biodiversity Net Gain obligations:

8) Biodiversity Net Gain

The applicant is reminded of their obligations to deliver mandatory biodiversity net gain on-site in accordance with Schedule 7A of the Town and Country Planning Act 1990, including (a) submitting a Biodiversity Gain Plan that accords with the National Planning Practice Guidance and the approved BNG Assessment and Metric Tool; and (b) not operating prior to a completion report being agreed by the local planning authority.

Officer Presentation:

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

Public Speaking:

The Agent spoke in support of the application.

Decision:

Following consideration, Councillor Neil Dallen proposed an additional condition be added, as follows:

'The development hereby permitted should not be first used until details of Highway improvement discussions with the Highway Authority have been submitted to and approved in writing by the Local Planning Authority. These discussions shall include but not be limited to, works to the public highway and horse crossing on Headley Road to account for any change in horse or traffic numbers on Headley Road since the original approval, and the need for any highway improvement works. Any improvement works shall be implemented in accordance with the approved details prior to first use.'

Councillor Bernie Muir seconded the proposal.

The Committee voted (2 for, 4 against, 1 abstaining, and the Chair not voting) against the motion, and the motion was lost.

Following further consideration, Councillor Neil Dallen proposed a motion to approve the Officer recommendation as set out in the report. The proposal was seconded by Councillor Julian Freeman.

Subsequently, the Committee resolved (7 for, and the Chair not voting) 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 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/roadpermits-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.

8) Biodiversity Net Gain

The applicant is reminded of their obligations to deliver mandatory biodiversity net gain on-site in accordance with Schedule 7A of the Town and Country Planning Act 1990, including (a) submitting a Biodiversity Gain Plan that accords with the National Planning Practice Guidance and the approved BNG Assessment and Metric Tool; and (b) not operating prior to a completion report being agreed by the local planning authority.

The meeting began at 7.30 pm and ended at 9.34 pm

COUNCILLOR STEVEN MCCORMICK (CHAIR)

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23/00158/FUL - Land At Fairview Road, Epsom, Surrey, KT17 1JD

Application Number	23/00158/FUL
Application Type	Full Planning Permission (Minor)
Address	Land at Fairview Road, Epsom, Surrey KT17 1DL
Ward	Ewell Village Ward
Proposal	The erection of 3 modular buildings to provide temporary accommodation for residents in the Borough, with associated parking, refuse and plant room
Expiry Date	11 November 2024
Recommendation	Approval, subject to conditions and informatives
Number of Submissions	67 (original scheme), 42 (amended plans)
Reason for Committee	Council is the Applicant
Case Officer	Gemma Paterson
Contact Officer	Simon Taylor, Interim Manager
Plans, Documents and Submissions	Available at Fairview Road
Glossary of Terms	Found at the following link: Glossary of Terms



SUMMARY

1. Summary and Recommendation

- 1.1. The Council is the applicant and as such the application is referred to Planning Committee in accordance with Epsom and Ewell Borough Council's Scheme of Delegations.
- 1.2. The proposal relates to the installation of 3 modular buildings to provide temporary accommodation for residents in the Borough, with associated parking and refuse point at Land at Fairview Road, Epsom, Surrey, KT17 1JD.
- 1.3. The site is located within an area that is close to public transport, which offers a mode of transport other than the private car. It also offers opportunities to walk to local shopping and employment facilities, as well as the town centre. The site is therefore in a suitable location in sustainable transport terms for new residential uses.
- 1.4. The proposal would reuse vacant, suitable brownfield land within a sustainable location for an identified need.
- 1.5. The application is supported by documentation to evidence that the existing Class B8 (storage and distribution) use of the site was marketed for a period exceeding 18 months without generating any interest for the existing use. As such, the loss of the existing Class B8 (storage and distribution) use of the site is accepted.
- 1.6. The proposal would meet key objectives in the Council's Homelessness and Rough Sleeping Strategy 2022-2027 and subsequent Homelessness and Rough Sleeping Strategy Action Plan 2022-2027 by identifying an opportunity for the development of temporary accommodation on Council owned sites. The proposal would help meet an acute demand for temporary accommodation and would contribute towards the Council discharging its homeless duty.
- 1.7. A temporary permission of five years is recommended to enable a review to take place to reassess demand for such accommodation and therefore the future need for such temporary accommodation.
- 1.8. Whilst the proposed modular buildings would have a shortfall of 10m² in respect of meeting the Nationally Described Space Standards 2015 for internal floor area, a good level of internal amenity is nonetheless provided for occupiers residing on a temporary basis.
- 1.9. Although acknowledged that the proposed modular buildings would not respect the pattern of development and character of the local area, the addition of further diverse built form into the street scene would not

significantly (or permanently) detract from the visual appearance of the immediate or wider surrounding area.

- 1.10. The County Highway Authority are satisfied that the proposed development would not result in a significant increase in traffic generation or that would otherwise result in issues of highway safety or cause issues with the operation of the existing highway network. The site would continue to be served by the existing access off Fairview Lane which is to remain an adequate access for the number of vehicular and pedestrian movements generated by the proposal. The proposal would meet the Council's parking standards.
- 1.11. It has also been satisfactorily demonstrated that a development of this scale could be provided on the site that does not have a harmful impact on neighbouring residential amenity.
- 1.12. The proposal would accord with the Council's policies in relation to ecology, land contamination and environmental sustainability.
- 1.13. Overall, whilst there are adverse impacts in respect of this application, it has been demonstrated that these would not outweigh the benefits. The application is therefore recommended for approval.

PROPOSAL

2. Description of Proposal

- 2.1. The proposal involves the following works:
 - The erection of 3 modular buildings measuring 8.0 metres in width, 9.6 metres in depth with an overall height of 2.7 metres
 - The provision of 3 vehicle parking spaces to serve the proposed modular buildings
 - The provision of ancillary works including refuse/recycle storage and access paths
- 2.2. The application was amended on 6 September 2024 in the following manner:
 - Remade red line area to the public highway, including Fairview Road
 - Redesigned modular buildings
 - Reconfiguration of the site layout, including more detailed block plan
- 2.3. The amended application included Certificate D, which is submitted where the owner of the land (the vehicular access along Fairview Road) is unknown. The application was reconsulted to residents (see Section 10).

3. Key Information

	Existing	Proposed
Site Area	0.08 hectares	
Units	0	3
Floorspace	N/A	153m ²
Number of Storeys	N/A	1
Density	N/A	37dph
Affordable Units	N/A	3
Car Parking Spaces	N/A	3
Cycle Parking Spaces	N/A	3

SITE

4. Description

- 4.1. The site is located off Fairview Road, Epsom, to the rear of 131–139 East Street and adjacent to the Kiln Lane Sainsbury’s petrol station and car park. The site benefits from direct access to Fairview Road. Fairview Road is a privately maintained road, with part being a County publicly maintainable footpath (footpath 18).
- 4.2. Footpath 18 runs pass the site and branches off the north east, terminating at The Kingsway. To the north of the site lies Footpath 17, which terminates at West Street. Both footpaths provide access to Glyn School with footpath 17 also providing access to Sainsbury’s and the Longmead Industrial Estate.

5. Constraints

- Built Up Area
- Site of Special Scientific Interest Risk Area
- Great Crested Newt Impact Zone
- Public Footpath (to frontage)
- Flood Zone 1

6. History

- 6.1. There is no relevant site history.

CONSULTATIONS

7. Consultation from Original Submission

Consultee	Comments
External Consultees	
Highway Authority	No objection, subject to conditions
Surrey County Council Lead Local Flood Authority	No objection, subject to conditions
Internal Consultees	
Council's Ecologist	No objection, subject to condition
Council's Land Contamination Officer	No objection, subject to condition
Council's Transport and Waste Manager	No objection
Council's Land Environmental Health Officer	No objection, subject to condition

8. Consultation Following Amended Plans

Consultee	Comments
External Consultees	
Highway Authority	No objection, subject to conditions
Surrey County Council Lead Local Flood Authority	No objection, subject to conditions
Thames Water	No objection, subject to informative
Internal Consultees	
Council's Ecologist	Biodiversity Net Gain (BNG) Assessment is required <u>Officers' response:</u> The application was registered on, which is 13 February 2023 which is prior to the date on which mandatory BNG for minor applications applied (April 2024). As such the application is not required to provide any BNG.
Council's Land Contamination Officer	No objection, subject to condition
Council's Transport and Waste Manager	No objection

9. Public Consultation from Original Submission

Public Consultation	
Neighbours	<p>The application was advertised by means of a site notice, posted on 13 February 2023 and notification to 28 neighbouring properties, concluding on 07 March 2023. 67 submissions were received. They raised the following issues:</p> <p>Principle</p> <ul style="list-style-type: none">• Overdevelopment of the site <p><u>Officer comment:</u> This is discussed in Section 13 and 15 of this agenda report, where it is demonstrated that the principle of residential development is acceptable and that it is appropriate within the context of the site.</p> <p>Highways</p> <ul style="list-style-type: none">• Increase the amount of traffic on a narrow road with traffic and parking issues• Concerns about access for emergency vehicles• Fairview Road is used as a safe cut through for hundreds of children and staff• Building work would pose a health and safety risk to school children using footpath through Fairview Road• Access to the site to awkward for the proposal <p><u>Officer comment:</u> The Highways Authority have not raised objection on highway safety, traffic, or access grounds, as discussed in Section 17 of this agenda report.</p> <p>In respect of the matters of the applicant not having a legal right of way over Fairview Road, although this is a third-party matter, it has been demonstrated to the satisfaction of Officers that there is a legal right of access over Fairview Road to the site that would accommodate access to serve the proposed development</p> <p>Parking</p> <ul style="list-style-type: none">• Additional three properties would increase street occupancy by 50% with more cars and nowhere to park• No room for visitor parking on Fairview Road <p><u>Officer comment:</u> The proposal complies with the parking requirement, as discussed in Section 13 of this agenda report.</p> <p>Character</p>

- Structures out of character with the neighbourhood and materials that are aesthetically displeasing
- Site is too cramped and overpopulated

Officer comment: The design and siting are acceptable, as discussed in Section 15 of this agenda report.

Neighbouring Amenity

- Loss of privacy to occupiers of Fairview Road
- Increase in noise and disturbance
- Concerns about antisocial behaviour
- Overlooking into the garden of 137 East Street
- Noise from the proposed generator
- The site currently provides a buffer from noise and light pollution from the retail park. The proposal would increase light pollution to 137 East Street
- Loss of light to 137 East Street
- Loss of outlook

Officer comment: The scale and form of the development is appropriate in the context of the site and surrounding area and is acceptable. This is discussed in Section 12 of this agenda report.

Ecology

- A full wildlife and biodiversity report has not been completed.
- Loss of vegetation
- Loss of present wildlife
- Site should be considered a valued and important habitat for wildlife

Officer Comment: A Preliminary Ecological Assessment was submitted in support of this application, the methodology and conclusions of which satisfied the Council's Ecologist that the proposal would not cause harm to protected species, subject to conditions. This is discussed in Section 19 of this agenda report.

Other

- Concerns regarding the validity of the application and national requirements
- Applicant does not have legal right of way over Fairview Road other than the existing footpath
- Adjacent school is already oversubscribed
- A residence of this type near Glyn school presents a safeguarding issue and puts the Glyn school boys at risk
- Major safeguarding issues for the children who attend Glyn School and their safety going to and from school

	<ul style="list-style-type: none"> • Loss of value to houses • No street lighting • School children made vulnerable by introducing high risk 'residents' • A comprehensive police report has not been carried out to consider the impact of such a development. Residents will be put at a higher risk of violence, crime and ASB from this development <p><u>Officer comment:</u> For completeness and transparency, the application was remade and reconsulted to residents (see comments in Section 10).</p> <p>The absence of any street lighting along Fairview Way is an existing situation and the limited number of temporary residents accommodated within the development would not warrant the requirement of street lighting to be installed.</p> <p>Loss of value to property is not a material planning consideration in the assessment of this application.</p> <p>Street lighting does not form part of the proposal and this is acceptable.</p> <p>With respect future occupants of the development being 'major safeguarding risks', and residents being put at a higher risk of violence, crime and ASB from this development, given that residential developments of family homes are not subject to 'a comprehensive police report has to consider the impact of such a development', it would be unreasonable and discriminatory to require these temporary family homes to be subject to such a report.</p> <p>With respect to the adjacent school being oversubscribed, the proposed development would be housing families who are in the Borough, so impact on education would be limited.</p>
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10. Consultation Following Amended Plans received

Public Consultation	
Neighbours	<p>The application was advertised by means of a site notice, posted on 06 September 2024, and notification to 103 properties, including those neighbouring the site, concluding on 27 September 2024.</p> <p>41 submissions were received, 10 of which came from the same named occupant of separate household and 5 of which came from the same named occupant of separate household. They raised the following new material issues:</p>

Validity of the application and national requirements

- Withdrawal and resubmission of application. To ensure fairness and transparency, it is crucial that the previous objections are considered alongside this resubmission, as some objectors may be unaware of the new submission and may not have had an opportunity to resubmit their concerns.
- The failure to notify residents of Fairview Road within the legally required 21-day period following the resubmission of this application is a significant concern. By not adhering to this legal requirement, the applicant has deprived local residents of their rightful opportunity to review and comment on the application.
- The drawings accompanying the resubmission are incomplete and fail to account for essential infrastructure and logistics.
- Failure to update Design and Access Statement
- Biodiversity report is outdated
- Certificate D is invalid
- Certificate D was not notified in the correct local press and was published outside of the 21 days of the date of this application
- Site address is not correct so the application is invalid
- The plant room is not shown on the plans
- Concern that as the applicant is the Council, this application will not be processed in a fair and transparent manner.
- An appropriate contamination assessment should be included with this application.
- The application states NO to the storage of hazardous substances, this is incorrect. The site is to accommodate a septic waste tank for human waste.

Officer Comment:

The application had not been withdrawn and resubmitted. The application was amended to include access to the site from East Street within the red line and to accommodate for a change in the scale and design of the proposed modular units, following the fabrication of the previous modular units being discontinued. The scheme was also amended by replacing the Certificate A with Certificate D to reflect the ownership status along Fairview Road.

The amendments proposed to the scheme are neither fundamental nor substantial, as ownership issues are not a planning matter and the changes to the scale, layout and design of the proposed modular buildings do not result in a fundamentally different scheme from that originally submitted. Furthermore, full consultation has been carried out on the proposed amendments.

A number of allegations have been made by third parties with regards to the publication of this application. The application has been publicised in accordance with the Town and Country Planning

(Development Management Procedure) (England) Order 2015. Local residents adjacent to the site were advised in writing of both original scheme (letters dated 13.02.2023) and the amended scheme (letters dated 06.09.2024), and site notices were displayed for the both the original scheme and amended scheme. Where site notices were removed after display and this was brought to the attention of the Local Planning Authority, Officers have replaced the site notices. The full 21 period following the notification of the amended scheme was given and expired on 27.09.2024. Notwithstanding this, the Local Planning Authority still consider representations received after this date.

By law, the Local Planning Authority must act independently of other Council departments in carrying out its functions. Applications must be decided on the basis of their compliance with development plan policies. The Council's Scheme of Delegation requires planning applications where the Council is the applicant to be determined by the Planning Committee. The Local Planning Authority have processed the application in a fair and transparent manner.

Certificate D is completed where the applicant does not own all of the land to which the application relates and does not know the names and addresses of any of the owners and/or agricultural tenants. In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 notice under Article 13 of application for planning permission, Notice 2 associated with Certificate D must be publicised in a local newspaper. Certificate D was published in the Sutton Guardian on 01/08/2024. The Sutton Guardian is an appropriate local paper that is used for all of the Council's planning press publications.

The purpose of publishing Notice 2 in the local press is to provide any owner or tenant of the land in question to make representation about the application should write to the Council within 21 days of the date of the notice. The Local Planning Authority allowed 21 days to pass prior to consulting on the amended planning application, which included a further press notice.

The process for publishing a Notice 2 is separate from publishing the planning application, there is no requirement to publish Notice 2 and the amended planning application simultaneously or within 21 days of each other.

