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Simon Young, Solicitor
Head of Legal and Democratic Services



PLANNING COMMITTEE

Thursday 7 April 2016 at 7.30 pm

Council Chamber - Epsom Town Hall

The members listed below are summoned to attend the Planning Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Humphrey Reynolds (Chairman)	Councillor Peter O'Donovan
Councillor Michael Arthur (Vice-Chairman)	Councillor Martin Olney
Councillor John Beckett	Councillor Vince Romagnuolo
Councillor Neil Dallen	Councillor Clive Smitheram
Councillor Robert Foote	Councillor Mike Teasdale
Councillor Jan Mason	Councillor David Wood
Councillor Tina Mountain	

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Young', written over a faint, larger version of the same signature.

Head of Legal and Democratic Services

For further information, please contact Fiona Cotter, tel: 01372 732124 or email: fcotter@epsom-ewell.gov.uk

AGENDA

1. DECLARATIONS OF INTEREST

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

2. MINUTES OF THE PREVIOUS MEETING (Pages 3 - 20)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 10 March 2016 (attached) and to authorise the Chairman to sign them.

3. PLANNING APPLICATION 15/01346/FUL - FORMER DIARY CREST SITE, ALEXANDRA ROAD, KT17 4BJ (Pages 21 - 42)

Demolition of existing buildings on site. Redevelopment of site to provide a mixed use development comprising a retail foodstore with 6 residential units above, with associated car parking, landscaping and access arrangements.

4. SITE VISITS (Pages 43 - 44)

Members are asked to put forward any applications which it is considered warrant a site visit.

Minutes of the Meeting of the PLANNING COMMITTEE held on 10 March 2016

PRESENT -

Councillor Humphrey Reynolds (Chairman); Councillor Michael Arthur (Vice-Chairman); Councillors John Beckett, Neil Dallen, Robert Foote, Jan Mason, Tina Mountain, Peter O'Donovan, Martin Olney, Vince Romagnuolo, Clive Smitheram, Mike Teasdale and David Wood

Officers present: Adele Castle (Planning Development Manager), John Mumford (Planning Officer), Danny Surowiak (Principal Solicitor) and Eddie Nowak (Democratic Services Officer)

49 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting of the Planning Committee held on 10 February 2016 were agreed as a true record and signed by the Chairman.

50 DECLARATIONS OF INTEREST

No declarations of interest were made by Councillors regarding items on the agenda.

51 PLANNING APPLICATION 15/01497/FUL - 101-111 HOLLYMOOR LANE, EPSOM KT19 9LZ

Description

Demolition of all existing structures and erection of new buildings providing 1x2 bed flat – wheelchair accessible, 20x2 bed flats, 3x3 bed houses, 4x4 bed houses, 2x5 bed houses and replacement retail convenience store (Class A1).

Decision

PERMITTED subject to the following conditions:-

Condition(s):

- (1) **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) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

2015_06_04 – Daylight and Sunlight report,
 12472_00_01-3_1, 12472_00_02-3_1, 12472_00_03-3_1,
 12472_05_01-3_5, 12472_05_03-3_1, 12472_14_02-3_13,
 12472_15_01-3_3, 12472_15_02-3_3, 12472_15_03-3_3,
 12472_15_100-3_3, 12472_15_200-3_1, 12472_15_201-3_3,
 12472_15_202-3_3, 12472_15_300-3_3,
 12472_15_301-3_3, 12472_15_400-3_3, 12472_15_401-3_3,
 12472_15_402-3_3, 12472_20_01-3_1,
 12472_30_100-3_3, 12472_30_101-3_3, 12472_30_102-3_3,
 12472_50_00 SoA_150717.pdf, 12472_90_01-3_1,
 12472_90_02-3_1, 12472_90_03-3_1, 12472_90_04-3_1,
 12472_90_05-3_1, 12472_90_06-3_1, 12472_90_07-3_1,
 12472_90_08-3_1, 12472_90_09-3_1, 12472_90_10-3_1,
 12472_90_11-3_1, 12472_90_12-3_1, 12472_95_01-3_1,
 12472_95_02-3_1, 12472_95_03-3_1, 12472_99_01-3_1,
 12472_DASStatement_20150717_low.pdf, 12472_PS_00-1_1
 Planning Statement_20150528.pdf, 22205-col_Services Survey.pdf, Affordable Housing Statement, DS-MER00977-15-120 Rev B, FRA-MER00977-15-39 Rev B, GEA-MER00977-15-100 Part1, GEA-MER00977-15-100 Part2, GEA-MER00977-15-100 Part3, Hollymoor Lane Energy Report R02-Afi.pdf, Hollymoor Lane Waste Minimisation statement, MER00977-002-001_topo survey, MER00977-003-001_Drainage_Water, MER00977-301-001 Rev A Drainage Strategy, Daytime Bat Survey, RT-MME-118791-01 prelim ecological assessment, Bat Emergence survey RT-MME-119363, RT-MME-118791-03, TS-19265 – Full, UHL-EMS-POL-0004 Waste Management Policy Iss05.pdf.

