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Democratic Services



PLANNING COMMITTEE

Thursday 13 February 2025 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 5 - 26)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on the **7 November 2024** (attached) and to authorise the Chair to sign them.

3. 24/01360/FUL - EWELL DOWNS ROAD, EWELL (Pages 27 - 36)

Installation of a roadside CCTV system.

4. 24/01462/FUL - 9 AND 10 KIRBY CLOSE, EWELL KT19 0PW (Pages 37 - 60)

Demolition of existing dwellings and construction of 4 x 3 bed residential dwellings with associated parking and landscaping.

5. PLANNING PERFORMANCE REPORT (Pages 61 - 62)

Summary of Planning Performance by Quarter.

6. ENFORCEMENT PERFORMANCE REPORT (Pages 63 - 64)

Summary of Incoming and Closed Enforcement Cases by Month.

7. APPEALS PERFORMANCE REPORT (Pages 65 - 72)

Summary of all Planning Appeal Decisions and Current Appeals.

8. UPCOMING APPLICATIONS (Pages 73 - 74)

Summary of Likely Applications to be Heard at Planning Committee.

Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber, Epsom Town Hall on 7 November 2024

PRESENT -

Councillor Steven McCormick (Chair); Councillor Lucie McIntyre (as nominated substitute for Councillor Councillor Clive Woodbridge); Councillors Kate Chinn, Neil Dallen (items 33-35, 37-42), Alison Kelly (as nominated substitute for Councillor Julian Freeman), Jan Mason, Bernie Muir, Phil Neale, Humphrey Reynolds and Chris Watson

In Attendance: Councillor Bernice Froud (items 33-37 only)

Absent: Councillor Clive Woodbridge and Councillor Julian Freeman

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

33 APPOINTMENT OF ACTING VICE-CHAIR

In the absence from the meeting of the Vice-Chair, Councillor Clive Woodbridge, the Chair proposed that Councillor Phil Neale be appointed as Acting Vice-Chair for the duration of the Meeting.

The Committee raised no objection and agreed for Councillor Phil Neale to sit as Acting Vice-Chair for the Meeting.

34 DECLARATIONS OF INTEREST

23/00158/FUL - Land at Fairview Road

Councillor Neil Dallen, Other Interest: Councillor Neil Dallen declared that he was the Chair of the Strategy & Resources Committee, who had put the application forward. He stated that he would withdraw from the Chamber for the duration of the Committee's consideration of the application, to avoid the appearance of any perceived bias.

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

Councillor Chris Watson, Other Interest: In the interest of transparency, Councillor Chris Watson declared that he lived in close proximity to the proposed

development, and assured the Committee that he maintained an open mind on the matter.

Councillor Steven McCormick, Other Interest: In the interest of transparency, the Chair, Councillor Steven McCormick, wished to declare that he was the Chair of the Epsom & Walton Downs Conservators.

Enforcement Report

Councillor Steven McCormick, Other Interest: In the interest of transparency, the Chair, Councillor Steven McCormick, wished to declare that he was the Chair of the Audit & Scrutiny Committee.

35 MINUTES OF THE PREVIOUS MEETING

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

36 23/00158/FUL - LAND AT FAIRVIEW ROAD

Prior to the Committee's consideration of the agenda item, Councillor Neil Dallen withdrew from the Chamber.

Description:

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

Officer Recommendation:

Approval, subject to conditions and informatives.

Officer Presentation:

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

Public Speaking:

A member of the public provided to the Committee two separate representations in objection to the application – the first objection provided on their own behalf, and the second objection provided on behalf of another member of the public, upon that other member of the public's request.

Decision:

In the interest of the provision of allocated parking for each unit, Councillor Lucie McIntyre proposed a motion that the Officer recommendation be amended by way of an amendment to condition 10, as follows:

(10) Parking and 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. **One vehicle parking space shall be clearly allocated and used for each modular building.** 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.

The proposal was seconded by Councillor Jan Mason. Subsequently, the Committee voted (7 votes for, 1 abstaining, and the Chair not voting) in favour of the amendment.

To address an inaccuracy within the text of condition 2 as set out in the report, the Chair, Councillor Steven McCormick, proposed a motion that the Officer recommendation be amended the by way of an amendment to condition 2, as follows:

(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 **future demand for such accommodation, in accordance with Section 5 of the National Planning Policy Framework 2023 and Policy DM21** of the Development Management Policies Document 2015.*

The proposal was seconded by Councillor Bernie Muir. Subsequently, the Committee voted (7 votes for, 1 abstaining, and the Chair not voting) in favour of the amendment.

Councillor Kate Chinn proposed a motion to agree the Officer recommendation, as amended. The proposal was seconded by Councillor Humphrey Reynolds. Subsequently, the Committee resolved (7 votes for, 1 abstaining, and the Chair not voting) 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 future demand for such accommodation, in accordance with Section 5 of the National Planning Policy Framework 2023 and Policy DM21 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 and 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. One vehicle parking space shall be clearly allocated and used for each modular building. 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.

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.

Following the conclusion of the Committee's consideration of the application, the Committee agreed to a brief adjournment prior to moving on to the next agenda item. The meeting was adjourned between 20:25 – 20:29.

Prior to the commencement of the Committee's consideration of the next agenda item, Councillor Neil Dallen returned to the Chamber.

37 24/00992/FUL- 71 ROSEBERY ROAD, EPSOM, KT18 6AB

Description:

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

Officer Recommendation:

Approval, subject to conditions, informatives and s106 legal agreement.

Officer Presentation:

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

Public Speaking:

The Ward Councillor who called in the application spoke in objection to the application.

A Member of the public who had registered to speak in objection to the application had their representation provided to the Committee, upon their request, by said Ward Councillor on their behalf.

Decision:

Following consideration, Councillor Neil Dallen proposed a motion to refuse the application, for the following reason:

The proposed development would be served by sub-standard private amenity area that would result in poor standards of living accommodation contrary to policies C5 of the Core Strategy and policy DM12 of the Development Management Policies Document.

The proposal was seconded by Councillor Chris Watson. Subsequently, the Committee voted (4 votes for, 4 against, 0 abstentions, the Chair not voting initially and exercising his casting vote against the motion) against the motion, and the motion was lost.

Councillor Alison Kelly proposed a motion to agree the Officer recommendation as set out in the report. The proposal was seconded by Councillor Phil Neale. Subsequently, the Committee resolved (4 votes for, 3 against, 2 abstaining, and the Chair not voting) to:

PART A

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.

38 24/01037/LBA - BRICK WALL TO THE REAR OF 102 AND 100B BEACONSFIELD ROAD EPSOM SURREY KT18 6HS

Description:

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

Officer Recommendation:

Approval, subject to conditions and informatives.

Officer Presentation:

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

Decision:

Following consideration, Councillor Lucie McIntyre proposed a motion to agree the Officer recommendation as set out in the report. The proposal was seconded by Councillor Neil Dallen. Subsequently, the Committee resolved (9 votes for, and the Chair not voting) 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.

39 UPCOMING APPLICATIONS

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

40 APPEALS REPORT

The Committee received and noted a report providing a summary of all planning appeal decisions and current appeals.

41 ENFORCEMENT REPORT

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

The Planning Development and Enforcement Manager presented to the Committee, within the Officer presentation slides (published as a supplement to the agenda), a table providing a breakdown of closures over the past 12 months.

The Committee considered the following matters:

- a) The Planning Development and Enforcement Manager explained that 'action taken' with respect to enforcement cases is considered as a notice being issued. He stated that Officers endeavour to work proactively with applicants/owners to reach resolutions, with the issuing of notices being treated as a last resort for dealing with cases.
- b) The Planning Development and Enforcement Manager explained that there are a number of reasons for why a case might be closed without action taken, which were set out within the table.

The Committee noted the report and the additional breakdown information provided within the table.

42 PLANNING PERFORMANCE REPORT

The Committee received and noted a report providing a summary of planning performance by quarter.