A Design and Access Statement is a requirement for applications for major development, as defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015; applications for development in a conservation area, where the proposed development consists of one or more dwellings or a building(s) with a floor space of 100 sqm or more or applications for listed building consents. The application falls outside of this criteria

	<p>and as such no Design and Access Statement is required. This is consistent with the Council's Local Validation List, which also does not require a Design and Access Statement for a scheme of this nature. Although a Design and Access Statement was originally submitted with the scheme, this has since been superseded and there is no requirement to provide an updated version to support the amendments.</p> <p>The amended drawings are acceptable for the purposes of supporting a planning application. The plant room has been removed as part of the amended scheme, as the updated units have capability to be connected to mains electricity. Water and foul associated with the proposed modular buildings will be connected to the main water/sewage network. There is no longer a need for the use of a septic tank.</p> <p>Although the application has not been supported by a Phase 1 Ground Contamination Study, this has been recommended to be secured by way of a planning condition by the Council's Contaminated Land Officer. A condition of this nature is typical for applications in or within the vicinity of contaminated land.</p> <p>The Ecology Report has been updated during the assessment of this application. This is discussed in Section 19 of this agenda report.</p>
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PLANNING LEGISLATION, POLICY, AND GUIDANCE

11. Planning Policy

11.1. National Planning Policy Framework 2023 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a Sufficient Supply of Homes
- 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 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15: Conserving and Enhancing the Natural Environment

11.2. 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 CS7: Housing Provision
- Policy CS9: Affordable Housing and Meeting Housing Needs

- Policy CS16: Managing Transport and Travel

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

- Policy DM4: Biodiversity and New Development
- Policy DM5: Trees and Landscape
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM11: Housing Density
- Policy DM12: Housing Standards
- Policy DM19: Development and Flood Risk
- Policy DM21: Meeting Local Housing Needs
- Policy DM24: Employment Uses Outside of Existing Employment Policy Areas
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

11.4. Supplementary Planning Documents and Guidance

- Surrey Transport Plan 2022–2032
- Surrey County Council Vehicular, Electric Vehicle and Cycle Parking Guidance for New Developments 2023
- Parking Standards for Residential Development Supplementary Planning Document 2015
- Single Plot and Other Types of Residential Infill 2003
- Sustainable Design Supplementary Planning Document 2016

11.5. Other Documentation

- Government's Ending Rough Sleeping for Good Policy Paper 2022
- Homelessness and Rough Sleeping Strategy 2022-2027
- Homelessness and Rough Sleeping Strategy Action Plan 2022-2027
- Technical Housing Standards – Nationally Described Space Standards 2015
- Council's Housing and Economic Development Needs Assessment 2023

PLANNING ASSESSMENT

12. Presumption in Favour of Sustainable Development

- 12.1. Paragraph 11 of the NPPF 2023 stipulates that development proposals which accord with an up-to-date development plan should be approved and where a proposal conflicts with an up-to-date development plan, permission should not usually be granted. Although the Council does not have an up-to-date development plan due to expiration, whether the policies contained within are out of date is a matter of planning judgment. Officers are satisfied that the Council's policies which are most important

for determining this application are consistent with those set out in the National Planning Policy Framework.

13. Principle of Development

13.1. Location of Development

13.2. The site is located within the built-up area and the principle of development is acceptable in terms of the objectives, and policies in the CS, the DMPD and supporting guidance and documents. This includes Paragraph 124 of the NPPF 2023, which requires substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.

13.3. Loss of Existing Use

13.4. Policy DM24 of the DMPD seeks to protect the loss of employment floor space outside of existing employment policy areas unless it can be demonstrated that the existing use has a significant adverse effect on residential amenity with no reasonable prospect that this can be alleviated whilst retaining the use; or there is genuine evidence, including that the site has been marketed for a period of at least 18 months, that the site, as it stands, is no longer suitable for its existing, or other employment uses.

13.5. The site is a former builders storage yard, established in the late 1960s, which has been vacant since 2016. The site therefore has a Class B8 (storage and distribution) use under the Town and Country Planning (Use Classes) Order 1987 (as amended), which is an identified employment use in both national and local policy.

13.6. The site was marketed on a Class B8 (storage and distribution) use from December 2017 for a period exceeding 18 months but generated limited interest as a Class B8 (storage and distribution), or any alternative employment use, primarily due to the restricted vehicular access.

13.7. The previous builder's storage yard has co-existed with the adjoining and adjacent residential properties for over 40 years without any record of environmental health cases related to noise and disturbance from the previous operation on site. Although a new Class B8 (storage and distribution) operation could be accommodated on the site without requiring planning permission and could therefore introduce noise and disturbance issues to the site, this is given limited weight, as the marketing history of the site is genuine evidence that the site is no longer suitable for its a Class B8 (storage and distribution) use or any other employment use.

13.8. Policy DM24 of the DMPD advises that where the loss of existing employment land can be demonstrated, new development comprising a mix of commercial and residential uses will be allowed. Given the

marketing history, which evidences limited interest in the site as an employment use, a mixed use development is unsuitable.

- 13.9. The proposal therefore complies with Policy DM24 of the DMPD and the loss of the employment use of the site is accepted.

13.10. Meeting Local Housing Needs

- 13.11. Paragraph 63 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing and families with children.

- 13.12. The Government's 'Ending Rough Sleeping for Good' strategy 2022 lays out their commitment to end rough sleeping by 2024.

- 13.13. Paragraph 13.121 of the Council's Housing and Economic Development Needs Assessment 2023 (HEDNA) identifies that there is a notable need for affordable housing in the Borough, which includes temporary accommodation, and that it is clear that provision of new affordable housing and temporary housing is an important and pressing issue in the Borough.

- 13.14. Council's Homelessness and Rough Sleeping Strategy 2022-2027 identifies a number of key objectives for the Council over the next five years including (inter alia) increasing in-Borough temporary accommodation (key objective 3). The subsequent Homelessness and Rough Sleeping Strategy Action Plan 2022-2027 identifies opportunities for the development of temporary accommodation on Council owned sites.

- 13.15. Policy DM21 of the DMPD allows specialised forms of residential accommodation subject to robust demonstration of need, no over provision and flexible design to accommodate future conversion.

- 13.16. There is high demand for affordable housing throughout the Epsom and Ewell Borough for all types of housing. As of May 2024, there are 1340 households in housing need on the Council's housing register.

- 13.17. Under legislation, the Council is required to provide applicants with emergency accommodation whilst their housing application is being investigated and, if their application is accepted, until they are housed in settled accommodation. This duty is fulfilled through placing applicants in accommodation owned by the Council, a Housing Association, the Private Rented Sector or as a last resort, expensive nightly paid accommodation.

- 13.18. Demand for temporary accommodation is acute, due to the shortage of social housing and the high cost of private rented accommodation, which often prevents the Council from discharging its homeless duty.

- 13.19. The Council has a high number of households in temporary accommodation (currently 240). This figure includes 90 households, who are housed in expensive nightly paid accommodation out of Borough. The total cost of nightly paid accommodation for 2023/24 was £1.75m.
- 13.20. The high demand for and the very low supply of social rented housing is a major contributing factor of homelessness in the Borough, with less than 90 social housing properties becoming available each year. This is especially the case for family sized accommodation, where the average waiting time for applicants with a high housing need in Band B is 18 months for those requiring a 1 bed property; 4-5 years for a 2 bed property and over 10 years for a 3 or larger bed property'.
- 13.21. The proposed modular units are part of a response from the Council to increase the availability of in-Borough temporary accommodation. It is clear from the high number of households in temporary accommodation that the proposal would meet local housing needs and that Policy DM21 of the DMPD is relevant local policy.
- 13.22. The HEDNA and the Council's Homelessness and Rough Sleeping Strategy 2022-2027 identifies that the biggest increase in demand for temporary accommodation is from single adults, the majority of which are placed outside of the Borough. However, single adults tend to be easier to place in affordable accommodation than families, and the focus of this scheme is to meet the pressing need for family accommodation.
- 13.23. Furthermore, the Council's Housing and Economic Development Needs Assessment 2023 calculates that over the period 2018/19-2021/22, the number of households threatened by homelessness in Epsom and Ewell increased by 68%. Given the high need for in-Borough temporary accommodation, the proposal would not result in an overprovision of this particular type of accommodation.
- 13.24. Although the design of the modular buildings would not be sufficiently flexible to readily convert to other appropriate uses, they do not require standard domestic foundations and can be craned out of the site and the site restored, should the need for the use decline.
- 13.25. Whilst there is currently an acute demand for temporary accommodation, should planning permission be granted, a temporary permission of five years would be reasonable to enable a review to take place to reassess the demand and therefore need for such temporary accommodation in the future.
- 13.26. In light of the above, the proposal would meet the requirements of Policy DM21 of the DMPD.

13.27. Reuse of Brownfield Land

13.28. The NPPF makes it clear that development must make the best use of land and optimise the capacity of site, with paragraph 124 (c) of the NPPF indicating that substantial weight should be given to the value of using suitable brownfield land within settlements for identified needs and 124 (d) requiring decision to promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

13.29. Given the high number of households in need of affordable accommodation in the Borough, meeting the demand for the provision of temporary accommodation within the Borough is challenging. It is therefore essential that development proposals make the most efficient use of land that meets the identified acute need.

13.30. The use of the vacant brownfield site for temporary accommodation is acceptable in principle, as it would meet both National and Local policies to make efficient use of the land to meet the Borough's need for new houses. Being temporary, it would also retain its existing lawful B8 use in the long term. However, this would be subject to the principles, objectives, and policies in the CS, the DMPD and supporting guidance and documents.

14. Quality of Accommodation

14.1. Internal Amenity

14.2. Paragraphs 135 and 162 of the NPPF 2023, Policy CS6 of the CS and Policies DM10 and DM12 of the DMPD aim for a functional, adaptable, and sustainable design, with a high standard of amenity.

14.3. The Nationally Described Space Standards 2015 sets out internal space standards for new dwellings at a defined level of occupancy. It further states that to provide two bed spaces, a double/twin bedroom must have a floor area of at least 11.5m² and a single bedroom is required to have a floor area of at least 7.5 m².

Unit	Beds	Persons	Floorspace	Required	Complies
1	2	3	51m ²	61m ²	No
2	2	3	51m ²	61m ²	No
3	2	3	51m ²	61m ²	No

14.4. The internal floor area of the proposed units would fall short of the space standards. Furthermore, the floor area of the proposed double room would also fall short of the 11.5m² requirement.

14.5. Notwithstanding this, the modular buildings are to provide first step temporary accommodation and are not to be used as permanent accommodation for families. By its nature, temporary accommodation takes many forms, such as hotel accommodation or B&B rooms, which do not comply with the Nationally Described Space Standards 2015. The proposed scheme offers a significantly better standard of accommodation than most hotels or B&B's that are available and is also within the Borough, and therefore likely to be closer to existing family links, places of work and education. As the modular buildings themselves are prefabricated, the shortfall in space standards cannot be addressed through redesign of the scheme.

14.6. Therefore, whilst the proposed modular buildings would not fully comply with the space standards, it is clear from the floor plans that a good level of internal amenity is provided for occupiers residing on a temporary basis.

14.7. Outdoor Space

14.8. Policy DM12 of the DMPD and the Householder SPG requires private outdoor space that is usable, functional, safe, and accessible with good access to sunlight.

14.9. Paragraph 3.35 of Policy DM12 of the DMDP requires two bedroom houses to have a minimum of 40m² to achieve policy compliancy.

Unit	Beds	Persons	Amenity	Required	Complies
1	2	3	33m ²	40m ²	No
2	2	3	31m ²	40m ²	No
3	2	3	31m ²	40m ²	No

14.10. The proposal as submitted would provide private amenity space for future temporary occupiers of the development immediately alongside the buildings although it falls below the minimum standard of 40m². The provision of this domestic space to enable clothes drying, outdoors storage etc would not be available in of hotels or B&B's and the proposal would therefore provide a better standard of accommodation. There is public open space within a 10-minute walk (Alexandra Park) that could serve the temporary occupiers for recreation and leisure purposes.

14.11. Therefore, whilst the proposed modular buildings would not fully comply with the external amenity area standards, is clear from the block plan that a good level of external amenity is provided for occupiers residing on a temporary basis.

15. Design and Character

- 15.1. 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.
- 15.2. 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.
- 15.3. Fairview Road is a vehicular cul de sac of six dwellings and has a very varied character, comprising chalet bungalows alongside a terrace. Whilst there is no established building line, the principal elevations of the built form face onto the main highway, providing active frontages.
- 15.4. The site also bounds the far rear curtilages of 131, 131a, 133 and 135 East Street, and provides effective screening of the site from East Street. To the north, the site bounds the substantial car park associated with a retail area, with a petrol station to the west. These boundaries are well treed and also provide effective screening of the site from these public vantages.
- 15.5. Whilst the proposal would not entail any tree removal, it would result in cutting back existing overgrown vegetation within the site, to accommodate the modular buildings. The site would still retain the verdant boundary to the north.
- 15.6. As a result of the overall scale of the site and the layout of the proposed modular buildings, it is acknowledged that the proposal would not respect the pattern of development of the surrounding area. Furthermore, as a result of their overall form and design, the introduction of such built form into any residential context is likely to be at odds with the character and appearance of the area.
- 15.7. However, the built form in the surrounding context of the site is diverse in scale and character and that the site itself is well screened from the East Street and retail park street scenes. The modular buildings would be visible from Fairview Road, through the access. However, the addition of further diverse built form into the street scene would not significantly detract from the visual appearance of the immediate or wider surrounding area.
- 15.8. Although the flat roof version of the modular buildings are also inconsistent with the more traditional design and appearance of the surrounding residential built form, it would nevertheless reduce the overall

height and prominence of the modular homes and it is not something that adversely detracts from the scheme to the extent that it would be unacceptable.

- 15.9. Whilst the modular buildings themselves are of high-quality design, the use of high quality and complementary materials would be key to ensuring that the appearance of the proposal would not be exacerbated in the street scheme. It is therefore considered reasonable to recommend a condition to secure samples of the proposed materials prior to development taking place on this site, should permission be granted.
- 15.10. The proposal would result in the provision of permeable hard surfacing for the vehicle parking area as well as to provide pedestrian access to the modular buildings. In the event permission was granted, it would be subject to a hard and soft landscaping plan to ensure the proposed hard surfacing materials are acceptable for the surrounding area.
- 15.11. Whilst the proposals would not be fully compliant with the design and character policies at Policies CS5 of the CS and DM12 of the DMPD, due to their incompatibility with local character, consideration is given to their single storey height and the surrounding boundary treatment, which would mitigate for their otherwise conflicting appearance within the existing street scene.

16. Neighbour Amenity

- 16.1. 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.

16.2. Levanto

- 16.3. The site lies to the north of the northern boundary of Levanto. The proposed vehicle parking area associated with the proposed development would lie directly and immediately adjacent to this boundary, which could result in some noise and disturbance issues from cars entering and existing the site.
- 16.4. Whilst it is acknowledged that the previous use of the site as a former builder's storage yard would have attracted some vehicle movements, these movements would have been more likely to have been during the day, rather than into the evening, which are vehicular movements typical for residential use.
- 16.5. However, consideration has been given to the site bounding a large retail car park, which must also contribute to vehicular noise into the evening hours, along with the small number of vehicular parking spaces proposed within the site. In light of these considerations, Officers recommend that a close board boundary fence could be erected along the southern

boundary of the site to provide noise attenuation from vehicular movements within the site.

- 16.6. Given the single storey nature of the proposed modular units, they would not create any issues in respect of loss of light, loss of outlook or be overbearing upon the amenities of the occupiers of Levanto. Furthermore, because of their single storey nature, it is considered that a condition securing close board boundary treatment along the south of the site would also address any concerns in respect of overlooking.
- 16.7. The proposal could create issues of light pollution for the occupiers of this neighbouring property, created from the headlights from vehicles existing the site during dark hours. However, such issues would be transitory and not unexpected in urban areas and would not harm the amenities of the occupiers of these neighbouring properties to an extent that would warrant refusal of this application.
- 16.8. The amenity area associated with the closest modular building to this neighbouring property has been located away from the shared boundary. Whilst it is considered that any domestic noise associated with the proposed modular buildings would not exceed the levels associated with typical domestic properties, such as those in the surrounding area, the location of this area some 5- 8 metres from the northern boundary of Levanto, along with boundary fencing, would provide a buffer for the occupiers of this neighbouring property.
- 16.9. 129-135 East Street (odds)**
- 16.10. The site lies to the north of the far rear northern boundaries of 131, 133 and 135 East Street. As a result of the 24-32 metre distances provided between the intervening curtilages of these neighbouring properties and southern boundary of the site, the proposed development would not cause any issues in relation to loss of outlook or overbearing impacts upon the occupiers of these neighbouring properties.
- 16.11. Similarly, as a result of their single storey nature, the proposed modular buildings would not cause any issues of loss of light or overlooking that would harm the amenities of the occupiers of these neighbouring properties.
- 16.12. 3-4 Fairview Road**
- 16.13. The front boundaries of 3-4 Fairview Road lie adjacent to the access of the site, beyond the intervening highway. This intervening highway contributes to a retained distance of 30 metres from the front elevations of these neighbouring properties to the modular buildings themselves. This distance would prevent any issues in relation to loss of outlook or overbearing impacts upon the occupiers of these neighbouring properties.