received on 20 January and 15 February 2016

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007).

- (3) The residential units hereby approved shall not be occupied until they have achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is suitable and makes efficient use of water to comply with Policy DM12 of the Development Management Policies 2015.

- (4) 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.

- (5) Prior to the commencement of development, details and samples 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 DM9 and DM10 of the Development Management Policies 2015.

- (6) Prior to the planting of trees, as part of the approved landscaping scheme, details of the tree guards shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details on implementation of the approved landscaping and shall thereafter be retained.

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

- (7) All planting, seeding or turfing hereby approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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, B, C, E, F, 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 2015.

- (9) The retail premises hereby approved as part of the development shall be used for Class A1 and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In order to ensure the provision of convenience retailing to meet the needs of local residents and also to safeguard the amenities of the occupiers of neighbouring properties, visual amenity and highway safety in accordance with Policies CS5 and CS16 of the Core Strategy (2007) and Policies DM9, DM10 and DM31 of the Development Management Policies 2015.

- (10) The development hereby approved shall not be first occupied until the proposed vehicular/pedestrian/cycle accesses to Hollymoor Lane and Sefton Road have been constructed and provided with visibility zones in accordance with the approved plans. The access shall be constructed in accordance with the approved details and shall be permanently maintained and the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.

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.

- (11) The development hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plans for vehicles and cycles to park. The parking areas shall be permanently retained for their designated purpose.

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

Policies DM35 and DM37 of the Development Management Policies 2015.

- (12) 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.
 - (j) no HGV movements to or from the site shall take place between the hours of 8.30 and 9.15 am and 3.15 and 4.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Hollymoor Lane, Sefton Road, Rutland Close, Longmead Road during these times
 - (k) on-site turning facilities for construction vehicles

have been submitted to and approved in writing by the local planning authority. Only the approved details shall be implemented during the construction of the development.

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users in accordance with

Policy CS16 of the Core Strategy (2007) and Policy DM35 of the Development Management Policies 2015.

- (13) **No operations involving the bulk movement of earthworks and/or materials to and from the development site shall commence until facilities have be provided in accordance with a scheme to be submitted to and approved in writing by the local planning authority to, so far as is reasonably practicable, prevent the creation of dangerous conditions for road users on the public highway. The approved scheme shall thereafter be retained and used whenever the said operations are undertaken.**

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 Policy CS16 of the Core Strategy (2007) and Policy DM35 of the Development Management Policies 2015.

- (14) **Prior to the occupation of the dwelling or the use of the retail unit of the development hereby permitted, electric charging points shall be installed in accordance with Drawing No. 12472_90_11_3-1 and thereafter retained permanently for the use of vehicles of occupiers and visitors to the premises and not used for any other purpose.**

Reason: To encourage the use of electric cars in order to reduce carbon emissions in accordance with Policy CS6 of the Core Strategy (2007).

- (15) **Before the development hereby permitted commences and in addition to any assessment provided with the application, a ground contamination investigation and risk assessment must be completed. The scope and detail of these are subject to the approval in writing by the local planning authority. The investigation and risk assessment must be undertaken by suitably qualified and accredited persons and a written report of the findings must be produced. The final written report is subject to the approval in writing of the local planning authority. The report of the findings must include:**

- (i) **details of the extent, scale and nature of contamination**
- (ii) **an assessment of the potential risks to:**
 - **human health**
 - **property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes**

- adjoining land and occupants
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments
- (iii) details of viable remedial options, and identification of and justification for the preferred option(s).