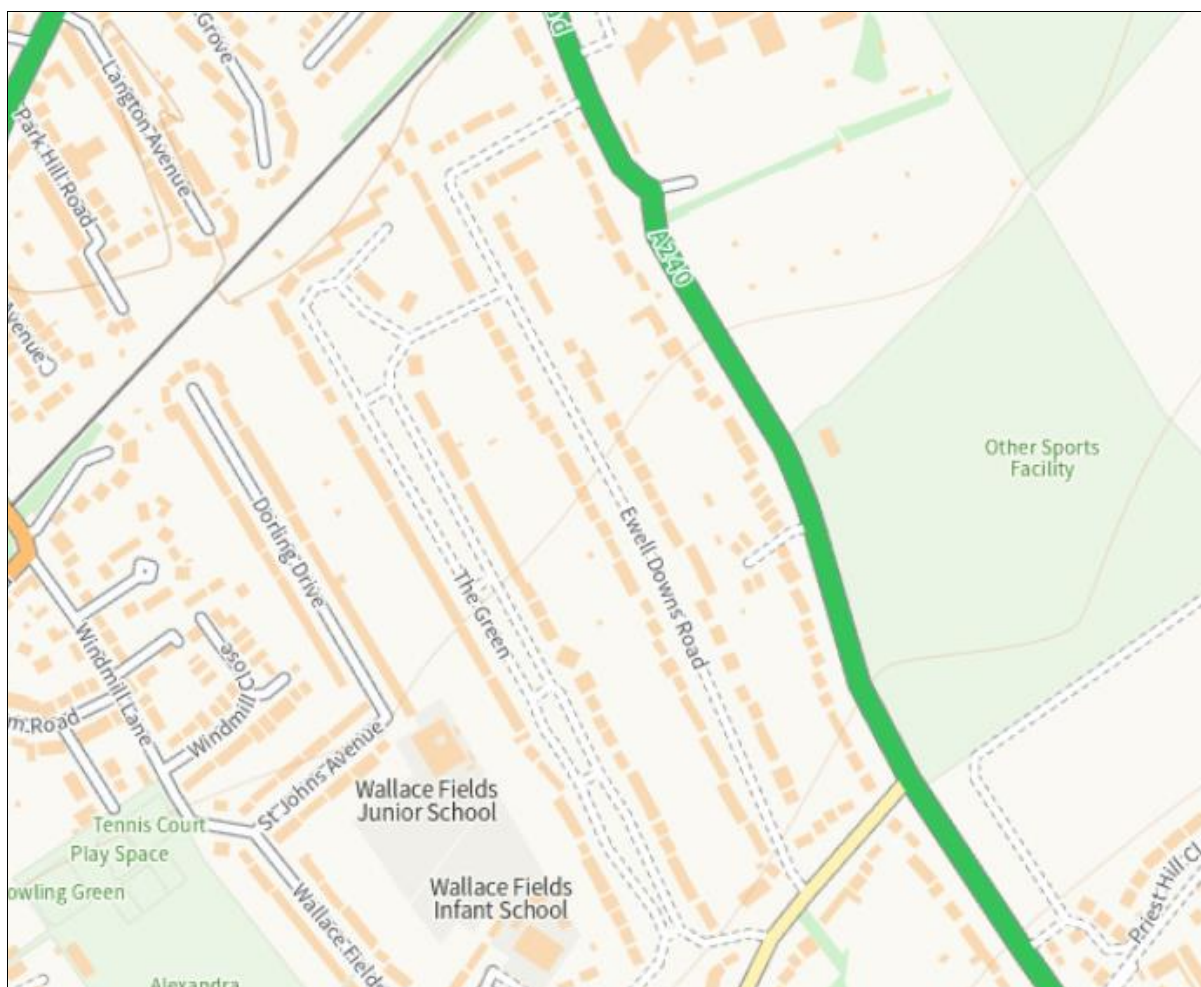
The meeting began at 19:32pm, was adjourned between 20:25pm - 20:29pm, and ended at 21:39pm

COUNCILLOR STEVEN MCCORMICK (CHAIR)

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24/01360/FUL - Ewell Downs Road, Ewell

Application Number	24/01360/FUL
Application Type	Full Planning Permission (Major)
Address	Ewell Downs Road, Ewell
Ward	Nonsuch Ward
Proposal	Installation of a roadside CCTV system
Expiry Date	25 February 2025
Recommendation	Approval, subject to conditions and informatives
Number of Submissions	None
Reason for Committee	Major development (>1 hectare)
Case Officer	Simon Taylor
Contact Officer	Simon Taylor, Manager
Plans, Documents and Submissions	Available here
Glossary of Terms	Available here: Glossary of Terms



SUMMARY

1. Summary and Recommendation

- 1.1. The proposal involves the installation of four CCTV cameras on poles along the length of Ewell Downs Road with associated signage, two electricity cabinets and underground cabling.
- 1.2. The total site area is greater than one hectare, thus constituting major development and consideration at Planning Committee in accordance with the Council's Scheme of Delegation.
- 1.3. The site is within The Green/Ewell Downs Road Conservation Area and the primary consideration is the harm that the poles pose to the conservation area. No resident/public submissions were received but the Council's Conservation Officer has raised objection. However, when weighing this harm against the public benefits, no objections are raised.

PROPOSAL

2. Description of Proposal

- 2.1. The proposal involves the installation of four closed circuit television cameras atop poles at the following locations within Ewell Downs Road/The Green:
 - 1) On the northern side of Ewell Downs Road, adjacent to the northern entrance/exit gates, replacing an existing 'Give Way' pole. The new pole will be 4m in height and painted green or black
 - 2) Near the intersection with The Green on a new 4m high green pole with nearby electricity cabinet on the grass verge to power the CCTV and store images
 - 3) Within the circular flower bed on Ewell Downs Road on a new 4m high green pole with cabinet on the verge on the eastern side of Ewell Downs Road outside 43A Ewell Downs Road
 - 4) On the eastern side of Ewell Downs Road, adjacent to the southern entrance/exit gates, replacing an existing Give Way pole. The new pole will be 4m in height and painted green or black
- 2.2. Poles comprise metal materials with a small sign indicating the use of CCTV and the cameras affixed to the top of the pole. Underground cabling is required to power the cameras and store images.

SITE

3. Description

- 3.1. The site comprises the length of Ewell Downs Road and part of The Green. It falls within the verge of the private gated estate as part of The Green/Ewell Downs Road Conservation Area. Surrounding development comprises large, detached dwellings on well-manicured grounds.

4. Constraints

- Built Up Area
- The Green/Ewell Downs Road Conservation Area
- Site of Special Scientific Interest Risk Area
- Great Crested Newt Impact Zone
- Tree Preservation Orders (various across site)
- Flood Zone 1
- Critical Drainage Area (part of site)
- Private road

5. History

- 5.1. There is no relevant site history.

CONSULTATIONS

Consultee	Comments
Conservation	Objection raised – less than substantial harm.
Highway Authority	No objection.
Trees	No comments received.
Public Consultation	
Neighbours	The application was advertised by means of a site notice, press notice, and notification to 79 neighbouring properties. No submissions were received.

PLANNING LEGISLATION, POLICY, AND GUIDANCE

6. Legislation and Regulations

- 6.1. Town and Country Planning Act 1990
6.2. Environment Act 2021
6.3. Planning (Listed Buildings and Conservation Areas) Act 1990
6.4. Community Infrastructure Levy Regulations 2010

7. Planning Policy

7.1. National Planning Policy Framework 2024 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 4: Decision-Making
- Section 8: Promoting Healthy and Safe Communities
- Section 12: Achieving Well-Designed and Beautiful Places
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15: Conserving and Enhancing the Natural Environment
- Section 16: Conserving and Enhancing the Historic Environment

7.2. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development

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

- Policy DM4: Biodiversity and New Development
- Policy DM5: Trees and Landscape
- Policy DM8: Heritage Assets
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments

8. Supporting Guidance

8.1. Other Documentation

- Ewell Downs Road/The Green Character Appraisal
- Community Infrastructure Levy Charging Schedule 2014

PLANNING ASSESSMENT

9. Principle of Development

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

10. Design and Character/Heritage and Conservation

- 10.1. Paragraphs 129, 135 and 139 of the NPPF 2024 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.

- 10.2. The site is within Ewell Downs Road/The Green Conservation Area and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving or enhancing the character or appearance of that area. Policy CS5 of the CS and Policy DM8 of the DMPD seek to protect and enhance heritage assets and their setting.
- 10.3. The proposal involves the installation of CCTV cameras at four locations on The Green and Ewell Downs Road. Two of the locations (at the northern and southern gated entrances) will comprise the replacement of existing poles with new higher poles and utilisation of existing electricity supply. The two remaining locations (two towards the middle of Ewell Downs Road and one within The Green) will comprise new poles and electricity cabinets to power these cameras and store images. All poles will be to 4.0m height and include a small sign indicating the use of CCTV and the camera atop the poles. Underground cabling is required to power the CCTV and store images.
- 10.4. The Council's Design and Heritage Officer identified less than substantial harm with the proposal on the basis of the impact upon the character of the conservation area, raising concerns with the addition of poles in the street verge, preferring to have the locations of these poles and cabinets be more concealed.
- 10.5. Whilst the conservation area is characterised by its spaciousness and uncluttered nature, there are existing poles in the area, including road signage and lampposts at the northern and southern entrances (Locations 1 and 2) and a lamppost at Location 3 in the circular roundabout. The new poles will be marginally higher than street signage but lower than the lampposts. In this respect, the signage is not out of context with the area and would not contribute to undue street clutter. The new pole at Location 4 will be within a more open location that is devoid of other poles but as a singular feature, is not inconsistent with the continuity of lampposts and other signage. Broadly speaking, CCTV is permitted development if undertaken by a statutory authority or if undertaken by anybody else, if attached to a building. Therefore, such features are anticipated.
- 10.6. The two electricity cabinets are at ground level and sited on the verge. They would have the appearance similar to that of broadband cabinets which are common features in the streetscene. Whilst readily apparent, particularly at Location 3, they are not unduly out of place and the dark green colour would sufficiently compliment the leafy character.
- 10.7. Paragraphs 203-208 of the NPPF 2024 requires consideration of the harm to the significance of a designated heritage asset. Paragraph 206 requires

clear and convincing justification where there is harm to or the loss of a designated heritage asset. Paragraph 202 states that where there is less than substantial harm, the harm must be weighed against the public benefits. Because of the objection from the Conservation Officer, less than substantial harm is attributed.