16.14. Similarly, as a result of their single storey nature, the proposed modular buildings would not cause any issues of loss of light or overlooking that would harm the amenities of the occupiers of these neighbouring properties.

16.15. It is acknowledged that the proposal could create issues of light pollution for the occupiers of these neighbouring properties, created from the headlights from vehicles existing the site during dark hours. However, such issues would be transitory and not unexpected in urban areas and would not harm the amenities of the occupiers of these neighbouring properties to an extent that would warrant a recommendation for the refusal of this application.

16.16. General Amenity

16.17. Whilst the proposed development is likely to generate a greater level of domestic noise through pedestrians and vehicles arriving and leaving the site than the current situation, this level would not be to an extent that would be incongruous within the surrounding residential context or with respect to the level of car movements on Fairview Road.

16.18. Whilst the proposed development would introduce additional light spillage than the existing situation, given the urban character of the area, the light spillage generated by the proposal would not extend to a level above and beyond a domestic use that would otherwise harm the amenities of the occupiers of surrounding properties.

16.19. The construction phase of the development has the potential to cause some minor disruption and inconvenience to nearby occupiers and users of the local highway network. However, these issues would be transient and limited, given that the modular buildings are built off site and hoisted onto the site, and could be minimised through conditions securing working/delivery hours, in the event planning permission is granted.

16.20. In light of the above, it is considered that the proposal would comply with Policies CS5 and CS6 of the CS and DM10 of the DMPD.

17. Parking and Access

17.1. 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.

17.2. Vehicle Access and Manoeuvrability

17.3. Paragraph 114 of the NPPF 2023 requires development to provide safe and suitable access, whilst paragraph 116 seeks to minimise conflicts between pedestrians, cyclists, and vehicles. This is reinforced in Policy CS16 of the CS and DM10(x) of the DMPD.

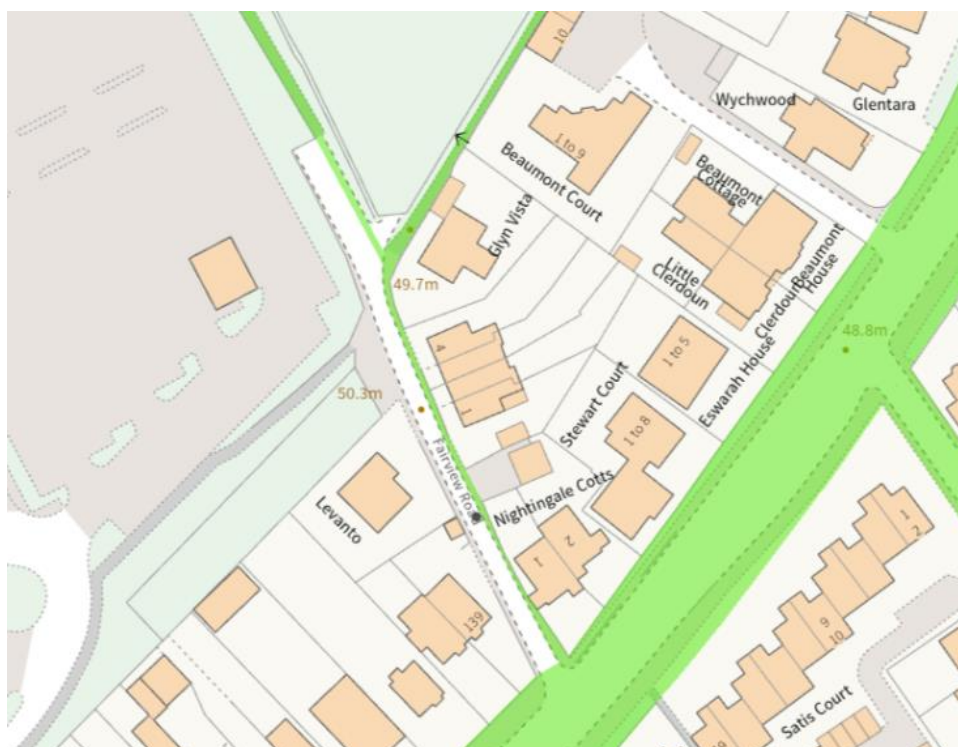
17.4. The site would be accessed via the existing vehicular/pedestrian access from Fairview Road without any additional technical modifications required.

17.5. Traffic Generation

17.6. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

17.7. Paragraph 117 of the NPPF requires developments that will generate significant amounts of movement to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

17.8. Fairview Road is not adopted and therefore does not form part of the public highway. As such, it falls outside of the remit of the County Highway Authority for maintenance. However, Public Footpath 18, which runs down the side of Fairview Road (shown in green on the plan below) is adopted by the County Highway Authority. It aligns with the pavement. The remainder of the road is private road.



- 17.9. In terms of providing statutory comments on planning applications, the County Highway Authority's remit extends to extends to highway safety and capability of on publicly maintained highway. However, the County Highway Authority have advised that they have considered the wider impacts of the proposed development when considering highway safety and operation of the public highway.
- 17.10. The proposal would generate vehicle movements to and from the site as a result of increased residential occupation. Fairview Road currently serves six residential properties as a vehicular access from East Street. Although the proposal for a further three residential buildings would create a perception as creating a significant increase in traffic generation along Fairview Road, the traffic generation associated with three residential units is not so significant as to warrant the County Highway Authority to require the application to be supported by a transport assessment.
- 17.11. Furthermore, the existing Class B8 (storage and distribution) use of the site would have also generate vehicle movements to and from the site. Whilst the proposed modular buildings are therefore likely to create additional traffic generation on the site in respect to the current situation, given the historic traffic generation associated with the existing commercial use of the site and taking into consideration that the associated traffic movements for three residential units would be low, the proposal would not generate a level of traffic movements that would otherwise harm the safety and operation of both Fairview Road and the adjoining public highway.
- 17.12. Pedestrian Access**
- 17.13. Fairview Road is heavily used by pedestrians, in particular it is one of the popular routes used by students at the nearby local schools.
- 17.14. Fairview Road is utilised by both vehicles and pedestrians and the previous use of the site as a Class B8 (storage and distribution) use would have generated a vehicle movements that would have historically contributed to the vehicular use of Fairview Road. Although the County Highway Authority have not raised any concern that the additional traffic generated by the proposed scheme would have an impact upon the safety of pedestrians, it is not unreasonable that concerns are raised by objectors with respect to the potential for additional vehicle movements on Fairview Road to conflict with pedestrians.
- 17.15. However, the constraints of Fairview Road requires both vehicle users and pedestrians to take care whilst utilising the highway. Whilst it is clear that pedestrians have to migrate from Footpath 18 onto the highway when traveling along Fairview Road, due to both the narrowness of the footpath and obstructions over the footpath, there is naturally sharing of the road and this occurs in a satisfactory manner. The additional movements

associated with the proposed development would not unduly upset this balance such that it would justify refusal of the application.

17.16. Car Parking

17.17. Policy DM37 of the DMPD and the Parking Standards for Residential Development SPD specify a minimum requirement for new development.

17.18. In order to meet the Council's Parking Standards, the development would be expected to provide off street parking for 3 vehicles. The proposal includes the provision of three vehicle parking spaces within the site, which would meet policy requirements.

17.19. Cycle Parking

17.20. Policy DM36 of the DMPD requires the provision of cycle networks and facilities and Policy DM37 requires minimum provision of cycle storage as set out in Annexe 2 - Parking Standards for new development.

17.21. The Council's Parking Standards requires cycle parking provision to be in line with the minimum levels identified in the Surrey County Council Vehicle, Cycle and Electric Vehicle Parking Guidance for New Development 2023.

17.22. To meet the County Cycle Standards, the development would be expected to provide secure, undercover cycle storage that would accommodate 3 cycles. In the event that permission is granted, it would be reasonable to seek the design details of this proposed storage.

17.23. Site Sustainability

17.24. 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.

17.25. To promote sustainable transport and to reduce carbon emissions, the County Highway Authority have recommended the following improvements:

- Redesign of the scheme to include a resurfaced carriageway, signage and informal footway (i.e. footway painted onto the carriageway surface) to promote safer pedestrian travel and access for all.
- Provision of Electric Vehicle Charging Points (EVCP) for each of the proposed parking spaces
- Provision of secure, covered and lit cycle storage for at least 3 bicycles, to include electric Charging Point to support the growing use of electric bicycles

17.26. The County Highway Authority have not raised a highway safety objection against the additional traffic or pedestrian generation resulting from the

proposed development. Notwithstanding this, the County Highway Authority are aware that the existing Footpath 18 narrows considerably down Fairview Lane, which forces pedestrians into the road. The County Highway Authority are therefore seeking the resurfacing of the existing carriageway to promote safer management of the mixed streams of traffic down Fairview Road

- 17.27. Paragraph 55 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions.
- 17.28. The NPPG makes it clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:
- (a) necessary;
 - (b) relevant to planning;
 - (c) relevant to the development to be permitted;
 - (d) enforceable;
 - (e) precise; and
 - (f) reasonable in all other respects.
- 17.29. With regards to criterion (a), the County Highways Authority have not provided any justification to demonstrate that a resurfaced carriageway would make the development acceptable in planning terms.
- 17.30. There is also no justification to demonstrate how the resurfaced carriageway is relevant to planning. As there has been no objection to the proposal on highway safety grounds, such a condition would not relate to the scheme. If there is a highway safety concern regarding the narrowness of Public Footpath 18 and the conflict this creates between vehicles and pedestrians, then mitigation for this can be carried out under highway legislation.
- 17.31. In respect to criterion (c), a condition cannot be imposed to remedy a pre-existing problem or issue that has not been created or exacerbated by a proposed development. Whilst there appears to be an existing concern regarding safely managing mixed streams of traffic down Fairview Road, in the absence of any highway safety objection against the additional traffic or pedestrian generation resulting from the proposed development, it is clear that the proposed development would not exacerbate the existing situation.
- 17.32. Any condition that fails to meet the six tests highlighted above should not be imposed. Similarly, whilst the proposal would provide residential accommodation, given that the development would be catering to transitory occupants, it would not be permanent residential development. It would therefore be unreasonable to recommend that electric vehicle and cycle points are provided on the site, as these would also require removal once any temporary consent granted on the site ceases.

17.33. Construction Transport Management Plan

17.34. Should permission be granted, the proposed modular buildings would be delivered to the site via a flatbed lorry and lifted onto the site. To ensure that the delivery and installation of the modular buildings on the site would not coincide with the school pedestrian traffic and to ensure that the delivery and installation would not cause a significant obstruction to the local highway network, it is considered reasonable to recommend a Construction Management Plan condition, in the event permission is granted.

18. Refuse and Recycling Facilities

18.1. Policy CS6 of the CS stipulates that development should minimise waste and encourage recycling. Annex 2 of the Sustainable Design SPD sets out the requirements for refuse/recycling storage in new developments.

18.2. Having reviewed the refuse/recycling arrangements proposed, the Council's Transport and Waste Services Manager considers them to be acceptable in terms of capacity, storage and access.

19. Ecology and Biodiversity

19.1. 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.

19.2. A Preliminary Ecological Assessment, prepared by Fursfen and dated December 2022 indicates that the proposal is unlikely to affect protected species, subject to mitigation measures. The Council's Ecology Officer raises no objections on ecological grounds.

19.3. The Council's Ecologist is satisfied that the methodology and conclusions set out in the Ecological Survey are sound and advises that, in the event permission is granted, a condition to secure the biodiversity enhancements as set out in the Preliminary Ecological Assessment.

19.4. However, the Chartered Institute of Ecology and Environmental Management (CIEEM) advises that Ecological Reports and Surveys have a life span, and that any ecological assessments where the age of data exceeds 18 months a professional ecologist will need to undertake a site visit and review the validity of the report.

19.5. To resolve this issue, the original author of the Preliminary Ecological Assessment carried out a site visit on 21 October 2024 and has confirmed

that the ecological situation on site has remained unchanged since the preparation and submission of the Preliminary Ecological Assessment.

- 19.6. In light of the above, subject to condition, the proposal would not prejudice the existing ecological value of the site and the Local Planning Authority are satisfied that they have carried out their duty of care under Section 41 of the Natural Environment and Rural Communities Act to protect the species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

20. Trees and Landscaping

- 20.1. 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.
- 20.2. The proposal does not involve the removal of any trees but proposes some minor pruning for building clearance. These are acceptable works. A condition is also applied for details of hard and soft landscaping.

21. Flooding and Drainage

21.1. Flood Risk and Vulnerability

- 21.2. 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.
- 21.3. The application is supported by a Sustainable Drainage Assessment, prepared by GeoSmart Information Ltd, reference 78801R1 and dated February 2023. In terms of fluvial flooding, the site is located in an area of low flood risk, outside of Flood Zone 2 and 3 as identified on the Environment Agency Flood Risk Maps and therefore the proposed development, would be wholly in Flood Zone 1. As such the development has low risk of fluvial flooding. Furthermore, the access to the site is also located within Flood Zone 1 and would continue unimpeded to provide safe access to and from the residential developments in the event of a flood.
- 21.4. As the proposed development would lie within Flood Zone 1 and is not within a critical drainage area, neither the sequential test nor the exceptions test, as set out in the Governments guidance 'Flood risk assessment: the sequential test for applicants' 2017 needs to be carried out.

- 21.5. With respect to pluvial flooding, in considering a suitable surface water drainage system, the use of infiltration is considered acceptable, through the provision of rainwater harvesters, permeable surfacing and a soakaway. Rainwater butts would be provided to each new dwelling to receive and store surface water runoff from the roof.
- 21.6. The Lead Local Flood Authority have confirmed that the drainage proposal satisfies the requirements of the NPPF 2023 and has recommended that should permission be granted, a suitable condition is required to ensure that the details of the design of the surface water drainage scheme.
- 21.7. As such, it is considered that the flood risk and surface water flooding have been addressed in accordance with Policy CS6 of the Core Strategy 2007, Policy DM19 of the Development Management Policies Document 2015 and the requirements of the NPPF 2023.

22. Contamination and Remediation

- 22.1. Paragraph 189 of the NPPF 2023 and Policy DM17 of the DMPD requires consideration of ground conditions and risks to end users.
- 22.2. The Council's Land Contamination Officer has advised that the site lies adjacent to Sainsburys Petrol Station and the Kiln Lane Tip (landfill). In the event that permission was granted, the Council's Land Contamination Officer recommends a condition to secure a site investigation scheme and any subsequent remediation.
- 22.3. This condition would ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with Policy DM17 of the DMPD and the requirements of the NPPF 2023.

23. Environmental Sustainability

- 23.1. On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.
- 23.2. Policy CS6 of the CS stipulates that development should incorporate sustainable development and reduce, or have a neutral impact upon, pollution and climate change. This includes incorporation of renewable energy, use of sustainable construction methods and sustainable building design, flood management, reduction in water use and improvement of water quality and minimisation of noise, water, and light pollution.
- 23.3. The application is not supported by any details to demonstrate how the proposed modular buildings incorporate sustainable development measures.

- 23.4. Notwithstanding this, in the event that permission is granted, such details can be secure by way of a condition, providing Officers with control to ensure a sustainable development outcome that would accord with Policies CS1 and CS6 of the Core Strategy.

24. Accessibility and Equality

- 24.1. Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient, and attractive access to be incorporated within the design of the development. The modular buildings are finished with doorways and turning circles for all wheelchair access and level access would be provided into each unit.
- 24.2. 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. The development would not adversely impact these characteristics.