This must be conducted in accordance with Defra and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

The development must be carried out in complete accordance with the approved written report. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until appropriate remediation has been undertaken.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015 and the National Planning Policy Framework.

- (16) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared by suitably qualified and accredited persons, and shall be submitted to and approved in writing by the local planning authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that, after remediation, as a minimum, the site should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks

written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be prepared by suitably qualified and accredited persons and submitted to the local planning authority for written approval.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, Policy DM17 of Development Management Policies 2015.

- (17) In the event that unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the local planning authority immediately. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and approved in writing by the local planning authority. Development must accord with the approved details. Following completion of the remediation works, a verification report must be prepared by suitably qualified and accredited persons and submitted to the local planning authority for written approval.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, Policy DM17 of the Development Management Policies 2015.

- (18) Prior to any development on site, a comprehensive site survey shall be undertaken and submitted to and approved in writing by the local planning authority, in accordance with current best practice guidance to determine:**
- (i) The existence, depth, extent and character of any filled ground,**
 - (ii) The existence, extent and concentrations of any ground gas with the potential to impact the application site,**
 - (iii) If filled ground and/or gas is found, a detailed scheme of gas management measures shall be designed and implemented.**

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015.

- (19) The approved schemes prepared under condition 18 shall be carried out in accordance with their terms. Following completion of these works, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015.

- (20) A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation and the provision of reports on the same must be prepared by suitably qualified and accredited persons, both of which are subject to the local planning authority's written approval. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced by suitably qualified and accredited persons and submitted to the local planning authority. This must be conducted in accordance with Defra and the Environment Agency's Model Procedures for the Management of land Contamination, CLR 11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015.

- (21) The residential element of the hereby approved development shall comprise 100% affordable housing provision in accordance with paragraph 2.15 of the Planning Statement dated 28 May 2015 and Orbit Homes (2020) Ltd - Affordable Housing Statement dated March 2015.

Reason: In the interests of proper planning as required by Policy CS9 of the Core Strategy (2007).

- (22) The approved areas of hard surfacing will be porous or permeable, or shall direct surface water to a porous or permeable surface within the site and shall thereafter be maintained as such.

Reason: To reduce surface water run-off from the site in line with Policy CS6 of the Core Strategy (July 2007) and Policy DM10 of the Development Management Policies 2015.

- (23) Prior to the commencement of development the following details shall be submitted to and approved in writing by the local planning authority:

- (i) details of the delivery vehicle layby
- (ii) relocation of the existing bus stop including shelter
- (iii) the relocation/provision of street lighting
- (iv) the provision of new footway works

The approved details will be carried out prior to the first occupation of the properties.

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

- (24) The development hereby approved shall not be first occupied unless and until existing accesses from the site to Hollymoor Lane and Sefton Road have been permanently closed and any kerbs, verge, footway, fully reinstated.

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

- (25) Prior to the commencement of development details of the following shall be submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details:

- (i) a plan indicating the impermeable area layout of the site

- (ii) the Micro Drainage calculations and results, for the complete site drainage network
- (iii) how the Sustainable Drainage System will be protected and maintained during the construction phase and following the completion of development and how it will cater for system failure or exceedance events, both on and offsite
- (iv) a drainage layout detailing the exact location of SUDs elements, including finished floor levels
- (v) all SuDS elements and other drainage features, including long and cross sections, pipe diameters and respective levels

Reason: To ensure the drainage systems fully meets the requirements of the national SuDS technical standards.

- (26) Prior to occupation, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Drainage System has been constructed in accordance with the agreed scheme.

Reason: To ensure the Sustainable Drainage System has been constructed as agreed and complies with the requirements of the national SuDS technical standards.

- (27) The development hereby approved shall not be first occupied until a Car Parking Management Plan is submitted to and approved in writing by the local planning authority. It shall include: details of the allocation of car parking spaces and on-site parking controls. The Car Parking Management Plan shall be implemented and maintained thereafter in accordance with the approved details.