- 10.8. The application is submitted on behalf of the residents of Ewell Downs Road with the intention being to manage anti-social behaviour within the private/gated road. Recordings will normally be kept for 30 days. Given the expressed safety and security concerns within the public domain, these are sufficient benefits to outweigh the minor level of harm and on this basis, no objection is raised. The use of materials and colours is conditioned.

11. Trees and Landscaping

- 11.1. Paragraph 136 of the NPPF 2024, 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.
- 11.2. The electricity cabinet for Location 3 is within proximity of protected trees (Beech and Cedar trees at 43A Ewell Downs Road – TPO60/T17 and TPO60/T18 respectively). However, it is still at least 8m from the nearest of these trees and given the minimal groundworks associated with installing the cabinet and associated cabling along the verge, there are no realistic issues with the proposal and no objection is raised.

12. Neighbour Amenity

- 12.1. 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 2024 and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 12.2. The poles themselves pose no adverse neighbour impact due to their slimline nature and site location in the public domain. The cameras are also directed to face away from habitable areas. On this basis, no objection is raised.

13. Parking and Access

- 13.1. There are no highways related implications and no objections raised by the Highways Authority.

14. Ecology and Biodiversity

- 14.1. Paragraphs 180 and 186 of the NPPF 2024, 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 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.

- 14.2. 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. The proposal is exempt from BNG requirements as it affects less than 25m² of priority habitat.

15. Flooding and Drainage

- 15.1. The site is within Flood Zone 1 and there are no flood risk or vulnerability issues. Part of the red line site area falls within a critical drainage area but none of the proposed locations are specifically within a critical drainage area. Given the limited extent of groundworks, there are no drainage issues.

16. Accessibility and Equality

- 16.1. 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. There are no accessibility implications from the proposal.
- 16.2. The Council is also required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, or belief. There would be no adverse impacts because of the development.

17. Planning Obligations and Community Infrastructure Levy

- 17.1. The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is not chargeable for CIL payments because there is no change in floor space.

CONCLUSION

18. Planning Balance

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

sustainable development whilst protecting and enhancing the natural and built environment.

- 18.2. Section 10 of this report has concluded that the public benefits (Social considerations) outweigh the less than substantial harm (environmental considerations). On this basis, no objection is raised, and approval is recommended.

RECOMMENDATION

To grant planning permission subject to the following conditions and informatives

Conditions

1) Timescale

The development hereby permitted shall be commenced within three years from the date of this decision.

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

2) Approved Plans

Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be carried out in accordance with the Location Plan (received 26 November 2024), Block Plan (received 18 November 2024), associated outline explanatory document and elevation on page 6 (received 25 January 2025).

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

The materials to be used shall accord with those indicated with the approved documents, including the use of metal poles (black in colour at the northern and southern entrances and dark green on the roundabout and The Green) and dark green electricity cabinets, 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.

4) Removal of CCTV and associated infrastructure

When the CCTV and/or associated poles and cabinets are no longer used for their approved purpose or a deactivated, they must be removed as soon as reasonably practicable and no later than 3 months after ceasing use.

Reason: To ensure a satisfactory appearance in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM8, 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.

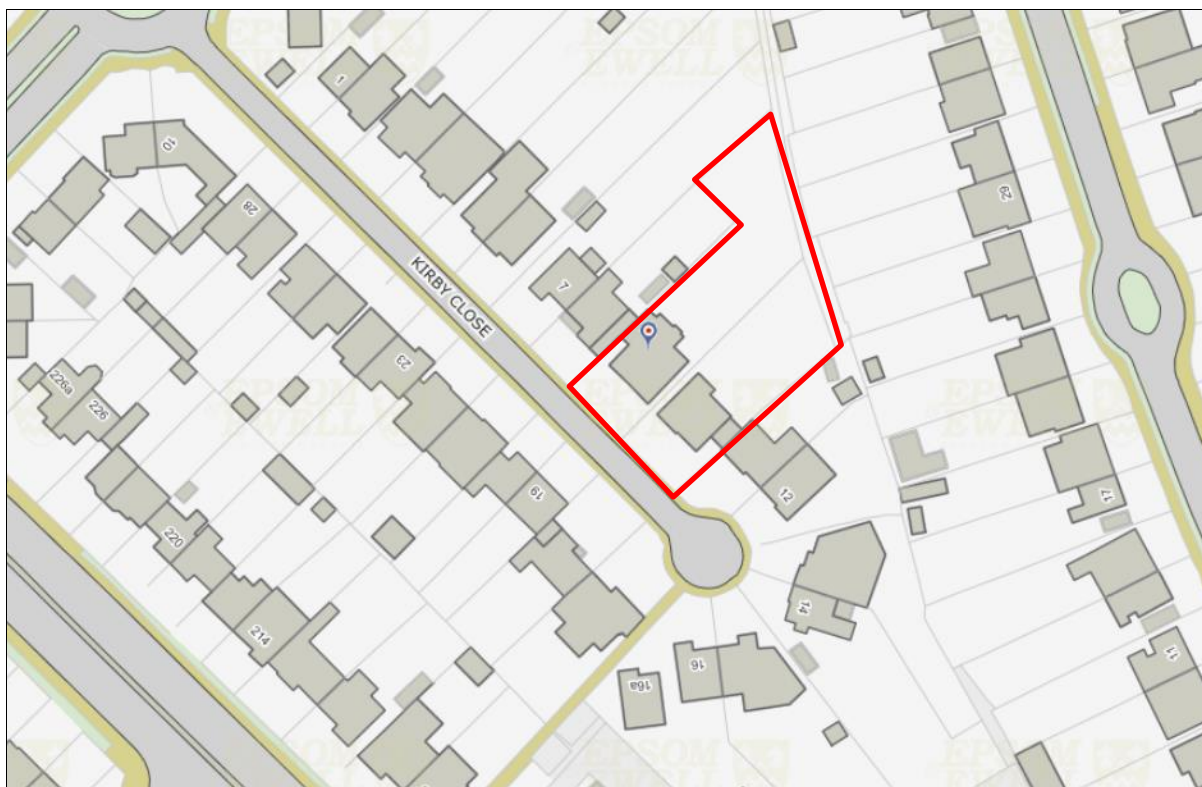
2) Changes to the Approved Plans

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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24/01462/FUL - 9 And 10 Kirby Close, Ewell KT19 0PW

Application Number	24/01462/FUL
Application Type	Full Planning Permission (Minor)
Address	9 And 10 Kirby Close, Ewell KT19 0PW
Ward	Auriol Ward
Proposal	Demolition of existing dwellings and construction of 4 x 3 bed residential dwellings with associated parking and landscaping
Expiry Date	07 February 2025
Recommendation	Refusal
Number of Submissions	25
Reason for Committee	Called in by Member of the Council
Case Officer	Simon Taylor
Contact Officer	Simon Taylor, Manager
Plans, Documents and Submissions	Available here
Glossary of Terms	Available here: Glossary of Terms



SUMMARY

1. Summary and Recommendation

- 1.1. The proposal relates to two residential plots towards the south eastern end of Kirby Close, each consisting of a detached bungalow. The proposal involves the demolition of the existing bungalows and their replacement with four semi-detached, two storey, 3 bed dwelling houses (a net increase of two dwellings).
- 1.2. The application follows 24/00445/FUL which was a permission in principle application for the same scheme. It was recommended for approval at Planning Committee on 18 July 2025 but subsequently refused (overturned) due to member concerns with the density of the development. It is currently at appeal. There are minor changes to the scheme to address some of the concerns raised at Planning Committee, but the subject application has been submitted as a full application, which allows assessment of all material planning considerations.
- 1.3. The tilted balance is engaged in accordance with paragraph 11 of the NPPF and in this respect, the scheme is acceptable in a street that has a predominance of bungalows but with several two storey dwellings. However, assessment of all material planning considerations required consideration of any impacts upon protected species. In the absence of a Phase II bat survey, the Council cannot be satisfied that the proposal would not pose harm to protected species. Refusal is recommended.
- 1.4. A total of 25 submissions were received against the proposal. The application was called to Planning Committee by Cllr Beckett because of concerns of overdevelopment and being out of character. Whilst the recommendation is for refusal, it does not include those concerns raised by Cllr Beckett.