CONCLUSION

25. Planning Balance

- 25.1. The presumption is to grant permission for sustainable development unless any adverse effects of doing so would outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.
- 25.2. Section 2 of the NPPF has an underlying presumption in favour of sustainable development which is carried through to the Development Plan. Policy CS1 of the CS expects development to contribute positively to the social, economic, and environmental improvements in achieving sustainable development whilst protecting and enhancing the natural and built environment.
- ### **25.3. Social Considerations**
- 25.4. The proposal would redevelop an unused vacant brownfield site for an identified housing need. Given the high number of households in need of affordable accommodation in the Borough and how long the deficit is likely to persist, this benefit is given substantial weight in the planning balance.
- 25.5. The proposed development would provide family sized temporary accommodation, meeting a high demand need that has been contributing towards homelessness. The proposed development would therefore meet an identified need in the community, giving this benefit substantial weight in the planning balance.

25.6. Economic Considerations

25.7. Although the financial cost of homelessness to the Council isn't, on its own, a material planning consideration, the scheme would provide some temporary benefits through construction, and would enable homeless residents of the borough a more stable place of residence within the borough, potentially better facilitating local employment opportunities for them. This is afforded limited weight in the planning balance.

25.8. Environmental Adverse Impacts

25.9. Whilst the proposed development would fail to respect the pattern of development and traditional residential character of the area, the site would benefit from both natural and close board screening, limiting views from the site from East Street, Fairview Road and Sainsburys. Notwithstanding this, given the NPPF's focus on sympathetic to local character and history, including the surrounding built environment and landscape setting, this adverse effect is given moderate weight in the planning balance.

25.10. The conflict with the National Space Standards is attributed moderate adverse weight, as a result of the floor plans demonstrating that there would be a good level of internal amenity is provided for occupiers residing on a temporary basis.

25.11. Conclusion

25.12. Overall, whilst there are adverse effects in respect of this application, these outweigh the benefits,. The application is therefore recommended for approval.

RECOMMENDATION

To grant planning permission subject to the following conditions and informatives

Conditions:

1) Time Limit

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2) Temporary Use

The development hereby permitted shall be discontinued and the land restored to its former condition on or before five years from the date of this planning permission.

Reason: To allow the local planning authority an opportunity to assess the effect of the use hereby permitted on the amenities of the occupiers of the adjoining land in accordance with Section 15 of the National Planning Policy Framework 2023 and Policy DM10 of the Development Management Policies Document 2015.

3) Approved Details

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

Site Local Plan at 1:1250
Drawing Number LA-4-01 (Red Line)
Drawing Number LA-4-01
Drawing Number AC-23-01
Drawing Number AS-01-01

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

4) Materials

No development shall commence unless and until details of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy 2007 and Policies D8, D9 and DM10 of the Development Management Policies 2015.

5) Construction Transport Management Plan

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

- a) parking for vehicles of site personnel, operatives and visitors
- b) provision for unloading modular buildings on site
- c) programme of works (including measures for traffic management)
- d) HGV/Flatbed deliveries and hours of operation along Fairview Road to be outside of the hours 07:30 – 09:30 and 15:30 and 17:00. Any HGV/Flatbed

vehicles cannot be laid up or waiting on either East Street or Fairview Road at these times

- e) measures to prevent the deposit of materials on the highway
- f) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- g) on-site turning for construction vehicles
- h) measures to ensure the footway is not obstructed during construction

has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full during the construction of the development.

Reason: For the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2021, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

6) SuDS Details

No development shall commence unless and until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the NPPF and the accompanying PPG. The approved details shall be implemented during the construction of the development and prior to occupation of any of the buildings.

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

7) Hard and Soft Landscaping

No development shall commence unless and until full details, of both hard and soft landscape proposals and boundary treatments, including a schedule of landscape maintenance for a period of 5 years and provision to provide amenity space for each of the three dwellings, has been submitted to and approved in writing by the local planning authority. The approved landscape scheme and boundary treatments shall be implemented no later than the first planting season after the occupation of the development hereby approved and thereafter retained.

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

8) Environmentally Sustainable Development Measures

No development shall commence unless and until full details of environmentally sustainable development and energy conservation measures to be incorporated into the proposed modular buildings are submitted to an approved by the Local Planning Authority. The approved environmentally sustainable measures shall be incorporated into the proposed development prior to first occupation.

Reason: To ensure that new development can help combat and mitigate the impacts of climate change, in accordance with Policies CS1 and CS6 of the Core Strategy 2007

Pre-Occupation Conditions

9) Ground Contamination and Ground Gas

Following any necessary demolition and prior to the first occupation, the following shall be undertaken in accordance with current best practice guidance:

- (i) a site investigation and risk assessment to determine the existence, extent, and concentrations of any made ground/fill (including asbestos), ground gas (including volatile hydrocarbons) and contaminants with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the local planning authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority.
- (ii) If ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority.
- (iii) If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site and verification report shall incorporate the approved additional measures.

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document 2015.

10) Parking/Turning

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

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with Section 9 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.

11) Cycle Facilities

The development hereby approved shall not be first occupied unless and until details for the storage of cycles to be parked in a secure and covered location have been submitted to an approved in writing by the Local Planning Authority. The facilities are to be provided prior to the first occupation of the respective buildings and thereafter the approved facilities shall be retained and maintained for their designated purposes.

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

12) Compliance with Ecological Survey

The development hereby approved shall be carried out in strict accordance with the conclusions and recommendations of the Preliminary Ecology Appraisal, prepared by Preliminary Ecological Assessment, prepared by Fursfen and dated December 2022 prior to first occupation of any of the buildings.

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

13) Hours of Work

Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 07:30 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays

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

Informatives:

1. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
2. Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.
3. The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
 - carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

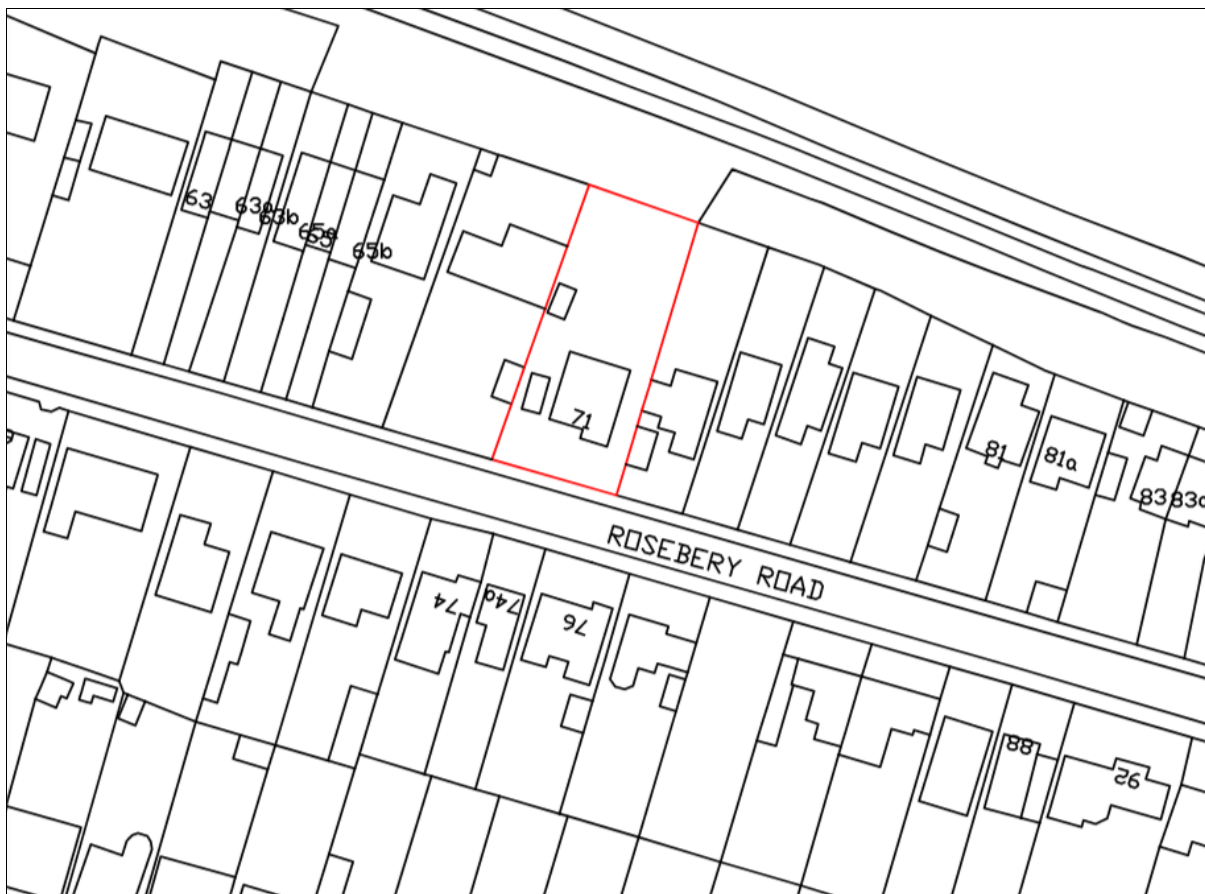
Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or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

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

6. The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, (www.ccscheme.org.uk) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.
7. 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.

24/00992/FUL – 71 Rosebery Road, Epsom, KT18 6AB

Application Number	24/00992/FUL
Application Type	Full Planning Permission (Minor)
Address	71 Rosebery Road, Epsom KT18 6AB
Ward	Woodcote and Langley Vale
Proposal	Demolition of existing single storey dwelling and construction of 3 x 3-bed residential units with car parking, and associated access
Expiry Date	08 November 2024
Recommendation	Approval, subject to conditions, informatives and s106 legal agreement
Number of Submissions	6 (5 objecting, 1 neutral)
Reason for Committee	Called in by Member of the Council
Case Officer	George Smale
Contact Officer	Simon Taylor, Interim Manager
Plans, Documents and Submissions	Available at 24/00992/FUL- 71 Rosebery Road
Glossary of Terms	Found at the following link: Glossary of Terms



SUMMARY

1. Summary and Recommendation

- 1.1. The proposal is for the demolition of the existing single storey bungalow and its replacement with a terraced townhouse building comprising of 3 x 3-bedroom dwellings with associated access, parking provision, and landscaping.
- 1.2. The application is before the Planning Committee as it has been called in by Councillor Bernice Froud who raises concerns of impact on the neighbouring amenity of 73 Rosebery Road and substandard amenity space provision.
- 1.3. The site is located on the northern side of Roseberry Road in the Langley Vale residential settlement area to the south of the Borough. To the rear/north of the site north is the Epsom Downs Nature Conservation Area and designated Green Belt.
- 1.4. The main considerations with the assessment of the impact on the character and appearance of the proposal, the quality of accommodation, and the impact on neighbouring amenities. Five letters of objection (including from Woodcote Residents Association and the Epsom Civic Society) and one neutral letter were received. Objections mostly raise the above considerations as well as the potential impact of the proposal on the highway network.
- 1.5. The proposal will make a positive contribution in boosting housing supply within the Borough. It will not adversely affect the character and appearance of the area. The building's setback and positioning on the plot, height, scale, and form is not dissimilar to properties in the surrounding area.
- 1.6. There is some impact on landscape character through the creation of additional hardstanding. This weighs in the planning balance. The Council's Tree Officer has raised some landscaping concerns but not raised any in-principle objection in terms of impacts to existing trees.
- 1.7. The overall quality of accommodation is acceptable to serve the future residential occupiers. Despite a shortfall of garden amenity space, compensatory front garden amenity space is provided.
- 1.8. There will be limited but acceptable impacts on the immediate neighbouring properties. Parking provision is acceptable for each new dwelling and access arrangements onto the highway are not sought as part of this application. Highways, surface water drainage, and ecological enhancement conditions are recommended.

- 1.9. Biodiversity Net Gain (BNG) obligations are mandatory for new development and will be secured through a section 106 legal agreement.
- 1.10. It is recommended that the proposal is approved subject to a section 106 legal agreement and conditions.

PROPOSAL

2. Description of Proposal

- 2.1. The proposal involves the following works:
- The demolition of the existing single storey detached bungalow
 - Subdivision of the site into three plots
 - Associated engineering operations and excavation works to level the site
 - The erection of a two-storey residential block comprising of 3 x 3-bedroom townhouses
 - Provision of access, car parking, amenity space, tree planting and soft and hard landscaping works
- 2.2. Amended plans were submitted on 11 October 2024 revising the front elevation and on 24 October 2024 to increase soft landscaping to the frontage of all three properties and to remove the rear garden access for the middle property, thus increasing garden area and depth. None of the changes necessitated reconsultation.

3. Key Information

	Existing	Proposed
Site Area	780m ²	
Units	1	3
Floorspace	80m ²	Unit 7A & 7C- 114m ² Unit 7B- 118m ²
Number of Storeys	1	2 with a second floor loft
Density	12.8	38.5
Affordable Units	0	0
Car Parking Spaces	2	6
Cycle Parking Spaces	0	6

SITE

4. Description

- 4.1. The site is in the residential settlement area of Langley Vale on the northern side of Rosebery Road to the south of the Borough. Forming a

linear plot, the site inclines from the street to the rear. The plot has a moderately sized front garden area, followed by a single storey detached bungalow, and a large rear garden.

- 4.2. A single-track rear driveway extends from the highway to a single storey detached garage. There are several trees within and adjacent to the rear boundaries of the site.
- 4.3. There is an inconsistent building line on the northern side of Rosebery and a mixed typology of detached, semi-detached, and terraced dwellings in the area. The street scene is also characterised by a variety of different architectural styles and design forms with no defined identity.
- 4.4. Epsom Downs borders the site to the north as well as land associated with equine training. The site is designated within a built-up area but adjoins green belt land. Part of the rear garden is sited within a Nature Conservation Area.

5. Constraints

- Built Up Area
- Settlement Edge (Adjoining the Green Belt)
- Nature Conservation Site (rear)
- Site of Special Scientific Interest Risk Area
- Great Crested Newt Impact Zone (low habitat suitability)
- Land Adjacent to Tree Inspections (Epsom Downs House Boundaries)
- Tree Preservation Order 97/T17- Cypress Tree
- Flood Zone 1
- Unclassified Road

6. History

6.1. The following applications relate to the site:

App No.	Description	Status
88/00709/FUL	Two storey side extension	Granted 24 February 1989
89/00412/FUL	Conservatory addition at rear	Granted 20 July 1989

CONSULTATIONS

Consultee	Comments
Internal Consultees	
Trees	Some initial concerns with past felling of trees and ambiguity of Tree Protection Plan and the extent of hardstanding to the frontage of the property but no in-principle objection raised
Highway Authority	No objection subject to conditions

Consultee	Comments
Ecology	No comments received
Waste	No comments received
External Consultees	
Natural England	No comments received
Public Consultation	
Neighbours	<p>The application was advertised by means of notification to 10 neighbouring properties, concluding on 29 August 2024. Six submissions (five objection letters and one neutral comment) were received. They raised the following issues:</p> <p>Character and Design</p> <ul style="list-style-type: none"> • The scheme fails to harmonise with the surrounding built environment and to integrate with local distinctiveness. • The current proposal, despite its singular block form, reads as three distinct and separate units. • Visually cluttered and overcrowded appearance disrupts the street character. • The rear elevation of the building and its three-storey appearance of the building is overly dominant. • Prevailing scale and elevated massing are out of keeping with the surrounding properties which are predominantly two storey dwellings with modest single storey extensions • Height and bulk appear disproportionate with the context of the immediate area when viewed from neighbouring gardens and rear facing windows. Substantially higher roof line than the current property. • Design and Layout is cramped and over-intensive • Overdevelopment of the site. • Detraction from the spacious and open coherent character of the street scene. • Semi-detached property would be a more appropriate residential scheme. • Detrimental character harm is exacerbated by the removal (completed) of two moderate quality trees. <p>Officer comment: This is discussed in the body of the report. A different typology of housing has not been proposed and is not relevant to the assessment of the application.</p>

Consultee	Comments
	<p>Neighbouring amenities</p> <p>Set back of the building will result in an overbearing and dominant form to the neighbouring property of No.73 reducing the enjoyment of its outdoor amenity space and interior rooms.</p> <ul style="list-style-type: none"> • Change in outlook from the neighbouring properties. • Harm to the views from neighbouring properties. • The proposed side windows will result in overlooking of No.73's rear garden and living spaces. • The single storey element of the building breaches the 45-degree line resulting in an unacceptable reduction of daylight and sunlight to No.73 particularly during winter months. • The proposal would result in a substantial reduction of residential amenity of No.73. • Incorrect statement in the submitted daylight and sunlight report in respect to the movement of the sun. • Adverse noise. • Conflict with the Single Plot and Other Types of Residential Infill Development supplementary planning guidance in respect to separation distances. <p>Officer comment: This is discussed in the body of the report. Overbearing concerns are noted although there is no right to a view.</p> <p>Residential amenity</p> <ul style="list-style-type: none"> • Private (outdoor) amenity space would be substantially below the 70m2 requirement, especially in the case of No.71A & No.71B. • Substandard level of amenity would fail to meet the needs of families with young children. <p>Officer comment: A departure with the outdoor amenity space requirement is noted with respect to the rear garden. However, it is complemented by front garden space which, overall, is acceptable. See the body of the report.</p> <p>Trees and Ecology</p> <ul style="list-style-type: none"> • The submitted arboricultural report identifies potential damage to the protected Lawson Cypress Tree. • Ambiguity about the extent of the Root Protection Area and the canopy spread appears larger than what is shown on the RPA plan. • Potential pruning of the new tree by the new occupiers. • Adverse harm to protected species, namely bats, owls, and woodpeckers.