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

- (28) No development shall take place until a Travel Plan has been submitted to and approved in writing by the local planning authority. The approved details shall be implemented at the first occupation of the development hereby permitted and for each subsequent occupation of the development. The results of the implementation and monitoring shall be made available to the

local planning authority on request together with any changes to the plan arising from those results.

Reason: To encourage travel by means other than private motor vehicles in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM36 of the Development Management Policies 2015.

Informative(s):

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.
- (2) This form of development is considered liable for the Community Infrastructure Levy (CIL). CIL is a non-negotiable charge on new developments which involve the creation of 100 square metres or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100 square metres. The levy is a standardised, non-negotiable charge expressed as pounds per square metre, and are charged on the net additional floorspace generated by a development. You will receive more information regarding the CIL in due course. More information and the charging schedule are available online <http://www.epsom-ewell.gov.uk/NR/exeres/74864EB7-F2ED-4928-AF5A-72188CBA0E14,frameless.htm?NRMODE=Published>
- (3) If you need any advice regarding Building Regulations please do not hesitate to contact Epsom & Ewell Borough Council Building Control on 01372 732000 or contactus@epsom-ewell.gov.uk.
- (4) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
- (5) The water efficiency standard required under condition 3 has been adopted by the local planning authority through the Development Management Policies 2015. This standard is the 'optional requirement' detailed in Building Regulations 2010, Part G Approved Document (AD) Buildings Regulations (2015), at Appendix A paragraph A1. The applicant is advised that this standard can be achieved through either:
 - using the 'fittings approach' where water fittings are installed as per the table at 2.1 in the AD or
 - using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

- (6) For the avoidance of doubt, the term 'affordable housing' means subsidised housing at below market prices or rents intended for those households who cannot afford housing at market rates. It is usually managed by a registered social landlord.
- (7) No burning of materials obtained by site clearance shall be carried out on the application site.
- (8) The applicant is advised to contact Epsom and Ewell Borough Council at an early stage to discuss naming and numbering of the development on 01372 732000. For further information see <http://www.epsom-ewell.gov.uk/NR/exeres/C41A118E-B550-4CEF-9FA4-1F5C2BE9869E,frameless.htm?NRMODE=Published>.
- (9) The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and potentially a section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to three months in advance of the intended start date depending on the scale of the works proposed and the classification of the road. Please see: www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme
- The applicant is also advised that consent may be required under Section 23 of the Land Drainage Act 1991. Please see: www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice
- (10) The developer is advised that as part of the detailed design of the highway works required by the above planning condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment. The Highway Authority will also require that any redundant dropped kerbs will be raised and any verge or footway crossing reinstated to conform with the existing adjoining surfaces at the developers expense.
- (11) The applicant is advised to contact the Post Office Ltd with regard to any re-location of the existing box on Hollymoor Lane.
- (12) Attention is drawn to Section 20 of the Surrey Act 1985 which requires that when a building is erected or extended, proper

provision shall be made for the fire brigade to have means of access to the buildings and any neighbouring building.

- 52** PLANNING APPLICATION 15/01299/FUL - NESCOL, 91 REIGATE ROAD, EWELL KT17 3DS

Description

Proposed reconfiguration of the car parking area to allow for re-siting and re-design of Animal Husbandry facilities from that permitted under planning permission 13/00822/FUL (as amended by planning permissions 14/00501/MMA and 14/00635/REM), provision of site circulation and access control, landscaping including additional tree screening to main car park within the NESCOL Academic Campus.

Decision

PERMITTED subject to the following conditions:-

Condition(s):