PROPOSAL

2. Description of Proposal

- 2.1. The proposal involves the following works:
 - Demolition of the existing dwelling houses
 - Erection of four semi-detached, two storey, 3-bed dwelling houses
 - Parking for eight vehicles (two per dwelling), hard and soft landscaping, fencing and associated site works

3. Key Information

	Existing	Proposed
Site Area	1,400m ² (800m ² at 9 Kirby Close and 600m ² at 10 Kirby Close)	
Units	2	4
Floorspace	Approximately 200m ² (120m ² at 9 Kirby Close and 80m ² at 10 Kirby Close)	512m ² (102-104m ² per dwelling)
Number of Storeys	1	2
Density	14 dwellings per hectare	29 dwellings per hectare
Affordable Units	0	0
Car Parking Spaces	At least 2 per dwelling	8 (2 per dwelling)

SITE

4. Description

- 4.1. The subject site comprises two plots on the northern side of Kirby Close, near the head of the cul-de-sac. Occupying the sites are two bungalows with driveways to the side. The immediately surrounding area is predominantly bungalows (either detached or semi-detached) but there are still several examples of two storey semi-detached properties in Kirby Close.

5. Constraints

- Built Up Area
- Tree Preservation Order (TPO302/G3) to rear boundary of 10 Kirby Close
- Site of Special Scientific Interest Risk Area
- Unclassified Road
- Flood Zone 1

6. History

- 6.1. 24/00445/FUL was presented to Planning Committee in July 2024 as a permission in principle application (ie only the location, land use and amount of development could be considered). The application involved broadly the same scheme (4 dwellings) and was recommended for approval but was overturned by Committee with the following reason for refusal:

1) *Excessive Density for the Site*

The proposed development would not maintain the visual character and appearance of the wider townscape. contrary to Policy DM11 of the Development Management Policies Document 2015.

6.2. The subject application has not proposed to reduce the amount of development as it would prove impractical and unsatisfactory to demolish two detached dwellings and erect three dwellings (either as detached or terraced). Therefore, the principle objection raised by the Planning Committee has not been overcome but concerns raised by Officers and members on the Committee are considered to have been addressed. The primary differences between this application and the previous application (24/00445/FUL) are:

- Reduction in overall building widths by 1.5m, allowing for an increase in the building separation from 1m to 2m between the two properties
- 250mm lowering of the overall building heights
- Introduction of curved front bay windows instead of square bay windows
- Relocation of the entrance door to Units 1 and 4 to the front elevation
- Introduction of additional soft landscaping to the frontage

App No.	Description	Status
N/A	Residential development	Approved October 1949
24/00445/FUL	Permission in Principle application for the net increase of between one and two dwellings	Refused 18 July 2024
APP/P3610/W/24 /3350483	Appeal against refusal of 24/00445/FUL	Pending

CONSULTATIONS

Internal and External Consultees

Highway Authority	No objection.
Trees	No comments received.
Ecology	Objection raised due to a lack of a satisfactory bat survey. <u>Officer comment:</u> Refusal is recommended on these grounds.

Public Consultation

Neighbours	The application was advertised by means of a site notice and notification to 44 neighbouring properties, concluding on 27 January 2025. 25 submissions were received. They raised the following issues: Character <ul style="list-style-type: none"> • The road consists of 29 properties of which 19 are bungalows. Only 2 are on the side of the proposed development and majority are at the top of the road
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Internal and External Consultees

whereas the proposed development is the other end. As such the street scene will be negatively impacted

- There are 29 dwellings. Of these 19 are bungalows and 10 are two-storey houses. Therefore, Kirby Close as a whole is 65.5% bungalows. However, nearly all the two-storey houses are at the upper end of the road. So among the 17 houses in the lower part of the Close (numbers 7-22) 15 are bungalows and only 2 are two-storey. This part of the road is therefore 88%
- Proposal is not in keeping with predominance of bungalows
- Loss of uniformity, distinctiveness and consistency in the row of bungalows

Officer comment: Section 12 of this report offers consideration of what is the predominant form of development in the street. Nonetheless, there is no policy basis to oppose the development of two storey detached dwelling houses when close to half the street comprises of such development.

- Cramped development is out of character with the area
- Does not accord with prevailing development/spaces
- Feeling of the place is altered
- Over development
- A reduction in number of dwellings is required
- Increase in density will disrupt the peacefulness of the area
- Increased footprint is over development
- Lack of building separation
- Terracing impact

Officer comment: The proposed dwellings sit comfortably within the site, as outlined in Section 12.

- Openness and roofline consistency would be lost
- Is upwards of 2m higher than adjoining properties
- Height is out of character
- The existence of higher buildings in a particular location does not justify a building of equivalent height (DM13)
- Building height does not accord with the bungalow height of neighbouring properties

Officer comment: There is no policy opposition to two storey dwellings in this location as discussed in Section 12.

- Loss of green character/open spaces
- Loss of green views beyond
- Lack of soft landscaping/excessive hard standing to front boundary

Internal and External Consultees

- Does not protect trees and landscape features, contrary to DM5

Officer comment: Rear gardens are retained, and the frontage is not inconsistent with other properties in the street, noting that PD rights allow for hardstanding. This is discussed further in Section 12.

Traffic/Parking

- Lack of on-site parking for four dwellings
- Pressure on on-street parking which is already limited
- There are upwards of 18 occupants meaning more than eight spaces are required
- Loss of on street parking arising from widened dropped kerb
- Street parking is lost because of wide dropped kerb
- Increased traffic congestion on a narrow road
- Additional traffic movements and impact on road safety
- Narrowness of Kirby Close is unsuitable for extra vehicles
- Narrow width of the road already restricts emergency vehicles and refuse collections as well as access into driveways
- Lack of turning at the end of Kirby Close means increased turning on private land
- Pedestrian access is problematic due to vehicles parked up on the kerb
- Safety risk posed by additional traffic

Officer comment: Whilst the proposal would lead to the loss of on street parking in front of the two sites, but this does not form a valid reason for the refusal of the application. The level of traffic generation and parking and access arrangements has been assessed by the highways authority and no objection raised. Parking provision is also in accordance with policy and the width of Kirby Close, whilst limited, is sufficient for normal movement of traffic. Parking of vehicles on the kerb is not recommended nor is it viewed as necessary. This is discussed further in Section 18 of the report.

Neighbour Amenity

- Loss of privacy
- Overlooking from windows and rooflights
- Loss of light and outlook
- Increased occupancy and noise disturbance

- Rear building line exceeds the requirements in the Infill SPG
- Nonconformity with the rear building line at first floor level

Internal and External Consultees

Officer comment: The siting, height and orientation of the dwellings, are such that a development of this scale can be accommodated without adverse detriment to neighbour amenity. See Section 17.

Construction

- Lack of on street parking and street width for construction vehicles
- Noise and disruption from construction phase
- Construction will limit access within the street

Officer comment: Kirby Close has a width of 4.6m but the street and site access are adequate, and the scope of the works is appropriate such that it would not be unacceptable to oppose the development on construction grounds. Any future permission would be subject to a condition requiring further details in a Construction Transport Management Plan. See Section 18.

Other

- Flooding impacts from additional hardstanding
- Clay soil will lead to additional drainage issues
- Impact on surface water

Officer comment: Drainage outcomes are satisfactory, as discussed in Section 20.

- Sewer and electricity capacity is already limited
- Electricity supply may be problematic

Officer comment: This is not a planning consideration.

- No supporting statement has been submitted

Officer comment: The applicant has since submitted a planning statement.

- Red line boundary intrudes over the adjoining boundaries

Officer comment: The red line boundary includes splays at the street boundary, which is not uncommon.

- Appeal notification has not been received

Officer comment: Notification of the appeal against the previously refused application is not relevant to this application.

Internal and External Consultees

- Loss of bungalows forces people into care rather than keeping them out
- Loss of smaller units
- Existing dwellings are detached bungalows in good condition and should not be demolished

Officer comment: The demolition of a single storey dwelling and its replacement with a two-storey dwelling is not opposed in principle. Further, the provision of 3 bed dwellings is supportive of the desired unit mix. See Section 12 and 16.

- Sliding doors to the ground floor rooms would not meet fire rating

Officer comment: This is a matter for building regulations.

- Usability of first floor bedrooms is compromised

Officer comment: The functionality and amenity afforded for each dwelling appears acceptable. There is at least 1m wide side access and the first-floor bedrooms are afforded adequate light, outlook and ventilation. See Section 14.

- Will create a precedent for overcrowding and streetscene
- Developers will rush to buy bungalows
- Devaluation of property values

Officer comment: The development is acceptable in terms of density and character, as discussed in the body of the report. Any subsequent application would be considered on its own merits. Property values are not a relevant planning consideration.

- Children will not be able to play outside safely

Officer comment: The addition of two additional dwellings in the street would be unlikely to result in the cohesiveness of the neighbourhood that comes with children playing within the cul-de-sac.

- Covenant for Stoneleigh Hill Estate prevents over development

Officer comment: Covenants do not form a material planning consideration,

- Bats have been seen in summer months

Internal and External Consultees	
	<ul style="list-style-type: none"> • Mice and birds will be affected • Loss of front gardens has landscape and ecological impacts, and no biodiversity net gain <p><u>Officer comment:</u> See Section 19.</p>
Stoneleigh and Auriol Neighbourhood Forum	<p>Objection raised on the following grounds:</p> <ul style="list-style-type: none"> • Will alter the visual landscape • Loss of distant green views, contributing to the open character • Disruption to roofline consistency • Density is incompatible with para 129 of the NPPF • Design and massing is contrary to DM of the DMPD • Density and form is inconsistent, contrary to C5 of the CS • Roof form and heights is contrary to DM13 of DMPD • Poor design • Loss of light and outlook for neighbours <p><u>Officer comment:</u> These matters are addressed above or in the body of the report.</p>
Ward Member	The application was called in to Planning Committee by Cllr Beckett because of concerns of overdevelopment and being out of character.