Consultee	Comments
	<p>Officer comment: This is discussed in the body of the report. The potential pruning of the Lawson Cypress tree is a hypothetical statement which is not relevant to the determination of the application.</p> <p>Highways and Traffic</p> <ul style="list-style-type: none"> • Adverse impacts on parking and traffic from the development. • Reference to previous applications and concerns about parking and traffic. • Incorrect statement that there will be an increase in parking provision, with reference to existing parking arrangements and habits. • More vehicle movements adversely impacting on traffic and the environment. • It is not practical for vehicles to park one behind each other and may give rise to further off-street parking. • Concerns that there would be an adverse impact on highway safety. • Construction works and impact on the highway network. • Side parking would be more appropriate. <p>Officer comment: This is discussed in the body of the report. There are no issues with driveway parking. The applicant's statement on parking provision refers to on-site parking provision rather than off-site. Side parking has not been proposed and is not relevant to the assessment of this application.</p> <p>Other</p> <ul style="list-style-type: none"> • Concerns that if planning permission is granted, the scheme won't be built out. Suggestions of a conditional deadline for completion. • Impact on property value. • Incorrect information provided in the application submission. <p>Officer comment: The LPA cannot impose a mandatory build-out condition, and this would not meet any of the six tests for a condition as set out in paragraph 55 of the NPPF. Property value is not a material planning consideration. The applicants supporting information has been reviewed and is not deemed to be fundamentally inaccurate or misleading.</p> <ul style="list-style-type: none"> • Policy concerns regarding housing delivery within the borough. <p>Officer comment: Planning policy matters regarding wider housing supply issues are not relevant to determination of this application.</p>

Consultee	Comments
Ward Member	<p>The application has been called in to planning committee by Councillor Bernice Froud who raises the following concerns:</p> <ul style="list-style-type: none"> • Impact on the neighbouring amenities of No.73 Rosebery Road. • Substandard amenity space provision. <p>Officer comment: This is discussed in the body of the report.</p>

PLANNING LEGISLATION, POLICY, AND GUIDANCE

7. Legislation and Regulations

- 7.1. Town and Country Planning Act 1990
- 7.2. Environment Act 2021
- 7.3. Housing and Planning Act 2016
- 7.4. Levelling-Up and Regeneration Act 2023
- 7.5. 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 5: Delivering a Sufficient Supply of Homes
 - 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 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- 8.2. 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 CS7: Housing Provision
 - Policy CS12: Developer Contributions to Community Infrastructure
 - Policy CS16: Managing Transport and Travel
- 8.3. Epsom and Ewell Development Management Policies Document 2015 (DMPD)
 - Policy DM4: Biodiversity and New Development
 - Policy DM5: Trees and Landscape
 - Policy DM9: Townscape Character and Local Distinctiveness
 - Policy DM10: Design Requirements for New Developments

- Policy DM11: Housing Density
- Policy DM12: Housing Standards
- Policy DM19: Development and Flood Risk
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards
- Policy DM38: Rear Servicing

9. Supporting Guidance

- 9.1. National Planning Policy Guidance (NPPG)
- Biodiversity Net Gain (draft)
 - Climate Change
 - Community Infrastructure Levy
 - Design: Process and Tools
 - Determining a Planning Application
 - Effective Use of Land
 - Noise
 - Tree Preservation Orders and Trees in Conservation Areas
 - Use of Planning Conditions
- 9.2. Supplementary Planning Documents and Guidance
- Single Plot and Other Types of Residential Infill 2003
 - Parking Standards for Residential Development Supplementary Planning Document 2015
 - Surrey County Council Vehicular and Cycle Parking Guidance 2018
 - Surrey Transport Plan 2022–2032
 - Sustainable Design Supplementary Planning Document 2016
- 9.3. Other Documentation
- Solar Panel Guidance Note for Domestic Installation 2011
 - Technical Housing Standards – Nationally Described Space Standards 2015
 - Community Infrastructure Levy Charging Schedule 2014
 - Housing and Economic Development Needs Assessment (HEDNA) 2023

PLANNING ASSESSMENT

10. Presumption in Favour of Sustainable Development

- 10.1. Paragraph 11 of the NPPF 2023 stipulates that development proposals which accord with an up-to-date development plan should be approved and where a proposal conflicts with an up-to-date development plan, permission should not usually be granted. Currently, the Council does not have an up-to-date development plan on account of not being able to demonstrate a five-year supply of housing.

- 10.2. Paragraph 11(d) of the NPPF 2023 is engaged where the Council's policies which are most important for determining the application are out-of-date. The practical application and consequence of this is that unless the site is in an area or affects an asset of particular importance that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

11. Principle of Development

11.1. Location of Development

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

11.3. Housing Delivery

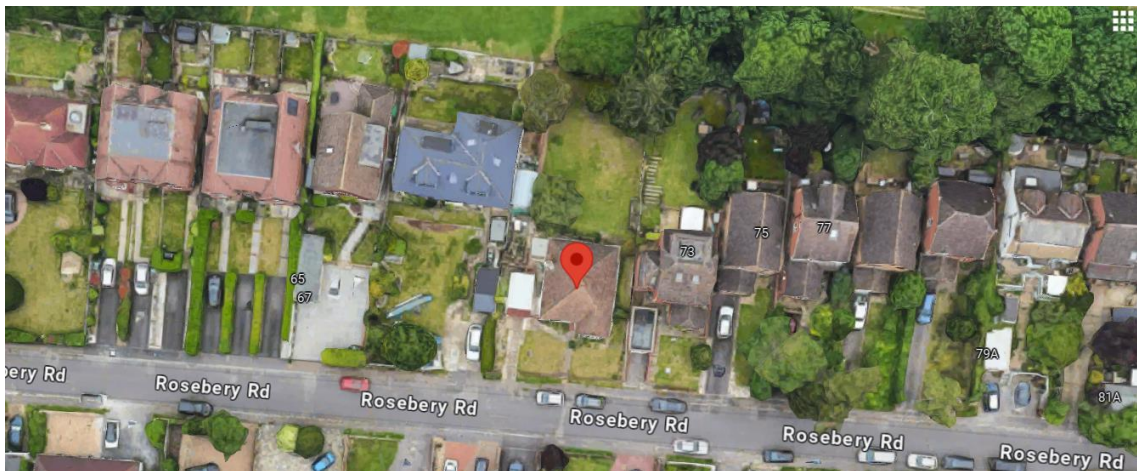
- 11.4. Paragraph 60 of the NPPF Paragraph 60 aims to significantly boost the supply of homes in areas where it is needed and addressing specific needs. The Council's housing targets are contained in Policy CS7 of the CS, which is updated via the Council's Housing and Economic Development Needs Assessment 2023 (HEDNA).
- 11.5. The Council has calculated its five-year housing land supply position as being 1.56 years. The Council is presently falling significantly short of this requirement and cannot presently demonstrate five years housing land supply. The proposal will make a modest contribution to improving housing delivery within the Borough given the provision of two additional family sized dwellinghouses on the site.

12. Design and Character

12.1. Built Form, Pattern and Layout

- 12.2. 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.

- 12.3. On the northern side of Rosebery Road there is no distinct and uniform pattern of development. Some buildings are cited centrally within the plot or set back a considerable distance from the frontage whereas others are sited further forward. There is no consistent building line, the layout of buildings appears somewhat sporadic.
- 12.4. There is also a stark difference between the set back of some properties on Rosebery Road to each other. For example, there is a substantial 14m distance between the frontage of the existing property and No.69. A similar relationship can also be identified between properties such as No.57 and No.59.



- 12.5. The existing bungalow is sited well forward of the building line. The coverage of development on the plot is modest but openness and spaciousness is not the predominant character. Parking is typically located to the front of properties across single bay width with soft landscaping infilling the rest of the frontage.
- 12.6. The proposed development will be sited at least 14.5m from the site frontage which is around 8.3m further back than the existing dwelling. The building will have a stepped nature and will be sited slightly further forward than No.71 and around 7m further back from No.73's building line.
- 12.7. The set back of the new building would more closely align to the prevailing building line of the immediate row of surrounding properties. Whilst the difference in the building line between the proposal and No.73 is recognised, given the variation discussed this will not result in harm to the character or built pattern of the proposed development.
- 12.8. The individual three plots would be relatively narrow. Yet, they are not as narrow as the terraced dwellings on separate plots at No. 63-65b and at Nos. 97-109, all of which offer an appropriate level of internal amenity. There is therefore recent precedent in close proximity.

- 12.9. In terms of development coverage on the site, the existing dwelling and incidental buildings accord for 17% of the site area compared to 26% for the proposed dwelling respectively. A 9% increase of on-site built form is modest and the development coverage of 26% is not dissimilar to other plots in the surrounding area. For instance, No.65a – No.65c, has a development coverage of 27% of the site area.
- 12.10. The proposal affords suitable separation distances from the side flanks to the side boundaries of the neighbouring properties; 1.6m to the western boundary and 1.7m to the eastern boundary. Linear rear gardens will also be maintained in a similar layout to other properties. In light of these findings, the proposal does not result in the overdevelopment of the site.

12.11. Density

- 12.12. Policy DM11 of the DMPD aims for the most efficient use of development sites with a demonstration of how density would contribute towards maintaining and enhancing the visual character and appearance of the wider townscape and lead to no net loss of biodiversity. Density is limited to 40 dwellings per hectare or higher where there is good site sustainability and it conforms to the surrounding townscape.

Planning unit	Dwellings	Dwellings per hectare
Existing site	1	13.3
Proposed site	3	40
Surrounding area		27.5

- 12.13. The proposal is policy compliant in the proposed housing density does not exceed 40 units per hectare. It is also broadly consistent with the surrounding area, which includes a density of 55-66 dwellings per hectare within the examples cited above. This illustrates the acceptability of the scale and typology of the scheme in this locality.

12.14. Scale, Size, Height, Form, and Activity

- 12.15. The proposal comprises of a large two storey-built form separated into three equally sized terraced dwellings. From No.71c to No.71b and No.71a there will be stepped back nature to the building and three two storey gable features on the front façade of each dwelling.
- 12.16. The development comprises a proportionate pitched roof main form that reaches a maximum ridge height of 8.8m and an eaves height of 5.4m. The width of the building will be maintained at 14.3m and at a depth of 13.7m with an overall footprint of 195m².
- 12.17. In respect to design and architectural styles, there is considerable variety on Roseberry Road. Many adopt a standard pitched style, others adopt hipped roof forms, and there is a mix of typologies such as detached, semi-detached, terraces, and flatted units, and design forms such as dormers or bay windows.

- 12.18. Concerns have been raised from the consultation with the adverse design impacts of the stepped back building along with its excessive scale and height.
- 12.19. It is acknowledged that the steeped back nature of the building results in reduced architectural cohesiveness of the structure. However, some of the properties on Rosebery Road have adopted side extensions of a variety of sizes, so this design style is not necessarily absent or alien to the character of the area. Furthermore, each of the dwellings have an equal proportions and the same design features ensuring coherence and visual symmetry. Given the distance of the building line from the frontage, it is also likely that the step back will appear somewhat inconspicuous or less prominent from the street scene.
- 12.20. In respect to building height, the proposal will have a consistent ridge line of 8.8m above ground level. While a pitched roof form exacerbates bulk and massing, there are appropriate separation distance between the side flank of the proposal and the side flank of the neighbouring properties, maintaining views between properties. Furthermore, the proposal would only be slightly taller than the neighbouring property No.73 and is not as tall as some of the properties on the northern side of Roseberry such as No.87 & No.87a (in excess of 10m).
- 12.21. As such, the proposal will not appear visually dominant or oppressive when viewed in conjunction with the neighbouring properties or the street scene.
- 12.22. The gable design features are proportionate to each other and the building and add articulation. They also integrate well into the overall design, whilst contributing to the character of surrounding terraced dwellings (No.63 – No.65b). Roof lights and solar panels are common features on the front roof plane.
- 12.23. The design additions to the rear are not excessive or out of keeping. Dormers are sited centrally and form within the centre of the roof slope; away from the eaves line, below the ridge, and appropriate distance from the side of the roof. The first floor of the proposal projects five metres further than the proposal although there a similar distance separating the side flanks of the development and the neighbouring property. This will mitigate any concerns of visual dominance of the proposal to the rear of the building.
- 12.24. The single storey extensions are modest in size and scale. The overall depth of the proposal is substantial but is similar to many properties in the immediate surrounding area.

12.25. Materiality

12.26. Section 6.29 of the application form states that primary materials used will be brickwork, clay roof tiles, and metal/ UPVC rainwater goods. Windows will comprise of double or triple glazed uPVC aluminium frames.

12.27. While there is some detail there is some ambiguity with the materials selected. Moreover, the external cladding for the gables and dormers has not been specified. As such, it is necessary to impose a pre-commencement condition to ensure that confirmed materials are specified and deemed acceptable by the local planning authority.

12.28. Landscape Character

12.29. 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.'

12.30. There will be a significant change to the landscape character to the front of the site because of the introduction of two additional driveways. However, given the set back of the new building, there is also an opportunity to enhance landscape and biodiversity features to the front of the site, offering improvements to the streetscene.

12.31. The site plan provided shows an indicative landscaping plan showing provision of two parking spaces per dwelling, one behind another. The space either side will be laid to hardstanding, albeit permeable. Planting beds are proposed along each boundary, with their depth increased in the most recent plans. This arrangement is not necessarily uncommon for the surrounding area (a similar amount of greenery is proposed to No.63 – No.65b) though hardstanding is still prominent. There is an objection raised on this point by the Council's Tree Officer. The overall impact on the streetscene is minor but still weighs in the planning balance. Notwithstanding, a condition requiring hard and soft landscaping details allows for improvements to this layout prior to the commencement of the development.

12.32. The applicant also proposes tree and hedgerow planting to the rear with soft landscaping making up the majority of the rear gardens. The Tree Officer has raised some initial concerns that tree and hedgerow planting may not be achievable, mostly with respect to the soil type and planting pits. However, this would not be fatal to the application insofar as there is adequate growing space and species selection can be considered. The past removal of two conifer trees within the subject site were Spruce trees. Replanting is conditioned which will need to generate viable tree that mitigate the loss of existing tree features in terms of canopy cover.

12.33. Overall, with a relatively extensive landscape scheme and limited detail or specifications, it will be conditioned that a hard and soft landscaping scheme is submitted prior to commencement of the development. This would extend to boundary treatments.

12.34. Sustainability in Design

12.35. On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.

12.36. Policy CS6 of the CS stipulates that development should incorporate sustainable development and reduce, or have a neutral impact upon, pollution and climate change. This includes incorporation of renewable energy, use of sustainable construction methods and sustainable building design, flood management, reduction in water use and improvement of water quality and minimisation of noise, water, and light pollution.

12.37. Paragraph 125 of the National Design guide states that well designed homes and buildings are efficient and cost effective to run. They help to reduce greenhouse gas emissions by incorporating features that encourage sustainable lifestyles. They have good ventilation, avoid overheating, minimise sound pollution and have good air quality, while providing comfort personal control for their users.

12.38. A selection of sustainability measures has been set out in the submitted Planning, Design and Access Statement. This includes the installation of a PV Solar Panel System, Air and Ground Source Heat Pumps, and water efficiency measures. These measures are satisfactory but not enforceable as the documentation does not indicate that it will be delivered. As such, delivery of these requirements are conditioned.