- (1) 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) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: N274 GA 3019 Rev B, N274 GA 3001 Rev 11, N274 GA 3002 Rev 04, N274 DT 3009 Rev 04, N274 DT 3010 Rev 06, N274 DT 3012 Rev 01, N274 DT 3013 Rev 02, N274 DT 3016 Rev 02, N274 DT 3014 Rev 01, N274 DT 3015 Rev 04, N274 GA 3003 Rev 07, N274 GA 3004 Rev 06, N274 GA 3005 Rev 07, N274 GA 3006 Rev 07, N274 GA 3007 Rev 06, N274 GA 3008 Rev 06, N274 GA 3009 Rev 06, N274 GA 3010 Rev 05, N274 GA 3011 Rev 06, N274 GA 3012 Rev 06, N274 GA 3013 Rev 06, N274 GA 3014 Rev 06, N274 GA 3015 Rev 07, N274 GA 3017 Rev 03, N274 GA 3018 Rev 02, N274 PP 3001 Rev 06, N274 PP 3002 Rev 05, 1448.15P003 Rev B, 1448.15P004 Rev B, 1448.15P005 Rev A, 1448.15P006 Rev A 1, 1448.15P007 Rev A, 1448.15P008 Rev A, 1448.15P009 Rev A, 1448.15P010 Rev A, 1448.15P011 Rev A, 1448.15P012 Rev A, 1448.15P013 Rev A, 1448.15P014 Rev A, 1448.15P015 Rev A, 1448.15P016 Rev A, 69267 INF 16 Rev P1, 69267 INF 24 Rev C4, 69267 INF 25 Rev Z1, 69267 INF 500 01 Rev P5, TJ14166.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007).

- (3) All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

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.

- (4) No equipment, machinery or materials shall be brought onto the site for the purpose of the development, until the protective fencing has been erected to enclose all retained trees as shown on Tree Protection Plan (SJA TPP 15335-01a). This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

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

- (5) The current quantum of parking on the site shall be maintained during the construction phase for the use of students during term time. The new areas of parking as shown on drawing No N274 GA 3001 Rev 11 for 750 cars, 30 motor cycles and 252 cycles must be completed by 1st September 2016 to serve the influx of students starting in the new 2016/17 academic year. The parking areas shall be used and thereafter retained exclusively for their designated purposes.

Reason: To ensure that student parking does not take place on the Public Highway or on adjacent private streets to the detriment of safety and convenience of other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policies DM35 and DM37 of the Development Management Policies 2015.

- (6) The means of vehicular access to the development shall be from the new roundabout access on Reigate Road only. The existing vehicular access from Reigate Road to the north of the new roundabout shall be permanently closed and any kerbs, verge, footway, fully reinstated by the applicant, in a manner as already agreed with the Local Planning Authority.

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

- (7) Space must be been laid out within the site by 1 September 2016 in accordance with the approved plans and previously approved Travel Plan to provide:

a) Secure cycle parking, changing facilities, safe pedestrian & cycle routes

b) Information for staff and visitors regarding public transport, walking and cycling

Reason: To encourage travel by means other than private motor vehicles in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM36 of the Development Management Policies 2015.

- (8) Prior to occupation of the extended area of the eastern car park area, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use. To satisfy Policy CS6 of the Core Strategy 2007 and Policy DM17 of the Development Management Policies 2015.

- (9) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unexpected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters (the site is located over a Principal Aquifer). To satisfy Policy CS6 of the Core Strategy 2007 and Policy DM17 of the Development Management Policies 2015.

- (10) Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater. To satisfy Policy CS6 of the Core Strategy 2007 and Policy DM17 of the Development Management Policies 2015.

- (11) No development shall take place within the proposed car park areas until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and agreed in writing with the local planning authority. The development shall be carried out in strict accordance with the detailed scheme of investigation and any archaeological works shall be carried out by a suitably qualified investigating body acceptable to the local planning authority.

Reason: The site is of high archaeological potential and it is important that the archaeological information should be preserved as a record before it is destroyed by the development in accordance with Policy CS5 of the Core Strategy (2007).

Informative(s):

- (1) **The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.**

53 SITE VISITS

The Committee reviewed appropriate site visits and decided that a visit should be held at the appropriate time in connection with the following applications:

- Former Dairy Crest site, Alexandra Road, Epsom KT17 4BJ Ref: 15/01346/FUL
- The Roveries, 59-63 Cox Lane, West Ewell KT19 9NR Ref: 15/01464/FUL
- Hindu Temple – 3 & 4 Dell Lane, Stoneleigh, KT17 2NE Ref: 15/01379/FUL

The meeting began at 7.30 pm and ended at 8.10 pm

COUNCILLOR HUMPHREY REYNOLDS (CHAIRMAN)

Former Dairy Crest Site, Alexandra Road, Epsom, Surrey, KT17 4BJ

Demolition of existing buildings on site. Redevelopment of site to provide a mixed use development comprising a retail foodstore with 6 residential units above, with associated car parking, landscaping and access arrangements.