PLANNING LEGISLATION, POLICY, AND GUIDANCE

7. Legislation and Regulations

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

8. Planning Policy

8.1. National Planning Policy Framework 2024 (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
- Section 15: Conserving and Enhancing the Natural Environment

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 CS9: Affordable Housing and Meeting Housing Needs
- 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 DM13: Building Heights
- Policy DM17: Contaminated Land
- Policy DM18: Communications Infrastructure
- Policy DM19: Development and Flood Risk
- Policy DM21: Meeting Local Housing Needs
- Policy DM22: Housing Mix
- Policy DM37: Parking Standards

9. Supporting Guidance

9.1. National Planning Policy Guidance (NPPG)

- Community Infrastructure Levy
- Design: Process and Tools
- Flood Risk and Coastal Change
- Healthy and Safe Communities
- Housing: Optional Technical Standards
- Natural Environment
- Noise

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 Transport Plan 2022–2032
- Sustainable Design Supplementary Planning Document 2016

9.3. Other Documentation

- Technical Housing Standards – Nationally Described Space Standards 2015
- Community Infrastructure Levy Charging Schedule 2014

- Strategic Housing Market Assessment Update 2019

PLANNING ASSESSMENT

10. Presumption in Favour of Sustainable Development

- 10.1. Paragraph 11 of the NPPF 2024 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.
- 10.2. Paragraph 11(d) of the NPPF 2024 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.
- 10.3. 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. Appeal decisions have indicated that the tilted balance applies to permission in principle applications and is the case with this application.

11. Principle of Development

11.1. Built Up Area

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

11.3. Housing Delivery

- 11.4. Paragraph 61 of the NPPF 2024 aims to significantly boost the supply of homes in areas where it is needed and addressing specific needs. Policy CS7 of the CS seeks to meet housing requirements in accordance with Policy H1 of the South East Plan which is at least 2,715 homes within the period 2007-2022 or 181 new dwellings per annum. The Council is currently preparing a new Local Plan for the Borough which will set a new housing requirement for the plan period (2022-2040). The Local plan (2022-2040) is currently at Regulation 19 consultation stage and can be afforded little if any weight at the present time.
- 11.5. The Council has calculated its five-year housing land supply position as being between 2.1 – 2.18 years supply as set out in the 2023/2024 Authority Monitoring Report. The Council is presently falling significantly

short of this requirement and cannot presently demonstrate five years housing land supply. The net increase of two dwelling houses weighs in favour of the scheme.

11.6. Demolition of Existing Dwellings

11.7. G3 of the Infill SPG states that the Council will resist proposals for the demolition of buildings which make a positive contribution to the character of the area, particularly in conservation areas. This is guidance only and there is no other policy requirement for the retention of such buildings as bungalows. Of note, this site does not fall within a conservation area where there is increased importance placed on existing buildings but where demolition could still be supported.

11.8. Development of a Residential Garden

11.9. Policy DM16 of the DMPD indicates a presumption against the loss of rear gardens to maintain local character, amenity space, green infrastructure, and biodiversity, unless there is retention of green infrastructure for residents and wildlife and of neighbour amenity, avoidance of long access roads, development of a lesser scale and protection of trees, shrubs, and wildlife habitats. The proposal involves the demolition of the two existing dwellings and erection of four dwellings in their place. It would not involve backland development.

11.10. Density

11.11. 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 alternatively, where it is allocated at a higher density, there is good site sustainability, and it conforms to the surrounding townscape.

11.12. The density of the development is 29 dwellings per hectare which is within the scope envisaged by Policy DM11. The predominant density of the area is 20 dwellings per hectare though this varies between 16 dwellings per hectare on the larger plots at the end of the cul-de-sac or northern side of Kirby Close and 30 dwellings per hectare in the more linear pattern of development that is evident on the southern side of Kirby Close.

11.13. The proposed density of four dwellings across the 1400m² plot is not unreasonable in this context. The two plots have a width of about 13m which is above the average of about 9m and this can facilitate a development that is sufficiently compatible with the character of the area (see Section 11) and without neighbour detriment (see Section 15).

11.14. Site Sustainability

11.15. Section 9 of the NPPF 2024 seek to ensure the growth of sustainable transport in managing development and approval of planning applications.

11.16. The site exhibits excellent site sustainability credentials, being less than 300m from regular bus services on Kingston Road, 750m from Stoneleigh Train Station and within walking distance of shops on Kingston Road and Stoneleigh Broadway. The proposal is therefore supportive of increased density on sustainability grounds.

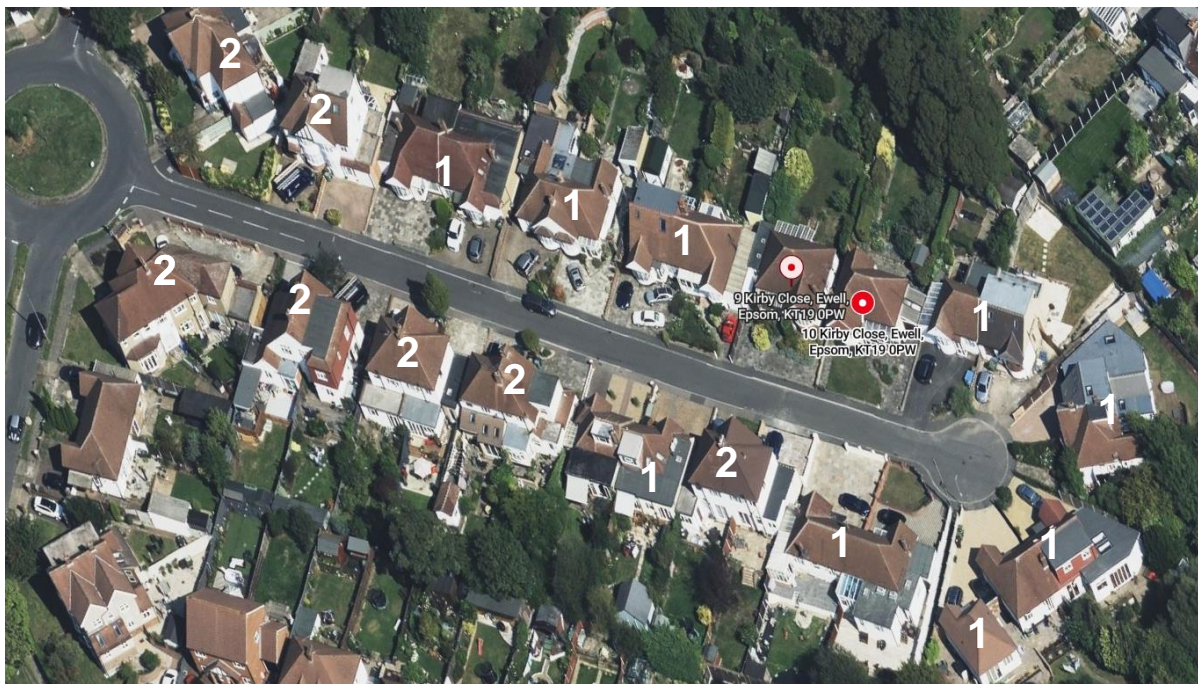
12. Design and Character

12.1. Sections 11 and 12 of the NPPF 2024 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.

12.2. G2 of the Infill SPG states that new dwellings on small plots must be sympathetic to, and complement the character of, the surrounding built form. Paragraph 1.2 states that Buildings of varying height and massing need to be carefully designed and located in relation to each other, in order that they complement and do not detract from other buildings in the street and the wider local context generally. There is no in principle opposition to the raising of the height of a dwelling from a single storey to two storey dwelling.

12.3. The street is currently characterised by a mix of development:

- Detached dwellings make up 17% of the street (3 of 18 buildings, two of which are within the subject site)
- Two storey dwellings make up 42% of the street (14 of 33 dwellings in the street)
- The two storey buildings predominate the western end of Kirby Close closest to Firswood Drive and single storey buildings predominate the eastern end at the head of the cul-de-sac



Height of properties in Kirby Close

12.4. Dwelling type

12.5. The two properties forming the subject site are two of the three detached bungalows in Kirby Close. In their place will be two semi-detached buildings for a total of four units. The provision of a semi-detached property is wholly consistent with the predominant character of semi-detached properties in the street and no objection is raised.

12.6. Height

12.7. The creation of four two storey dwellings would result in 51% of the street being two storeys in height. On this basis alone, the establishment of two storey dwellings is not opposed. However, it is located at the eastern end of Kirby Close, where there is a higher concentration of bungalows.