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. The Lawson Cypress tree in the rear garden of No.73 (T4 on the arboricultural documentation) is subject to Tree Preservation Order (97/T17) though there is some ambiguity with the Council's records. Nonetheless, the Council's Tree Officer views this as an unremarkable C category tree as classified under the BS 5837 quality assessment. It is formed of 3 separate stems the largest of which is approximately 420mm in diameter at 1.4m above ground level. This gives a root protection radius of 5.1m. The closest of the proposed dwellings has a clearance of approximately 9.5m from the tree which is comfortably outside the root protection area. A condition is applied requiring compliance with the tree

protection plan and methods contained within the arboricultural report produced by Ecology Resources dated March 2024.

- 13.3. There are no level details on the arboricultural implications plan, though providing the rear garden follows the land contours there should be no risk of root damage. Site levels are conditioned as assurance.
- 13.4. The dominance and shading of the Cypress tree could be kept under control by the recommended periodic pruning thus not prejudicing the use of the subject sites. Overall, no objection is raised in relation to protection of existing trees.

14. Quality of Accommodation

14.1. Internal Amenity

- 14.2. Paragraphs 135 and 162 of the NPPF 2023, Policy CS6 of the CS and Policies DM10 and DM12 of the DMPD aim for a functional, adaptable, and sustainable design, with a high standard of amenity, including with respect to layout, orientation, and massing.

Unit	Beds	Aspect	Orientation	Depth
71A	3	Northern	West - East	13.7m
71B	3	Northern	West – East	13.7m
71C	3	Northern	West - East	13.7m

- 14.3. All the properties on the northern side of Roseberry Road are north facing. It is presumed that many of these buildings are set back from the frontage of the plot to maximise daylight to modest-sized front gardens and natural light to front windows.
- 14.4. The ground floor lounge and first floor bedrooms to the front of the building will be provided with a considerable level of natural light throughout the day.
- 14.5. To the centre of the ground floor, the front of the kitchen is situated less than 8m from the bi-fold doors to the rear of the property. Even though the properties would have a north facing garden, an acceptable level of natural light and air would pass through to this area.
- 14.6. Bedrooms 1 and 3 to the rear of the building host large windows which will also allow acceptable internal amenity provision.
- 14.7. The development is functional as a family home and has been provided with appropriate facilities to accommodate such occupiers. No objections are raised.

14.8. Internal Space

- 14.9. The Nationally Described Space Standards 2015 sets out internal space standards for new dwellings at a defined level of occupancy. It further

states that to provide two bed spaces, a double/twin bedroom must have a floor area of at least 11.5m² and a single bedroom is required to have a floor area of at least 7.5 m².

Unit	Beds	Persons	Floorspace	Required	Complies
71A	3	5	114m ²	99m ²	Yes
71B	3	5	118m ²	99m ²	Yes
71C	3	5	114m ²	99m ²	Yes

Unit	Beds/ Persons	Bed 1	Bed 2	Bed 3	Storage	Complies
71A	3B/5P	14m ²	14m ²	13m ²	>3m ²	Yes
71B	3B/5P	14.5m ²	14.5m ²	14m ²	>3m ²	Yes
71C	3B/5P	14m ²	14m ²	13m ²	>3m ²	Yes

14.10. The proposal complies with technical standards and no objection is raised.

14.11. Outdoor Space

14.12. Policy DM12 of the DMPD and the Householder SPG requires private outdoor space that is usable, functional, safe, and accessible with good access to sunlight and a minimum depth of 10m and area of 70m².

Unit	Beds	Provided		Required		Complies
		Depth	Area	Depth	Area	
1	3B/5P	8.4m	43m ²	10m ²	70m ²	No
2	3B/5P	10.2m	49m ²	10m ²	70m ²	No
3	3B/5P	12m	78m ²	10m ²	70m ²	Yes

14.13. Unit 71C does comply with the local plan policy standard whereas Units 71A & 71B do not meet the standard by a substantial level.

14.14. Notwithstanding, although not fully private, the front garden amenity space should be taken into consideration. As with many other properties on the northern side of Rosebery Road, the sun's orientation is maximised at the front of the property rather than to the north facing rear.

14.15. The shortfall of amenity space to the rear of the properties can be outweighed by the amenity provision on the frontage of the site. Furthermore, the outdoor amenity space provided is not dissimilar to many other properties on Roseberry Road.

- 14.16. The underlying conclusion is that whilst not policy compliant, the proposal does not result in a substandard level of amenity for future occupants. However, it is still prudent to remove permitted development rights with respect to rear extensions (Class A) and outbuildings (Class E) to protect the level of rear amenity space.

15. Neighbour Amenity

- 15.1. 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.

- 15.2. The main properties that will be impacted by the proposal are the two immediate neighbours, No.73 and No.69. Noise impacts are also discussed.

No.73 Rosebery Road

- 15.3. The main concern arisen from the public consultation is that the setback of the development on the plot would appear visually dominating and overbearing from the neighbouring property and would result in adverse overshadowing impacts from the garden.

- 15.4. Leading out from rear bi-fold doors of the neighbouring property is a rear patio with a retaining wall and a small area of grassland. Steps lead out to a garden area beyond. When stepping out the rear patio doors, the extension would be visible from a western outlook. However, the central view across the rear garden would be largely unobstructed given the separation distances between the properties. The majority of the garden remains open.

- 15.5. The single storey element will retain a 1.6m distance between the boundary and will be partially obscured by hedge planting along the eastern boundary of the site. Given that the area adjacent is predominantly used as side access to the main garden and is not the primary patio space, there are no concerns that the single storey extension is detrimentally harmful.

- 15.6. The first floor of the proposal would project 5.4m from the rear building line of its neighbour but a 4.6m separation distance would be maintained between both side flanks. The new ridge line of No.71C would align with the rear building line of the neighbour, reducing height as the first-floor depth extends.

- 15.7. There is a similar relationship between the first floor set back of No.75 to No.73, with a much smaller separation distance between both properties. These relationships described are common on the northern side of Rosebery Road. Much of the issue arises from the inconsistency in the

building line rather than any unsatisfactory elements of the subject proposal.

- 15.8. As a result, the proposal will not appear visually dominant and overbearing to the neighbouring property. The respectable separation distances observed will limit a sense of enclosure to an acceptable extent.



- 15.9. The ground floor rear elevation window nearest to the boundary shared with No.71C is the only one which is likely to be impacted by the development in terms of overshadowing, as well as part of the rear garden. The ground floor windows on the western side extension of the building are screened by existing vegetation and will not be impacted by the development.
- 15.10. A daylight and sunlight report has been provided to support the application. In Section 6 of the report, the daylight findings indicate that three individual windows, serving two rooms of 73 Rosebery Road, fall short of the BRE guidance in terms of breaching the 25-degree angle of the horizontal which is taken from the ridge line of the proposal. However, the report highlights that both of these rooms are served by multiple windows. The report also finds that the Vertical Sky Component (VSC) for the rooms affected meets BRE guidance.
- 15.11. The LPA have reviewed the findings and can confirm the results are accurate. However, the 25-degree angle taken from the horizontal is only applicable to one kitchen/living room windows of No.73. It is agreed that the daylight level within the rooms will not be adversely impacted by the development.
- 15.12. Section 7 informs of a sunlight analysis which has been undertaken, confirming accordance with BRE Guidance. For the first floor of No.71C, the 45-degree rule is not breached on plan or elevation form. The rule is breached on plan form for the single storey extension element, but this

would not be the case on elevation form given the separation distances within the property and modest height.

- 15.13. In terms of analysing the pathway of the sun and the impact on garden amenity of the neighbouring occupiers, in the winter months there would be no loss of afternoon sunlight for the occupiers of No.73. In the summer months, there would be little to no effect to the garden of the neighbouring property. The sun will be higher in the sky for longer during the afternoon and will be in the pathway of sunlight to the property during the evening. Furthermore, the impact of the development and the pathway of the sun is not too dissimilar to existing plot, albeit the existing property is not two storey.
- 15.14. The findings of the report reveal that the main rear garden of the proposal retains 93% of its current amenity, and the LPA agree that this is accurate. While there will be a marginal impact on overshadowing of the neighbouring, this is not deemed to result in detrimental material harm.
- 15.15. In terms of overlooking, there is one proposed first floor side window on No.71C which serves a staircase. To mitigate against potential impacts of overlooking it will be conditioned that this window is obscurely glazed and fixed shut.
- 15.16. The first and second floor windows in the rear elevation will face directly towards the rear garden, only resulting in oblique views of the neighbouring property. This will not result in detrimental harm.

No.69 Rosebery Road

- 15.17. The proposal does not extend further than the rear building line of No.69 and therefore it is not anticipated that there will be any overshadowing or overbearing impacts.
- 15.18. In respect to overlooking, one window is proposed on the first floor and one on the second floor of the eastern side elevation of Unit 71A. The first-floor window will serve a bathroom. The second-floor window will serve a bedroom yet is not the primary window for the habitable room. As such, it is appropriate to impose a condition to ensure these windows are obscurely glazed.
- 15.19. The first and second floor windows in the rear elevation will face directly towards the rear garden, only resulting in oblique views of the neighbouring property. This will not result in detrimental harm.

Noise

- 15.20. The additional noise impacts foreseen from an additional two small family-dwellinghouses in an existing residential area on an appropriately sized plot is not deemed to be detrimentally harmful to neighbouring occupants.

16. Parking and Access

16.1. 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.

16.2. Car Parking

16.3. Policy DM37 of the DMPD and the Parking Standards for Residential Development SPD specify a minimum requirement for two parking spaces for a 3-bed dwelling. Parking spaces are to be 2.4m x 4.8m or 3m x 5.5m within a garage.

16.4. The proposal involves the creation of six parking spaces to the front of the site - two for each of the three dwellings, and they will be sited one behind each other on each plot. The scheme is compliant in this regard and meets the required space standards. There are no issues with the stacked arrangement, which is commonplace in a residential setting.

16.5. Provision of one electric vehicle charging point per dwelling will be conditioned as part of the decision notice.

16.6. Cycle Parking

16.7. Policy DM36 of the DMPD requires the provision of cycle networks and facilities and Policy DM37 requires minimum provision of cycle storage as set out in Annexe 2 - Parking Standards for new development.

16.8. The Highways Officer has recommended a cycle storage condition. However, cycle storage provision has been provided as part of the development proposal in safe and secure areas of the site. Compliance is the only conditional requirement.

16.9. Pedestrian and Vehicle Access and Manoeuvrability

16.10. 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.

16.11. Access onto the highway has not been shown for two of three dwellings but it is achievable and this does not prevent the Council from recommending approval. A separate planning consent to carry out dropped kerb works to the existing access is required which is on Surrey

County Highway land. There is no in-principle objection to this via a Section 278 Agreement. Reversing onto the road is acceptable on account of its unclassified status.

16.12. Traffic Generation

16.13. The traffic generated by four additional cars is not foreseen to have adverse implications on the highway network. The Highway Authority have not objected on these grounds.

16.14. Construction Management

16.15. Concerns have been raised that the construction works from the proposal will adversely impact the amenities of neighbouring properties. Development works are only temporary, and a construction management condition will be imposed to ensure any adverse impacts of works will be adequately mitigated.

17. Ecology and Biodiversity

17.1. Ecological Impact

17.2. 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.

17.3. An ecological survey was submitted with the application which indicates that the demolition of the existing building is unlikely to affect bats or other protected species.

17.4. The site is within a SSSI Impact Risk Zone Area. However, due to the minor nature of the proposal and as the site is in built-up area with low ecological status, there is no foreseeable harm to protected species and no objection raised. An informative is included to cease works if protected species are encountered during construction.

17.5. No ecological enhancement opportunities have been specified. This will also be added as a prior to occupation condition.

17.6. Biodiversity Net Gain

17.7. 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.

- 17.8. The application was accompanied by a BNG Assessment and Metric Tool. A Baseline Assessment has been undertaken which identifies that the proposal results in a net loss of 95.02% of Biodiversity Units on site. This includes the additional hedgerow units added to the landscaping proposal.
- 17.9. The applicant has indicated that the 10% biodiversity net gain will be delivered as off-site contributions. There is no objection by the local authority to this as it appears the most realistic outcome and a s106 legal agreement will be agreed.

18. Flooding and Drainage

18.1. Flood Risk and Vulnerability

- 18.2. 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.
- 18.3. The site is within Flood Zone 1 and is unlikely to be susceptible to adverse fluvial flood risk or represent an increase in vulnerability.

18.4. Sustainable Drainage

- 18.5. 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).
- 18.6. No sustainable urban drainage scheme has been provided and given the increase in the footprint of building works in a different location on the site, it is necessary to impose a condition in this regard. The site is not within a critical drainage area and a sequential test is not required.

19. Refuse and Recycling Facilities

- 19.1. Policy CS6 of the CS stipulates that development should minimise waste and encourage recycling. Annex 2 of the Sustainable Design SPD sets out that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers within 6m of the public highway. If more than four 240L bins are to be emptied, then the collection vehicle should be able to enter the development to avoid the risk of obstructing traffic.
- 19.2. Refuse storage will be located in the eastern corner of the front of the site, an appropriate distance away from the highway for ease of collection and storage. There are no objections to this arrangement.

20. Accessibility and Equality

- 20.1. Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient, and attractive access to be incorporated within the design of the development. The dwellings have ample space at the frontage for accessible parking provision and the plans indicate that level access into the dwelling could be achievable with very minor modifications. The proposal exhibits adaptable credentials in terms of building regulations and no objection is raised.
- 20.2. 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.
- 20.3. There would be no adverse impacts because of the development.

21. Planning Obligations and Community Infrastructure Levy

- 21.1. Paragraphs 55 and 57 of the NPPF 2023 requires consideration of whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, but only where they are necessary, related to the development, fair and reasonable.
- 21.2. Policy CS12 of the CS and the Developer Contributions SPD require that development must be able to demonstrate that the service and community infrastructure necessary to serve the development is available, either through on-site provision or a financial contribution via a planning obligation.
- 21.3. The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is chargeable for CIL payments because it involves a net increase in dwellings. It is payable at £125/m² index linked.

CONCLUSION

22. Planning Balance

- 22.1. As the Council cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11(d) of the NPPF is engaged as the policies which are most important for determining the application are out-of-date. There are no footnote 8 policies which would provide a clear reason for refusing permission and which would prevent the tilted balance from being applied.
- 22.2. The presumption is therefore to grant permission for sustainable development unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the

policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.

- 22.3. Section 2 of the NPPF has an underlying presumption in favour of sustainable development which is carried through to the Development Plan. Policy CS1 of the CS expects development to contribute positively to the social, economic, and environmental improvements in achieving sustainable development whilst protecting and enhancing the natural and built environment.

22.4. Economic Considerations

- 22.5. The proposed development would make a meaningful contribution towards delivering the Council's housing target and would therefore be consistent with the Framework and Council policy in so far as it seeks to significantly boost the supply of homes. This benefit is given moderate weight in the planning balance. Additionally, there are minor economic benefits associated with the construction phase.

22.6. Social Considerations

- 22.7. The proposal would deliver family sized dwellings in an appropriate neighbourhood. This attracts limited to minor weight in the planning balance.

22.8. Environmental Considerations

- 22.9. The proposal results in a satisfactory design that will not harm the character, appearance, or visual amenity of the surrounding area. The building's set back and positioning on the plot, and its height, scale, and form is not dissimilar to properties in the surrounding area.
- 22.10. The impact on landscape character is of some minor detriment that weighs negatively in the balancing exercise though it is minor in its nature.
- 22.11. The overall quality of accommodation is acceptable to serve the future residential occupiers. Despite a shortfall of garden amenity space, compensatory front garden amenity space is welcomed.
- 22.12. The assessment has demonstrated that there will be limited impacts of the development on the immediate neighbouring properties which is not unacceptable but given the net change in built form, there is minor weight applied to this impact.

22.13. Conclusion

- 22.14. The adverse impacts attract minor weight and would not significantly and demonstrably outweigh the benefits of additional housing when assessed against the NPPF as a whole. The application is recommended for

approval subject to a section 106 legal agreement and planning conditions.

RECOMMENDATION

PART A

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

- a) BNG delivery and monitoring

and the following conditions and informatives:

PART B

If the Section 106 Agreement referred to in Part A is not completed by 07 February 2025, the Head of Place Development is authorised to refuse the application for the following reason:

“In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy SC9 and CS16 of the Core Strategy 2007 and Policies DM36 and DM37 of the Development Management Policies Document 2015.”

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 10:010 C, 10:011 A, 10:012 A, 10:013 A, 10:014 A, 10:015 A and 10:016 A.