Ward:	College
Contact Officer:	Samantha Dixon

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NZ8JOU GYJWW00>

2 Summary

- 2.1 This application proposes the redevelopment of the former Dairy Crest site to provide a mixed-use scheme comprising a retail foodstore, associated works and six residential units.
- 2.2 This is a major development that does not accord with national or local planning policy with regard to the location of retail development or with our parking policies.

3 Site description

- 3.1 The site that is the subject of this application is located to the south side of Alexandra Road (A2022) on the corner with Church Road. The site has been vacant since early 2013, and was previously the site of the Dairy Crest delivery depot. There are numerous buildings within the site, mostly single-storey with pitched roofs, and the entire western element is covered in hardstanding. To the eastern part of the site is a two-storey office building with a lawn area at the rear. The site is currently surrounded by hoarding. Ground levels rise from west to east.
- 3.2 The surrounding area is predominantly residential in character. The site backs onto residential gardens of properties on Wyeths Road which is located within the Pikes Hill Conservation Area. There are dwellings to the north on Alexandra Road and west on Church Road.
- 3.3 Alexandra Road and Upper High Street form a main route into and out of Epsom Town Centre from Banstead (the east). The corner of the site abuts the 'fiveways' highway junction. The site is located outside of the

Epsom Town Centre boundary as defined within Plan E (Epsom Town Centre Area Action Plan, 2011) and is immediately adjacent to the Pikes Hill Conservation Area to the south and west.

4 Proposal

- 4.1 This application proposes the demolition of all of the existing buildings on site and the construction of a mixed-use redevelopment comprising a food store with six residential units above, a car park, new vehicular access and landscaping.
- 4.2 The retail unit would be situated over the eastern side of the site. It would have a net retail floor space of 912sqm and warehouse/staff area of 274.8sqm creating a gross retail development of 1338sqm. The shop element would be located adjacent to the Alexandra Road boundary and the warehouse and service area would be at the rear adjacent to the boundary with the dwellings on Wyeths Road. The staff area and ancillary retail use would be located in first floor accommodation above the shop which would be located centrally within the site, with dimensions of 13m by 8m.
- 4.3 Above the retail unit, six residential units are proposed which would face Alexandra Road. The units would be laid out in a single terraced row comprising two-storeys with a total footprint of 40m in length and 7.7m in depth. Each unit would have two bedrooms and a private external balcony. The units would be accessed from a ramp onto Alexandra Road at the east part of the site, and by a stairwell and lift at the west end of the building which would lead to the car park. Two of the units would be affordable, secured by a legal agreement.
- 4.4 The building would be set into the ground at its eastern end so that at the far east of the site from Alexandra Road the residential units would appear to have a height of two-storeys. At the western end of the building the residential units would visibly sit on top of the retail unit beneath.
- 4.5 The western part of the site would comprise a car park. 65 spaces would be created to serve the retail/visitor use, five of which would be allocated for disabled users. 6 spaces would be provided for the residential use, which would be separated by user-controlled bollards. Cycle parking areas would be provided for the residential and retail use. A service ramp would access the warehouse from the car park.
- 4.6 In order to accommodate the development on site, the applicants propose to move the existing access point into the site, eastwards along Alexandra Road. As a result, an existing pedestrian island would be relocated and five on-street parking bays would be removed. The existing carriageway would be divided by a hatched painted central reservation and a right-hand turn facility with capacity for two vehicles. This would serve the site from the west. A new 2m wide pavement would be created along Church Road.

- 4.7 Some soft landscaping would be introduced around part of the perimeter of the proposed car park and along the rear of the site between the development and the rear gardens of dwellings on Wyeths Road.

5 Comments from third parties

- 5.1 The application was advertised by press notice, site notice and letters of notification to the neighbouring properties that abut the site.