12.8. A two-storey semi-detached property is located opposite the subject site. This creates a bookend of sorts. The subject site will not protrude into the head of the cul-de-sac where dwellings are more visible in the streetscene. For these reasons, the creation of a two-storey development amongst other bungalows, is not unacceptable in principle.

12.9. Building separation

12.10. There is no consistency in building separation. Much of the openness of Kirby Close is evident at the eastern end where bungalows predominate. Elsewhere, garages extend to the boundary and two-storey built form extends close to the side boundary. The proposal will allow for 1.6m on the outer boundaries and 2m between the two buildings. It is evident that

four dwellings can be accommodated on the site without disrupting the openness that is evident on Kirby Close.

12.11. Footprint and Building Lines

12.12. The subject site benefits from wider frontages. The footprint of the two buildings is about 130m², which is equal to or less than other properties in the street, and indeed, not out inconsistent with the surrounding area.

12.13. The submitted plans indicate broad consistency with the front building line. To the rear, there is some incursion with the immediate neighbours, but it is not sufficient to warrant concern.

12.14. Building and Plot Width

12.15. The total plot width is 26.5m, indicating an average plot width of 6.6m. This would make the four dwellings the narrowest of all the plots in Kirby Close (excluding those at the head of the cul-de-sac) with the next narrowest being 20 Kirby Close at 7m. The resulting building widths would be 11.3m each which is also well below the average building width. However, the impression in the streetscene would not be appreciated but it still weighs in the overall balance.

12.16. Form and Appearance

12.17. The building design comprises a pitched roof form with double bay windows presenting to the street in a rounded form to match other properties in the street. It indicates that a development that is broadly consistent with the streetscape can be achieved.

12.18. Conclusion

12.19. The resulting built form, scale and appearance of development is broadly consistent with and not out of character with other development in the street. The only aspect of the development that weighs against being consistent is plot and building width but the extent of harm arising from this is limited in its nature. Resident concerns about the loss of bungalows or the height of the proposed scheme being out of place are not shared. However, there have been material improvements to the scheme since that which was refused at Planning Committee in July 2024.

13. Trees and Landscaping

13.1. Paragraph 136 of the NPPF 2024, 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. Paragraph 187 of the NPPF 2024 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.'
- 13.3. The rear of 10 Kirby Close is subject to Tree Preservation Order 302/G3, but the development is well removed from the trees such that there are no in-principle objections to the scheme.
- 13.4. Kirby Close is predominated by hard paved front gardens used for car parking and the proposed landscaping management at the front of the site is not out of character with this arrangement. Appropriate details would be secured by a condition; to include suitable tree planting (this is otherwise required to support biodiversity net gain requirements).

14. Quality of Accommodation

14.1. Internal Amenity

- 14.2. Paragraphs 135 and 164 of the NPPF 2024, Policy CS6 of the CS and Policies DM10 and DM12 of the DMPD aim for a functional, adaptable, and sustainable design, with a high standard of amenity, including with respect to layout, orientation, and massing. The layout, building depth, orientation is satisfactory to ensure good internal amenity. There are some rooflights to the first-floor rooms but these are to non-habitable spaces. Habitable areas are served with adequately sized windows. On this basis, no objection is raised.

14.3. Internal Space

- 14.4. The Nationally Described Space Standards 2015 sets out internal space standards for new dwellings at a defined level of occupancy - in this case, up to 84-93m² for a 3 bed, two storey development. 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 7.5m².
- 14.5. The proposal includes a gross internal area of 102-104m², which accords with the above requirements and reflects that four dwellings can be achieved on site. Bedroom sizes are adequate and there is ground floor storage.

14.6. Outdoor Space

- 14.7. 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. There is compliance with this requirement for all four dwellings.

15. Affordable Housing

- 15.1. There is no trigger for affordable housing.

16. Housing Mix

- 16.1. Paragraph 63 of the NPPF 2024 states that the size, type, and tenure of housing needed for different groups in the community including families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes. Policy DM22 of the DMPD requires all residential development proposals for four or more units to comprise a minimum of 25% 3+ bedroom units, unless it can be demonstrated that the mix would be inappropriate for the location or endanger the viability of the proposal.
- 16.2. All four dwellings are 3-bedroom dwellings, which satisfies Policy DM22. Whilst there is no variation in the mix, it reflects the locality and there is no in principle objection on these grounds.

17. Neighbour Amenity

- 17.1. 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 198 of the NPPF 2024 and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 17.2. Section 3 of the Infill SPG states that the rearward projection of any new building at first floor level should not therefore normally exceed the rear building line of the adjoining building where the new building is within 3m of the common boundary. This increases as the height of the dwelling increases. Section 4 requires separation distances of at least 12m and good separation to the street.
- 17.3. The siting and orientation of the dwellings will generally achieve an adequate degree of building separation and retention of sunlight and daylight to neighbouring properties and within the development itself. There is about 1.6m separation to side boundaries. Whilst this does not accord with the recommendations of the Infill SPG, this is guidance only and not wholly reflected through the street. At this depth, it is still considered ample in terms of maintaining adequate building separation and ensures that there is compliance with the 45-degree line to 8 and 11 Kirby Close. The dwelling also extends beyond the rear building line of its neighbour, but this similarly poses no unreasonable harm.
- 17.4. There is adequate separation distance of at least 18m to the rear boundary and 11m to the front boundary to ensure that there is no adverse overlooking. Subject to appropriate boundary fencing or obscure glazing of non-habitable spaces where necessary (and as there are no

side facing windows on the first floor), the level of privacy will remain acceptable.

- 17.5. Resident submissions have raised concern on the scale of the development leading to neighbour amenity concerns. These concerns are not shared on account of the density being appropriate for the plot and the surrounding area.

18. Parking and Access

- 18.1. 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.

18.2. Car Parking

- 18.3. 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. The proposal includes two parking spaces for each dwelling, which accords with policy. Scenarios as raised by resident objectors where all residents, including children, would own a car are not realistic in policy. Therefore, there is unlikely to be added pressure to existing levels of on street parking. There is also no policy basis to oppose a development on the grounds that the dropped kerbs would result in the loss of on street parking as such development is permitted development and does not require planning permission.

18.4. Cycle Parking

- 18.5. 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. A cycle store is provided in the rear garden for all properties which satisfies the policy requirement.

18.6. Pedestrian and Vehicle Access and Manoeuvrability

- 18.7. Paragraph 117 of the NPPF 2024 requires safe and suitable access, paragraph 116 allows for refusal where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe and paragraph 116 seeks to minimise conflicts between pedestrians, cyclists, and vehicles. This is reinforced in Policy CS16 of the CS and DM10(x) of the DMPD.

- 18.8. There are adequate visibility splays and reversing manoeuvres onto Kirby Close are not opposed on account of low traffic levels within the cul-de-sac. Provision for pedestrian access is provided between the parking spaces. The level of traffic generation arising from the development is also acceptable. On these and all other grounds, the Highways Authority have reviewed the proposal and raise no objection.
- 18.9. A larger number of submissions raised concern with the width of Kirby Close restricting vehicular movements for emergency and refuse vehicles and broader traffic movements. However, this is an existing situation and the provision of two additional dwellings would not result in a situation where access is unduly restricted.

19. Ecology and Biodiversity

- 19.1. Paragraphs 187 and 193 of the NPPF 2024, 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. The site is within a SSSI Impact Risk Zone Area. However, as the buildings will be sited broadly in the footprint of the existing dwellings in a built-up area with low ecological status, there is no foreseeable harm to protected species and no objection raised.
- 19.3. A preliminary bat roost assessment was submitted with the application which indicates that there is low potential for protected species to be roosting in the two dwellings to be demolished. The report recommends that one emergence survey be undertaken during the optimal season (May to September). These details have not been submitted.
- 19.4. The Council's Ecology Officer concurs with the findings of the report and notes that in the absence of bat roost information, the works cannot be carried out without certainty of the protection of the protected species. This forms a reason for refusal of the application.
- 19.5. Schedule 7A of the Town and Country Planning Act 1990 and Section 187 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.
- 19.6. A BNG report was submitted with the application which satisfies the statutory requirements for a planning application. It indicates that a score of 1.99 for habitats and 0.19 for hedgerows will be required to secure net gain of 10%. This would be achieved in the form of modified grassland,

native scrub, green wall, green roof and native hedgerow. There are no specific details of whether this can be achieved on site, but this would form part of the post consent requirements for the biodiversity net gain condition.

20. Flooding and Drainage

- 20.1. Paragraphs 170 and 178 of the NPPF 2024, 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. The site is within Flood Zone 1 and is not within a critical drainage area. There is no in-principle objection to development of the site on flood risk and vulnerability grounds.
- 20.2. Paragraph 178 of the NPPF 2024, Policy CS6 of the CS 2007 and Policy DM19 of the DMPD seek the implementation of sustainable urban drainage systems (SUDS). A development of this scale is required to be supported by eight car parking spaces which are provided at the front of the site where there is currently mostly soft landscaping. There would therefore be an increase in hard paving but subject to further drainage details (including but not limited to permeable paving as part of a sustainable urban drainage scheme), there are no in-principle objections.