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) Materials

Prior to the commencement of the development, materials to be used in the construction of the external surfaces of the extension be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

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.

4) Hard and Soft Landscaping details

No development shall take place until full details, of both hard and soft landscape proposals, including details of the design and external appearance of the boundary treatment and a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme shall be implemented within the first planting season after the occupation of the development hereby approved and thereafter retained.

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

5) Site Levels

No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In order to safeguard the visual amenities of the area and the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.

6) 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 building 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.

7) Biodiversity Enhancements

No development shall take place until a scheme to enhance the biodiversity interest of the site has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the first occupation of the development hereby approved and thereafter maintained.

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

8) Sustainability details

Prior to the commencement of the development, details of sustainability measures shall be submitted to and approved in writing by the local planning authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials including means of providing the energy requirements of the development from renewable technologies. The development shall be carried out in strict accordance with the approved details prior to the first occupation of the building, shall be maintained as such thereafter and no change shall take place without the prior written consent of the local planning authority.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development in accordance with Section 15 of the National Planning Policy Framework and Policy CS6 of the Core Strategy 2007.

9) Compliance with Arboricultural Report

Prior to the commencement of the development (including demolition) hereby permitted, tree protection for all retained trees at the site and on adjacent land shall be installed in accordance with protection plan and methods contained within the arboricultural report produced by Ecology Resources dated March 2024 and BS5837:2012.

The fencing shall protect the root protection area calculated as described in Table 2 of that British Standard for the duration of all site works undertaken in connection with the development. No service runs shall be provided within the root protection area of any tree to be retained at the site or on adjacent land unless details are submitted to and approved by the local planning authority.

Protective fencing shall be 2.4m high and conform to Figure 2 of BS5837:2012 i.e., a scaffold framework comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of

3m. On to this weldmesh panels should be securely fixed with wire or scaffold clamps.

Unless otherwise shown on the drawings hereby approved, no tree within the curtilage of the site shall be wilfully damaged or destroyed and no tree shall be removed, lopped, topped, felled, or uprooted during the construction of the development hereby approved.

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.

10) Construction Transport Management Plan

No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and 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 operation.

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 Document 2015.

11) EV Charging

The development hereby approved shall not be occupied unless and until the proposed dwelling is provided with a fast charge socket (current minimum requirements - 7kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with the Access and Servicing Strategy set out in the approved proposed site access & servicing plan (ref: 0603A) and the details set out on page 36 of the approved Design & Access Statement (ref: PROPOSAL (DAS Part II)).

Reason: In recognition of Section 9 "Promoting Sustainable Transport" of the NPPF 2023 and to accord with Policies DM36 (Sustainable Transport for New

Development) and DM37 (Parking Standards) of the LDF Development Management Policies Document (2015).

12) Provision of Car and Cycle Parking

The development hereby permitted shall not be first occupied until the car parking spaces and cycle parking/storage has been provided in accordance with the approved plans. The car parking shall thereafter be used for no purpose other than the parking of vehicles and turning.

Reason: To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Section 9 of the National Planning Policy Framework 2023, Policy CS16 of the Core Strategy 2007 and Policies DM35 and DM37 of the Development Management Policies 2015.

13) Working Hours

Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays.

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

14) No Roof Gardens

The roof of the single storey rear extension hereby permitted shall not be used as a terrace, balcony, or similar amenity area.

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

15) Obscure Glazing

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

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

16) Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A and E of that Order.

Reason: To ensure that development within the permitted Classes in question is not carried out in such a way as to prejudice the appearance of the proposed development or the amenities of future occupants of the development or the occupiers of adjoining property in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM10 and DM12 of the Development Management Policies Document 2015.

17) Provision of Access

The development hereby approved shall not be commenced until an application for dropped kerbs serving all three dwellings has been submitted to and approved by the local planning authority. Thereafter, the respective dwellings shall not be occupied until the approved details have been fully implemented.

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

Informatives

1) Section 106 Agreement

This permission should be read in conjunction with the legal agreement dated # under section 106 of the Town and Country Planning Act, the obligations in which relate to this development.

2) Biodiversity Net Gain

The applicant is reminded of their obligations to deliver mandatory biodiversity net gain on-site in accordance with Schedule 7A of the Town and Country Planning Act 1990, including (a) submitting a Biodiversity Gain Plan that accords with the National Planning Practice Guidance and the approved BNG Assessment and Metric Tool; and (b) not operating prior to a completion report being agreed by the local planning authority.

3) 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.

4) 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.

5) Working Hours

When undertaking building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.

6) Party Wall Agreement

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to carry out work to an existing party wall; build on the boundary with a neighbouring property or in some circumstances, carry out groundworks within 6 metres of an adjoining building.

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

7) 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.

8) 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).

9) 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.

10) Encroachments

No part of the development including foundations or guttering, shall encroach upon the adjoining property.

11) 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.

12) Separate Permission

This consent does not grant planning permission for the dropped kerb or works to the highway, for which separate permission is required under the Town and Country Planning Act 1990.

13) 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.

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**24/01037/LBA - Brick Wall to the Rear of 102 And 100B
Beaconsfield Road Epsom Surrey KT18 6HS**

Application Number	24/01037/LBA
Application Type	Listed Building Consent
Address	Brick Wall to the Rear of 102 and 100B Beaconsfield Road, Epsom, KT18 6HS
Ward	Woodcote And Langley Vale
Proposal	Rebuilding of Grade II Listed wall to the rear of 100B and 102 Beaconsfield Road
Expiry Date	29 October 2024
Recommendation	Approval, subject to conditions and informatives
Number of Submissions	0
Reason for Committee	Listed building (wall) owned by the Council
Case Officer	Justine Page
Contact Officer	Simon Taylor, Interim Manager
Plans, Documents and Submissions	Available here
Glossary of Terms	Found at the following link: Glossary of Terms



SUMMARY

1. Summary and Recommendation

- 1.1. The application is before the Council as it is a listed wall that is owned by the Council and the applicant is the Council. The proposal is for the rebuilding of part of the dilapidated Grade II wall to the rear boundary of 100B and 102 Beaconsfield Road.
- 1.2. The Council's Conservation Officer raises no objection. No objections have been received following public consultation. It is recommended that the committee approve this application with conditions, as the special architectural or historic interest of the listed building will be preserved and is in accordance with legislation, national planning policy and the council's planning policies.

PROPOSAL

2. Description of Proposal

- 2.1. The proposal involves the rebuilding of an approximate 8m length of a dilapidated section of the Grade II listed wall.

SITE

3. Description

- 3.1. This application relates to a section of the historic red brick boundary wall running around The Warren open space which also forms the rear boundary of 100b and 102 Beaconsfield Road. Residential properties line to the north and The Warren Recreational Ground adjoins to the south.

4. Constraints

- 4.1. The wall was listed at Grade II by the government on 22 March 1974. The list description reads as follows:

C18. Brick. Some buttresses. Possibly part of Lord Baltimore's hare warren.

5. Planning History

- 5.1. None relevant.

CONSULTATIONS

Consultee	Comments
Conservation officer	See Sections 9 and 10.
Countryside officer	A bat roost assessment is required. Officer comment: The works would be permitted development if it were not that it was a listed wall. There is therefore no mechanism for the Council to seek submission of a bat survey. An appropriate informative is included.
Historic England	No response received.
Neighbours	The application was consulted to 9 neighbours alongside a site notice and press advertisement. No submissions were received.

PLANNING LEGISLATION, POLICY, AND GUIDANCE

6. Legislation and Regulations

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

7. Planning Policy

- 7.1. National Planning Policy Framework 2023 (NPPF)
- Section 16: Conserving and Enhancing the Historic Environment
- 7.2. Epsom and Ewell Core Strategy 2007 (CS)
- 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

ASSESSMENT

9. Heritage and Conservation Policy

- 9.1. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that development must ensure the preservation of any listed building or its setting or any features of special architectural or historic interest which it possesses including structures within its curtilage.

- 9.2. Paragraphs 197-202 of the NPPF require the conservation of heritage assets. Paragraph 189 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.
- 9.3. Paragraph 199 states that great weight should be given to the asset's conservation and paragraph 200 says that any harm to the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 states that where there is less than substantial harm, the harm should be weighed against the public benefits.
- 9.4. Policy CS5 of the CS and Policy DM8 of the DMPD seek to protect and enhance heritage assets and their setting.

10. Significance and Impact on Listed Building:

- 10.1. Paragraph 195 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 10.2. Works are proposed to a section of the boundary wall running around The Warren open space. It dates from around 1720-1750 and was built to enclose a hare warren for "coursing" or hunting hares by the landowner. The significance of the wall lies in its historic fabric, materials and form. It is built in red brick but has had various repairs and additions over the years and tree roots have caused destabilisation as well as there being a hole through the wall at low level.
- 10.3. It is proposed to steam clean the wall, then carefully dismantle the brickwork, retaining the bricks for reuse, and to rebuild the section between two shallow buttresses (7.5 metres long by 1.8 metres high). The historic brick bond is unusual, although this is not surprising given the age and the nature of the wall being around a park rather than to a building. For this reason, the bond will be determined on site with the builder and submitted as a condition of this consent.
- 10.4. Some new bricks will be necessary and these will also be agreed at condition stage. The mortar mix will be made of lime and sand, probably as a 1:3 part mix and this can also be finalised on site, but is largely appropriate for soft historic bricks. The method statement mentioned "double struck" mortar joints which has not been seen anywhere on the wall, and is unwelcome unless clearly of historic appropriateness in this specific location. This will also be a condition of this consent.

- 10.5. The works are necessary to ensure the longevity and preservation of the listed wall. They will be carried out using methods and materials that are appropriate to the significance of the listed wall and there would therefore be no harm to the listed building as a result of these works.
- 10.6. Associated tree works (felling of the Ash under T77 of TPO 97 at 100B Beaconsfield Road) was found to be exempt under 22/00424/TPO owing to it suffering from ash dieback.

11. Conclusion

- 11.1. The wall will be rebuilt in a manner appropriate to its age, materials, details and form, subject to conditions, and is therefore considered to conserve the heritage significance of the listed building in accordance with all policies.

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 Location plan and A-2-06-R3 and in accordance with the methodology document: "Beaconsfield Road – Listed Wall. Repair to Listed Garden Wall. Date 14 August 2024. Rev A." by Williams Restoration.

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) Safeguarding the Listed Building

Prior to the removal of any further brickwork from the wall, a site meeting shall be arranged and agreed between the Council's Conservation Officer and the bricklayer. Thereafter, notwithstanding details hereby approved, the following details shall be submitted to and approved by the local planning authority prior to the commencement of any works:

- a) Brick bond
- b) Mortar mix
- c) Mortar joint profile and finish
- d) Foundation details
- e) New brick sample

The wall shall thereafter be constructed in accordance with the approved details and so maintained.

Reason: To ensure that the heritage significance of the wall is preserved or enhanced in accordance with Section 16 of the National Planning Policy Framework 2023, Policy CS5 of the Core Strategy 2007 and Policy DM8 of the Development Management Policies Document 2015.

4) Retention of Historic Bricks

All bricks shall be retained on site and no historic bricks shall be disposed of unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the heritage significance of the wall is preserved or enhanced in accordance with Section 16 of the National Planning Policy Framework 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.

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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UPCOMING APPLICATIONS REPORT

Report	Summary of Likely Applications to be Heard at Planning Committee
Period	December 2024 onwards
Author	Simon Taylor, Interim Manager, Development Management
Date of Report	21/10/2024

SUMMARY

App No	Address	Proposal	Reason	Likely Meeting
23/01114/ REM	Hobbledown, Horton Lane, Epsom KT19 8PT	Changes to conditions relating to access via McKenzie Way	Called in	December /January
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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PLANNING APPEALS REPORT

Report	Summary of all Planning Appeal Decisions and Current Appeals
Period	July-September 2024
Author	Simon Taylor, Interim Manager, Development Management
Date of Report	21/10/2024
Appeals	16 (12 dismissed, 4 upheld)
Costs Appeals	Nil

SUMMARY

Item	Address	LPA Ref	PINS Ref	Proposal	Decision
1	6A Bucknills Close, Epsom KT18 7NY	23/00577/ FUL	APP/P3610/W/23/3335744	Six dwellings	Dismissed
2	RAC, Woodcote Park, Epsom KT18 7EW	22/01876/ LBA	APP/P3610/Y/23/3333271	Refurbishment of room	Dismissed
3	54 Parkview Way, Epsom KT19 8FF	23/01142/ FLH	APP/P3610/W/24/3338154	Obscure glazing to window	Upheld
4	81 Park Avenue East, Stoneleigh	23/01285/ FLH	APP/P3610/D/24/3341016	Porch, first floor extension	Upheld
5	141 Riverview Road, Ewell KT19 0JP	23/01397/ FLH	APP/P3610/D/24/3341121	Two storey front and side extensions	Dismissed
6	116 Riverview Road, Ewell KT19 0JP	23/01424/ FLH	APP/P3610/D/24/3341526	Hip to gable roof extension	Upheld
7	52 The Parade, Epsom KT18 5DU	24/00057/ FLH	APP/P3610/D/24/3341762	Side dormer, rear extension	Dismissed
8	Rear of 11 Woodlands	23/01184/ FUL	APP/P3610/W/24/3341342	New holiday let building	Dismissed
9	Avenue, Epsom KT18 7HP	23/01251/ FUL	APP/P3610/W/24/3343175	CoU of outbuilding to dwelling	Dismissed
10	17 Waterloo Road, Epsom KT19 8EX	24/00242/ FUL	APP/P3610/W/24/3345635	Dropped kerb	Upheld
11	31 Prospect Place, Epsom KT17 1WW	23/01508/ LBA	APP/P3610/W/24/3344152	Single storey side extension	Dismissed
		23/01507/ FLH	APP/P3610/W/24/3344151		Dismissed
12	42 Arundel Avenue, Ewell KT17 2RG	24/00042/ CLP	APP/P3610/X/24/3343404	Widening of crossover	Dismissed
13	Land at Pine Lodge Way, Horton Lane, Epsom	24/00872/ FLH	APP/P3610/W/24/3341641	New infill dwelling	Dismissed
14	Outside 73 High Street, Epsom KT19 8DN	24/00208/ FUL	APP/P3610/W/24/3345301	Communications hub	Dismissed
		24/00209/ ADV	APP/P3610/Z/24/3345303	Communications hub	Dismissed

DETAILS OF DECISIONS

1. 6A Bucknills Close, Epsom KT18 7NY (dismissed)

- 1.1. The application involved the erection of six dwellings on an existing backland site. It was refused for three reasons – vehicular and pedestrian safety risks arising from the narrow access, a lack of parking and lack of compensatory tree planting and landscaping. Members will recall a committee refusal of 24/00107/FUL for five dwellings which followed this refusal and is currently at appeal.
- 1.2. The Inspector accepted low pedestrian and vehicle numbers but also referenced proximity to the school, the lack of visibility when entering the site, the likelihood of risky reversing manoeuvres back onto the public highway and the likelihood of increased deliveries and visitors, such that “the overall number of properties would exceed the generally acceptable range for a private drive, and would include a commercial use, creating a different practical scenario to a standard private drive” (paragraph 9).
- 1.3. Whilst Whitehorse Drive was heavily parked, other surrounding streets were less busy and the parking shortfall of two spaces was acceptable. Landscaping concerns were not shared with adequate tree protection provided. In applying the titled balanced, the benefits were considerable (paragraph 36) but the risks to drivers and pedestrians was such that the appeal was dismissed.

2. The Royal Automobile Club, Epsom KT18 7EW (dismissed)

- 2.1. The application involved the extensive repair and refurbishment of one of the members rooms at the Grade II* listed RAC. It was intended to be the first application of the wider refurbishment of the accommodation. The Council refused the application due to substantial harm to existing historical features.
- 2.2. The Inspector raised issue with all of the Council’s issues, including the removal of single glazing and internal secondary glazing and replacement with double glazing, removal of radiators, removal of built-in wardrobe, removal and replacement of skirtings, removal and replacement of cornices and the installation of slot diffusers. Contrary to the Council’s view, the Inspector noted less than substantial harm but noted no real public benefits had been advanced and the appeal was dismissed.

3. 54 Parkview Way, Epsom KT19 8FF (upheld)

- 3.1. The Council granted approval for a side window, subject to a condition requiring it to be fixed and obscurely glazed. The appeal sought the removal of the condition and the Inspector agreed, noting that there was already a degree of pre-existing mutual overlooking, and the window adjoined a stairwell and landing where the outlook was limited.