21. Contamination and Remediation

- 21.1. There is no known contamination.

22. Refuse and Recycling Facilities

- 22.1. 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. Paragraph 8.1 of the Infill SPG seeks good design.
- 22.2. The proposal includes separate bin storage for recycling, food waste and general waste for each dwelling. It is accessible for each dwelling, close to the road for collection and suitably located not to dominate the streetscene. There are no elevation details so these would need to form part of a pre occupation condition.

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. There is an absence of sustainability details to support Policy CS6, but this can be addressed as a pre commencement requirement by condition. On this basis. No objection is raised.

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. Several objections have been received on the grounds that the demolition of the bungalow and its replacement with a two-storey dwelling would render the scheme unsuitable for older persons. However, there is no policy departure on these grounds and the proposal would accord with the requirements of building regulations. Therefore, refusal on these grounds is not possible.
- 24.2. More broadly, the proposal would not prejudice accessibility provision in terms of being adaptable for future users – parking on the ground floor is able to be used for accessible purposes and the open plan nature of much of the dwelling is capable of being adaptable in the future.
- 24.3. The Council is required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, or belief. There would be no adverse impacts because of the development.

25. Planning Obligations and Community Infrastructure Levy

- 25.1. 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.
- 25.2. 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

26. Planning Balance

- 26.1. 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.

- 26.2. 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.
- 26.3. 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.

26.4. Economic Considerations

- 26.5. 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.
- 26.6. There are associated construction and employment benefits that would also attract minor weight.

26.7. Social Considerations

- 26.8. The dwellings are defined as family housing with provision for rear amenity space and this is supportive of policy for delivering such housing. This is attributed minor weight.

26.9. Environmental Considerations

- 26.10. The dwellings are located in a highly sustainable location. This adds to the moderate weight applied to the delivery of housing.
- 26.11. Resident concerns extend to a lack of building separation, over development and the height being inconsistent within the street. There is a degree of inconsistency in the street though there are material improvements to the scheme since the previous refusal. It is minor in its nature and the weight applied to this departure is minimal.
- 26.12. Environmental considerations extend to potential for harm to protected species and in the absence of a Phase II survey, the Council is unable to confirm otherwise. On this basis, there is a potential for significant environmental harm and this attracts significant weight.

26.13. Conclusion

26.14. The significant adverse effects of delivering the development (potential harm to protected species) would significantly and demonstrably outweigh the benefits of additional housing. On this basis, the application is recommended for refusal.

RECOMMENDATION

To refuse planning permission for the following reason:

1) Harm to Protected Species

The submitted preliminary ecological assessment has concluded that the existing dwellings offer habitat value for bats, necessitating the submission of a Phase II bat survey. In the absence of such information, it has not been satisfactorily demonstrated that the proposal would not have an adverse impact on protected species that may be occupying the site, to which the mitigation measures do not adequately compensate.

The proposal is therefore contrary to Policies CS1 and CS3 of the Core Strategy 2007, Policy DM4 of the Development Management Policies Document 2015, Section 15 of the National Planning Policy Framework 2023 and 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.

Informatives

1) Refused Plans

This decision is in relation to the plans numbered 0002 Rev P2, 0003 Rev P2 and 3000 Rev P2, received by the local planning authority on 3 December 2024 and plans numbered 3001 Rev P1, 3100 Rev P1, 3101 Rev P1, 3200 Rev P1, 3201 Rev P1, 3202 Rev P1, received by the local planning authority on 18 November 2024.

2) Positive and Proactive Discussion

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

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PLANNING PERFORMANCE REPORT

Report	Summary of Planning Performance by Quarter
Period	October to December 2024
Author	Simon Taylor, Manager, Development Management
Date of Report	29/01/2025

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 December 2024), as measured against government performance standards and against past quarters since 2021. The Council continues to maintain a rolling average well above the level at which designation is raised (70%).

Type	Year	Quarter	Total	In Time	% In Time	Target
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%	
	2023	Q1	3	3	100%	
		Q2	1	1	100%	
		Q3	4	4	100%	
		Q4	1	1	100%	
	2024	Q1	5	5	100%	
		Q2	3	3	100%	
		Q3	4	4	100%	
		Q4	4	4	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%	
	2023	Q1	21	19	90%	
		Q2	39	34	87%	
		Q3	35	28	80%	
		Q4	40	35	88%	
	2024	Q1	36	32	89%	
		Q2	35	31	89%	
		Q3	25	24	96%	

		Q4	31	30	97%	
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%	
	2023	Q1	139	135	97%	
		Q2	133	129	97%	
		Q3	132	121	92%	
		Q4	117	106	91%	
	2024	Q1	113	109	96%	
		Q2	140	135	96%	
		Q3	141	136	96%	
		Q4	104	104	100%	

MONTHLY ENFORCEMENT REPORT

Report	Summary of Incoming and Closed Enforcement Cases by Month
Period	2024-25
Author	Simon Taylor, Manager, Development Management
Date of Report	03/02/2025

OPEN CASES

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

There were 318 cases opened in 2024, which is 31% higher than cases opened in 2023 (242 cases). Despite this, January 2025 marks the seventh consecutive month where there has been a net reduction in enforcement cases.

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	265	18	20	-5
November	248	20	36	-17
December	242	13	21	-6
2025	Live	Opened	Closed	Net change
January	237	12	17	-5

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

CLOSED CASES

The following table summarises the reason for closure of each enforcement case in the last quarter.

Closure Text	Total
Breach has ceased	4
Duplicate Case	13
Transferred to Environmental Health	1
Immune from Enforcement (over 10 years)	0
Immune from Enforcement (over 4 years)	2
No Breach - Not Development	1
No Breach - Permitted Development	13

No Breach - Not Planning Related	1
No Breach - complies with PP	7
No Breach - Other	4
Notice Complied With	1
Not Expedient	6
Notice Served	3
Planning Application Submitted	14
Transferred to SCC	1
Voluntary Compliance	6
Total for October-December 2024	77

APPEALS REPORT

Report	Summary of all Planning Appeal Decisions and Current Appeals
Period	October-December 2024
Author	Simon Taylor, Manager, Development Management
Date of Report	05/02/2025
Appeals	14 (14 dismissed, 0 upheld)
Costs Appeals	Nil

SUMMARY

Item	Address	LPA Ref	PINS Ref	Proposal	Decision
1	16 Reigate Road, Ewell	23/00582/ FUL	APP/P3610/W/24/3342567	Infill dwelling house	Dismissed
2	Outside 6A Church Street, Epsom	24/00208/ FUL	APP/P3610/W/24/3345295	Communications hub with adverts	Dismissed
3		24/00207/ ADV	APP/P3610/Z/24/3345304	Communications hub with adverts	Dismissed
4	7 Melton Place, Epsom	23/00525/ CLE	APP/P3610/X/24/3342079	Conversion of dwelling to 3 dwellings	Dismissed
5	46 Horton Place, Ewell	24/00301/ REM	APP/P3610/D/24/3347244	Changes to fenestration	Dismissed
6	40 Redwood Drive Epsom	24/00110/ FLH	APP/P3610/D/24/3347227	Rear extension	Dismissed
7	28 Christ Church Mount, Epsom	24/00430/ FLH	APP/P3610/D/24/3348264	Double hip to gable roof conversion	Dismissed
8	135 Riverview Road, Ewell	23/01068/ FUL	APP/P3610/W/24/3346982	Outbuilding used as dwelling	Dismissed

The following decisions were also tabled in the last appeals report to the Planning Committee in November 2024 but fell within the same October -December 2024 quarter

9	6A Bucknills Close, Epsom KT18 7NY	23/00577/ FUL	APP/P3610/W/23/3335744	Six dwellings	Dismissed
10	Rear of 11 Woodlands Avenue, Epsom KT18 7HP	23/01184/ FUL	APP/P3610/W/24/3341342	New holiday let building	Dismissed
11		23/01251/ FUL	APP/P3610/W/24/3343175	CoU of outbuilding to dwelling	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 with adverts	Dismissed
		24/00209/ ADV	APP/P3610/Z/24/3345303	Communications hub with adverts	Dismissed

DETAILS

1. 16 Reigate Road, Ewell KT17 1PH (dismissed)

- 1.1. The appeal relates to a new two storey, 3 bed dwelling house, which was refused on the grounds that it did not fit comfortably within its plot and alongside a public pathway running along its side boundary as well as neighbour amenity concerns and a lack of ecological information.
- 1.2. The Inspector concurred that the proposal represented excessive bulk for the site and a lack of building separation alongside a lack of survey information relating to potential bat roosts. It was not able to be conditioned. Neighbour outlook was found to be satisfactory. In applying the titled balance, the appeal was dismissed.

2. Outside 6A Church Street, Epsom KT17 4NY (dismissed)

- 2.1. This relates to a linked appeal for an advertisement consent and full application for a communications hub on Church Street near Upper 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 streetscene.
- 2.2. The Inspector found that the location away from the commercial frontages made it appear solitary and isolated, large and overly dominant, exacerbated by its modern appearance. (paragraph 12). The weight of public benefits did not outweigh this harm.