4. 81 Park Avenue East, Epsom KT17 2PA (upheld)

4.1. The application involved a first-floor extension with a hip and pitched roof, porch, and new pitched roof to the existing single-storey extension. The issues were the impact on the character of the area and neighbouring amenity. In upholding the appeal, the Inspector noted a much bulkier appearance, but it was not out of proportion even on its corner plot. Building separation was also sufficient to retain neighbour amenity.

5. 141 Riverview Road, Ewell KT19 0JQ (dismissed)

5.1. The application involved a two-storey front extension and side extension and single storey rear extension alongside a raising of the roof. The Council refused the application on account of the height and bulk impacting on the character of the area and dominance and loss of light to a neighbouring property. It followed a previous refusal.

5.2. The Inspector commented that “I consider that the cumulative effect of the various elements would completely overwhelm the original character and appearance of the house” (paragraph 8), three front gables would appear mismatched and the full glazing in the apex of the two main gables would add to the disparity (paragraph 9). Materials were out of keeping and the works to the roof resulted in a top-heavy development. Concerns with neighbour amenity were not shared. It was duly dismissed.

6. 116 Riverview Road, Ewell KT19 0JP (upheld)

6.1. The application related to a loft conversion and rear extension. The Council refused the application on the grounds of harm to the area and to neighbour amenity. The Inspector allowed the appeal, noting that the hip to gable extension would be a radical extension but it faced away from the street. Neighbour amenity impacts were limited to two small rooflights.

7. 52 The Parade, Epsom KT18 5DU (dismissed)

7.1. The application related to a first-floor rear extension and dormer to a locally listed dwelling in the Church Street Conservation Area. It was refused due to the excessive height, massing, scale, unsatisfactory design, and appearance posing harm to the dwelling and Conservation Area as well as overlooking, overshadowing and loss of outlook of neighbouring properties.

7.2. In noting a degree of existing overlooking and site conditions, the Inspector did not share neighbour amenity concerns. However, “due to its form, height, bulk and mass and the constrained and irregular nature of the site I agree with the Council and consider that when viewed from The Parade, despite its set back, the first-floor element would have the appearance of a second house and would therefore detract from the character and appearance of the existing house and the wider Church Street Conservation Area.” (paragraph 6). There would also be a loss of gaps and the dormer had a poor design and on these grounds, the appeal was dismissed.

8. 11 Woodlands Road, Epsom KT18 7HP (dismissed)

- 8.1. The appeal related to the use of an existing residential outbuilding as a holiday let. The application was refused due to the principle of the use, harm to the character of the area (including being backland development in a residential garden), lack of internal and external space and substandard outlook, lack of car and cycle parking and lack of waste storage.
- 8.2. The Inspector raised no objection with all the above issues, except for raising significant concerns with the conversion of the building for independent accommodation, lamenting the fact that there was a largely blank street facing façade, it had the appearance of a small outbuilding on a noticeably smaller plot, thus creating a cramped appearance. There was a failure to conform to the grain of existing development and a reduction in spaciousness, all these factors rendered harm to the character of the area. In applying the titled balance, the harm was sufficient to dismiss the appeal.

9. 11 Woodlands Road, Epsom KT18 7HP (dismissed)

- 9.1. The appeal related to the same outbuilding but included a side extension to an existing outbuilding and its conversion to create a single dwelling. The application was refused due to the harm to the character of the area (including being backland development in a residential garden), lack of internal and external space and substandard outlook, lack of car and cycle parking and lack of waste storage. The appeal was dismissed on the same grounds as above.

10. 17 Waterloo Road, Epsom KT19 8EX (upheld)

- 10.1. The appeal related to the widening of an existing crossover at the intersection of Waterloo Road and Horsely Crescent. The application was refused on highway and pedestrian safety grounds given the proximity to the intersection. Whilst some inconvenience was noted, the Inspector noted good forward visibility and a lack of pedestrian inconvenience, and the appeal was upheld.

11. 31 Prospect Place, Epsom KT17 1WW (dismissed)

- 11.1. The appeal related to the refusal of an application for the erection of a single storey side extension to a Grade II listed residential dwelling. The application was refused on the grounds of harm to the setting and fabric of the listed building and the setting of the conservation area as well as neighbour amenity impacts to the light afforded to a neighbouring window.
- 11.2. The appeal was heard at a hearing on 4 September 2024 and included an appeal against the listed building consent and planning application. The significance of the building is derived from its historic and architectural interests as a place of worship. The Inspector noted that “The proposal would introduce an extension which would overtly alter the simple single cell layout, eroding the pleasing uniformity of the building (paragraph 13) and “would be highly prominent from the front in the street scene” (paragraph 20) with largely only private benefit (paragraph 25) such that the

harm to the listed building and conservation area outweighed the limited benefits and the appeal was dismissed. Neighbour amenity impacts were found to be acceptable.

12. 42 Arundel Avenue, Ewell KT17 2RG (dismissed)

12.1. The proposal involved the widening of an existing vehicular crossover serving a residential dwelling, submitted as a certificate of lawfulness. The Inspector agreed with the Council in that access was already possible to both existing on site parking spaces and the widening would not be required in accordance with Class B or Part 2 of the GPDO, thus not being permitted development.

13. Substation at Pine Lodge Way, Epsom KT19 7AA (dismissed)

13.1. The application involved a new infill dwelling within an existing residential estate that formed part of the Hospital Clusters within designated Green Belt. The Council refused the application on the grounds of inappropriate development in the Green Belt, harm to the character of the area, lack of on site car parking (as the proposal would remove visitor parking for the existing estate) and a drainage information (no Flood Risk Assessment).

13.2. The Inspector agreed on all contentions and the appeal was dismissed. The appellant had argued that the proposal was not inappropriate development given it involved infilling within a village but the Inspector disagreed that the area constituted a village. There was limited harm to the openness but no very special circumstances to outweigh harm. The dwelling was also cramped within its plot and had a width and overall form that was incompatible with the area. The loss of existing visitor parking was not acceptable and would not feasibly be managed via a condition and in the absence of any drainage information, the Inspector was not satisfied that the proposal would not achieve a satisfactory drainage outcome.

14. Outside 73 High Street, Epsom KT19 8DN (dismissed)

14.1. This relates to a linked appeal for an advertisement consent and full application for a communications hub on Epsom High Street. It would have comprised LED advertising on one side and a defibrillator and internet access on the other side. The Council refused the applications because of the harm to the Epsom Town Centre conservation area and due to concerns with highway safety.

14.2. The appeal was dismissed on both grounds. The size and solid appearance and the advertisements would stand out and appear visually over-dominant and detract from views of historic buildings in the conservation area (paragraph 14). The moderate weight of public benefits did not outweigh this harm. There were also clear highways concerns in relation to passengers using the nearby bus stop and for vehicles at the access onto 87 High Street.

CURRENT APPEALS

Over page

Planning Committee
7 November 2024

Planning Appeals
Report

Council Ref	Appeal Ref	PINS Reference	Status	Address	Proposal
22/00316/TPO	22/00033/NON	APP/P3610/W/22/3310516	Received	8 Grafton Road Worcester Park	Felling of Pine
22/00385/TPO	23/00007/COND	Pending	Received	Burnside, Vernon Close, West Ewell	Felling of Oak
22/01810/TPO	23/00019/REF	Pending	Received	21 Chartwell Place, Epsom	Felling of Ash
23/00302/TPO	23/00031/REF	Pending	Received	5 Poplar Farm Close, West Ewell	Part tree removal
23/00175/TPO	23/00032/REF	Pending	Received	35 Woodcote Hurst, Epsom	Removal of Cypress
23/00582/FUL	24/00013/REF	APP/P3610/W/24/3342567	Decision due	16 Reigate Road, Ewell	Infill dwelling
24/00207/ADV	24/00020/REF	APP/P3610/Z/24/3345304	Decision due	Outside 6A Church Street, Epsom	Communications hub
24/00208/FUL	24/00018/REF	APP/P3610/W/24/3345295	Decision due	Outside 6A Church Street, Epsom	Communications hub
23/01234/FUL	24/00024/REF	APP/P3610/W/24/3346386	Decision due	1 Wheelers Lane, Epsom	New dwelling
23/00525/CLE	24/00011/REF	APP/P3610/X/24/3342079	Decision due	7 Melton Place, Epsom	Conversion to 3 dwellings
24/00301/REM	24/00030/REF	APP/P3610/D/24/3347244	Decision due	46 Horton Place, Epsom	Changes to window
24/00110/FLH	24/00026/REF	APP/P3610/D/24/3347227	Decision due	40 Redwood Drive Epsom	Rear extension
24/00298/FUL	24/00029/REF	APP/P3610/W/24/3347374	Decision due	Ewell Castle Junior School, Ewell	New classroom
24/00299/LBA	24/00028/REF	APP/P3610/Y/24/3347376	Decision due	Ewell Castle Junior School, Ewell	New classroom
24/00417/REM	24/00031/REF	APP/P3610/D/24/3348086	Decision due	47 Holmwood Road, Cheam	Variations to dwelling
24/00430/FLH	24/00032/REF	APP/P3610/D/24/3348264	Decision due	28 Christ Church Mount, Epsom	Double hip to gable
23/01068/FUL	24/00027/REF	APP/P3610/W/24/3346982	Decision due	135 Riverview Road, Ewell	Outbuilding used as dwelling
24/00227/FLH	24/00034/REF	APP/P3610/D/24/3348495	Decision due	494 Chessington Road, West Ewell	Garage conversion
23/01451/FUL	24/00039/REF	APP/P3610/W/24/3349650	Decision due	Friars Garth, The Parade, Epsom	Additional floor to flat building
24/00445/FUL	24/00040/REF	APP/P3610/W/24/3350483	Decision due	9 And 10 Kirby Close, Ewell	4 dwellings (in principle)
24/00849/FUL	24/00041/REF	APP/P3610/W/24/3350649	Decision due	Green Gables, Ashley Road, Epsom	3 dwellings
24/00530/FLH	24/00042/REF	APP/P3610/D/24/3351068	Received	3 Bramley Road, Cheam	First floor front extension
24/00917/CLP	24/00043/REF	APP/P3610/X/24/3352350	Received	11A Christ Church Mount, Epsom	Dropped kerb
24/00800/TPO	24/00045/REF	APP/P3610/W/24/3353162	Received	1 Park Farm Court, West Ewell	Crown reduction
24/00107/FUL	24/00046/REF	APP/P3610/W/24/3353857	Received	6A Bucknills Close, Epsom	Five dwellings
23/00402/FUL	24/00044/REF	APP/P3610/W/24/3352418	Received	Dairy Crest, Alexandra Road, Epsom	New food store
24/00659/FLH	24/00047/REF	TBC	Received	53 Beaconsfield Road, Epsom	Alterations and additions

24/00110/FLH

Agenda Item 7

MONTHLY ENFORCEMENT REPORT

Report	Summary of Incoming and Closed Enforcement Cases by Month
Period	2024
Author	Simon Taylor, Interim Manager, Development Management
Date of Report	21/10/2024

SUMMARY

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

2024	Live	Opened	Closed	Net change
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	270	27	34	-7
October (as of 21/10/2024)	257	23	10	-13

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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PLANNING PERFORMANCE REPORT

Report	Summary of Planning Performance by Quarter
Period	July to September 2024
Author	Simon Taylor, Interim Manager, Development Management
Date of Report	22/10/2024

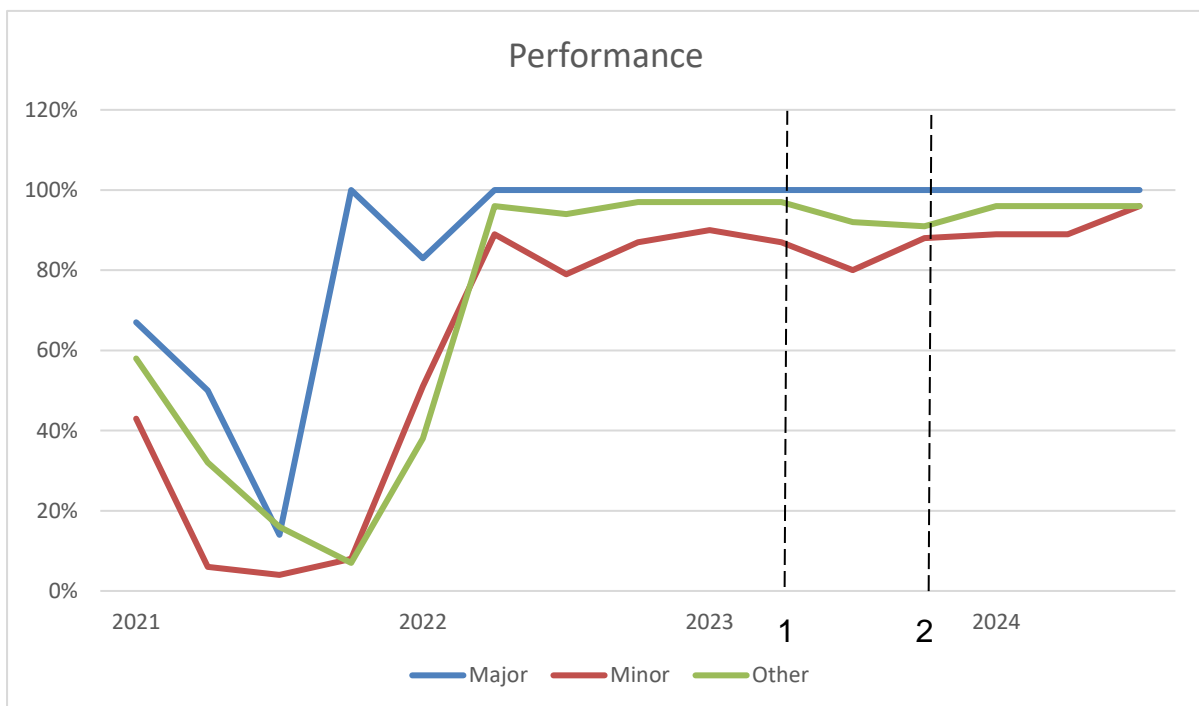
SUMMARY

The following table outlines the Council's performance statistics for the processing of major, minor and other applications for the most recent quarter (July to September 2024), as measured against government performance standards and against past quarters since 2021.

The Minister wrote to the Council with an initial threat of designation on 12 April 2023. This was withdrawn on 4 October 2023 though with ongoing monitoring because "on a rolling two-year basis, performance remains below the 70% threshold at 66%." The combined two year rolling percentage is now at 94%.

Type	Year	Quarter	Total	In Time	% In Time	Target	% In Time Rolling
Major	2021	Q1	3	2	67%	60%	
		Q2	2	1	50%		
		Q3	7	1	14%		
		Q4	0	0	100%		
	2022	Q1	6	5	83%		
		Q2	3	3	100%		
		Q3	5	5	100%		
		Q4	3	3	100%		69%
	2023	Q1	3	3	100%		
		Q2	1	1	100%		72%
		Q3	4	4	100%		75%
		Q4	1	1	100%		96%
	2024	Q1	5	5	100%		96%
Q2		3	3	100%	100%		
Q3		4	4	100%	100%		
Minor	2021	Q1	23	10	43%	65%	
		Q2	17	1	6%		
		Q3	24	1	4%		
		Q4	25	2	8%		
	2022	Q1	65	33	51%		
		Q2	35	31	89%		
		Q3	39	31	79%		
		Q4	38	33	87%		53%
	2023	Q1	21	19	90%		57%
		Q2	39	34	87%		64%
Q3		35	28	80%	71%		

		Q4	40	35	88%		78%
	2024	Q1	36	32	89%		86%
		Q2	35	31	89%		86%
		Q3	25	24	96%		88%
Other		2021	Q1	148	86	58%	80%
	Q2		162	52	32%		
	Q3		130	21	16%		
	Q4		129	9	7%		
	2022	Q1	300	115	38%		
		Q2	188	181	96%		
		Q3	180	170	94%		
		Q4	124	120	97%	55%	
	2023	Q1	139	135	97%	59%	
		Q2	133	129	97%	66%	
		Q3	132	121	92%	74%	
		Q4	117	106	91%	82%	
	2024	Q1	113	109	96%	95%	
		Q2	140	135	96%	95%	
		Q3	141	136	96%	95%	



- 1: Threat of designation
- 2: Threat of designation withdrawn