3. Outside 6A Church Street, Epsom KT17 4NY (dismissed)

- 3.1. The linked advertisement consent was dismissed on the same grounds.

4. 7 Melton Place, Epsom KT19 9EE (dismissed)

- 4.1. The appeal related to a 2011 enforcement notice that was issued for the cessation of the use of a terrace dwelling as three separate flats. The notice was appealed but was dismissed. It was eventually complied with in 2012. A certificate of lawfulness was subsequently submitted in 2024 seeking the Council's confirmation that the use of the building as three dwellings was lawful by virtue of it having been in existence for more than 10 years. Whilst the use as three flats may have had some merit, the certificate was refused on the basis that lawfulness cannot be demonstrated whilst a live enforcement notice applies to the site.
- 4.2. The appellant relied on the fact that there were erroneous plans on the Council's website for another property. The Inspector found in favour of the Council, noting that the erroneous plans were of no relevance to the consideration of the original appeal or the Council's assessment. The Council's enforcement officer is currently in the process of seeking compliance with the original 2011 notice.

5. 46 Horton Place, Ewell (dismissed)

5.1. The appeal related to unauthorised works to the front elevation of a townhouse dwelling within the Epsom Hospital Cluster which were inconsistent with the approved plans for a garage conversion. The Council argued that the resulting appearance of the unauthorised works, in terms of the window proportions and sill height, was inconsistent with the row of properties and detracted from the character of the area. The Inspector concurred with the Council and the appeal was dismissed.

6. 40 Redwood Drive Epsom KT19 8FL (dismissed)

6.1. The appeal related to a single storey rear extension and garage conversion. The Council refused the proposal because the loss of garage parking and a net increase in the number of bedrooms meant that there was insufficient provision for off street car parking, posing unacceptable demands on the surrounding road network and movement of traffic.

6.2. The Inspector agreed with the Council, noting a large number of vehicles parked over pavement and local parking stress. The appeal was dismissed though the rear extension was allowed.

7. 28 Christ Church Mount, Epsom KT19 8NB (dismissed)

7.1. The proposal involved a hip to gable roof extension, raising of the ridge by 600mm and a rear dormer. The Council refused the scheme on the grounds of poor design, bulk and a convoluted roof form.

7.2. The Inspector agreed with the Council, noting a myriad of issues with the scheme, including the scale and massing was excessive (paragraph 7), the works to the front elevation creating the impression of a three storey dwelling (paragraph 8), an excessively large rear dormer (paragraph 10) and inconsistency in alignment of the dormer to the windows below (paragraph 11). The appeal was dismissed.

8. 135 Riverview Road, Ewell KT19 0JR (dismissed)

8.1. The appeal related to the Council's refusal to allow the conversion of an existing garage the rear of a rear garden into a separate dwelling. The appellant had contended that the use was for an elderly parent. The Council argued that the existing form as a garage and the necessity for high fencing would harm the character of the area and because of substandard amenity for existing and future occupiers.

8.2. The Inspector agreed with the Council in that the intensive use of the land did not support a dwelling of this nature and that the substantially substandard internal and external amenity for the occupants and the overlooking back towards the existing dwelling justified dismissal of the appeal, even when applying the titled balance.

9. 6A Bucknills Close, Epsom KT18 7NY (dismissed)

- 9.1. 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.
- 9.2. 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).
- 9.3. 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.

10. 11 Woodlands Road, Epsom KT18 7HP (dismissed)

- 10.1. 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.
- 10.2. 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.

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

- 11.1. 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.

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

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LPA Ref	PINS Ref	Status	Address	Proposal
22/00316/TPO	APP/P3610/W/22/3310516	Valid	8 Grafton Road Worcester Park	Felling of Pine
22/00385/TPO	TBA	Valid	Burnside, Vernon Close, West Ewell	Felling of Oak
22/01810/TPO	TBA	Valid	21 Chartwell Place, Epsom	Felling of Ash
23/00302/TPO	TBA	Valid	5 Poplar Farm Close, West Ewell	Part tree removal
23/00175/TPO	TBA	Valid	35 Woodcote Hurst, Epsom	Removal of Cypress
23/00402/FUL	APP/P3610/W/24/3352418	Hearing 18/3/25	Dairy Crest Site, Alexandra Road, Epsom	New supermarket
23/01234/FUL	APP/P3610/W/24/3346386	Decision pending	1 Wheelers Lane, Epsom	New dwelling
24/00298/FUL	APP/P3610/W/24/3347374	Decision pending	Ewell Castle Junior School, Ewell	New classroom
24/00299/LBA	APP/P3610/Y/24/3347376	Decision pending	Ewell Castle Junior School, Ewell	New classroom
24/00417/REM	APP/P3610/D/24/3348086	Decision pending	47 Holmwood Road	Variations to dwelling
24/00227/FLH	APP/P3610/D/24/3348495	Decision pending	494 Chessington Road, West Ewell	Garage conversion
23/01451/FUL	APP/P3610/W/24/3349650	Decision pending	Friars Garth, The Parade, Epsom	Additional floor
24/00445/FUL	APP/P3610/W/24/3350483	Decision pending	9 And 10 Kirby Close, Ewell	PiP for 4 dwellings
24/00849/FUL	APP/P3610/W/24/3350649	Decision pending	Green Gables, Ashley Road, Epsom	3 new dwellings
24/00530/FLH	APP/P3610/D/24/3351068	Decision pending	3 Bramley Road, Cheam	Garage conversion, first floor front extension
24/00917/CLP	APP/P3610/X/24/3352350	Decision pending	11A Christ Church Mount, Epsom	Dropped kerb
24/00800/TPO	APP/P3610/W/24/3353162	Not yet started	1 Park Farm Court, West Ewell	Crown reduction
24/00107/FUL	APP/P3610/W/24/3353857	Decision pending	6A Bucknills Close, Epsom	Five dwellings
24/00659/FLH	APP/P3610/D/24/3354283	Decision pending	53 Beaconsfield Road, Epsom	Various alterations
24/00975/FLH	APP/P3610/D/24/3355372	Decision pending	24 The Parade, Epsom	Hardstanding and windows
24/01001/TPO		Not yet started	Ridgecourt, The Ridge, Epsom	Tree works
24/00748/FUL	APP/P3610/W/24/3355930	Decision pending	3 Station Approach, Stoneleigh	Shopfront works
24/00901/FLH	APP/P3610/D/24/3355872	Decision pending	10 Drumaline Ridge, Worcester Park	Porch and side extension
24/00346/FUL	APP/P3610/W/24/3355981	Decision pending	Hobbledown, Horton Lane, Epsom	Waterplay park
24/01247/FUL	APP/P3610/W/24/3356729	Decision pending	Hudson House, Station Approach, Epsom	Communications hub with adverts
24/01248/ADV	APP/P3610/Z/24/3356730	Decision pending		
24/01249/FUL	APP/P3610/W/24/3356732	Submissions	Epsom Gateway, Ashley Avenue, Epsom	Communications hub with adverts

24/01250/ADV	APP/P3610/Z/24/3356733	Submissions		
24/01254/ADV	APP/P3610/Z/24/3356735	Submissions	Capitol Square, 2-6 Church Street, Epsom	Communications hub with adverts
24/01253/FUL	APP/P3610/W/24/3356734	Submissions		
24/01264/CLE	APP/P3610/X/24/3357306	Received	329 London Road, Ewell	Hip to gable roof conversion
24/01312/FUL	APP/P3610/W/24/3357667	Decision pending	10 High Street, Epsom	Change to shopfront
24/01315/ADV	TBA	Received	10 High Street, Epsom	Advertising signage
24/00317/NOT	TBA	Received	10 High Street, Epsom	Enforcement notice
24/00568/FUL	APP/P3610/W/25/3359376	Submissions	Langley Bottom Farm, Langley Bottom	New dwelling
24/01175/FLH	APP/P3610/D/25/3359588	Submissions	7 Clandon Close, Stoneleigh	Hip to gable

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UPCOMING APPLICATIONS REPORT

Report	Summary of Likely Applications to be Heard at Planning Committee
Period	Quarter 4, 2024/25
Author	Simon Taylor, Manager, Development Management
Date of Report	05/02/2025

SUMMARY

App No	Address	Proposal	Reason	Potential Meeting
24/01323/OUT	29-31 Waterloo Road, Epsom	12-unit flat building	Major	March
24/01471/FUL	40A The Avenue, Worcester Park	5-unit flat building	Called in	March
24/01630/FUL	81 College Road, Epsom	New dwelling	Called in	March
24/01107/FUL	Former Gas Holder Station site, Hook Road, Epsom	Five residential towers and new performing arts centre	Major	March/ April
23/01114/REM	Hobbedown, Horton Park, Epsom	Changes to traffic related conditions	Called in	April
23/01345/FUL		Lemur enclosure	Quashed committee decision	April
23/01349/FUL		Buggy store		April
24/00025/FUL		Wallaby enclosure		April
24/00026/FUL		Mara enclosure		April

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