- 5.2 256 letters of objection have been received (to 17.03.2016) regarding:

- The site should be reserved for housing
- The site is not in town centre. The development will lead to the detriment of the local centre (which is already in decline)
- Detriment to local shops
- No need for a further supermarket in Epsom, already have Waitrose, Sainsburys, Tesco, 2 x Co-op, M&S
- Will put the local mini store on Church Road out of business
- The vacant Upper High Street site is more appropriate
- Town creep in a residential area
- Totally change the character of the area for its neighbours
- Quality of life for everyone living adjacent to the site would be compromised
- Houses around the site will be overlooked
- Unacceptable noise disturbance to adjacent properties with customers and deliveries through the day and evening
- Noise from air conditioning
- Loss of outlook from adjacent residential properties
- The prior use of the site as a milk distribution centre should not be taken into account
- Extra traffic on surrounding road network will cause additional disruption
- Congestion on main road into/out of Epsom
- Church Road and other surrounding roads cannot take more traffic
- 5 Ways road junction already busy and dangerous and difficult to cross
- New access too close to junction
- Further consideration is needed of how traffic generated will impact the already busy and potentially dangerous junction
- The road layout will not accommodate queuing
- Congestion when Jewsons have a delivery
- Parking is already a problem in this area
- The proposed parking is inadequate
- Inadequate parking can be witnessed at the Kingston Road Aldi store
- Nowhere for overspill traffic to go
- Where will staff park?
- Users of the Old Cottage Hospital and chiropractic centre will use the car park

- Already inadequate parking for doctors surgery without losing street parking spaces
- Use as a dairy had no adverse impact on the area in terms of traffic
- There are schools and doctors surgery nearby. Concern over the safety of children, the sick and elderly
- Pedestrian access to the area over the 5 ways junction and for cyclists is already dangerous
- Wide entrance/exit is a hazard for pedestrians trying to cross
- The site bounds Pikes Hill Conservation Area. The development is out of keeping with the local character
- Green roof is window dressing
- Loss of attractive building on site (4/4A Alexandra Road). Its demolition will erode the street scene
- Overdevelopment of the site
- Scale of the building is overbearing
- The development does not respond positively to its locality
- Housing provision is inadequate and against policy
- Survey of local people is biased and not representative of the immediate residents
- No guarantee that jobs will go to local residents

5.3 82 letters of support have been received:

- There is a need in Epsom for additional retail space
- Creates much needed competition, variety and discount shopping
- Encourages more people into the town centre
- Could be an opportunity to make long overdue improvements to the highway
- It will be important to ensure there is adequate parking
- Makes good use of a derelict site which is an eyesore
- Provides jobs and houses
- Provides some affordable units
- Good design
- Will ease traffic issues created by Sainsbury's
- Car park shouldn't be used for town centre shoppers as will cause problems for the genuine Aldi shoppers.

5.4 14 letters neither objecting or supporting the proposal:

- The Transport Assessment is misleading. The 166 bus is only hourly and doesn't run in the evening or on Sundays
- No objection if the highway can be made safe
- No objection but the road is already congested enough and there will be parking implications for Church Road
- Traffic situation needs to be addressed
- Filter lane for entry would make it difficult for traffic coming out of Church Road from the bridge side
- Would it be possible to put in a roundabout?

- Inadequate parking for Cottage Hospital. If users park at Aldi there will be less space for shoppers
- The new footpath on Church Road is great and should be extended
- Cycling spaces should be enhanced
- Electric charging vehicle spaces should be provided
- A bus shelter should be funded by the developer on Upper High Street
- Design is pleasant and would have no adverse aesthetic impact

5.5 College Ward Residents Association made the following comments:

- This site is not the place for a new store
- Changes are needed to the traffic management of the area
- The existing dangers of the 5 ways junction can only be worsened
- 65 car parking spaces is inadequate and any tailback of traffic queuing to enter the car park would be dangerous
- The opening hours are extremely anti-social to local residents.

5.6 Epsom Town Residents Association made the following comments:

- The site is in a predominantly residential out of town area bordering a key conservation area
- Site has been previously identified as a suitable location for additional residential housing
- The retail development will shift focus from the Town Centre, revitalisation of which is a key objective and create a disjointed shopping environment.
- An additional retail outlet of this type within the Town Centre area would increase customer choice in the core retail area
- There are a number of other vacant or potentially vacant sites within the Town centre area that would be more suitable such as Upper High Street, the gasworks site or Dagenham motors on East Street
- New store front and signage would damage views of the conservation area
- Dangerous and stressed location for traffic in an area with existing traffic problems and hazards for pedestrians crossing
- New access /egress will adversely affect the 5 ways junction
- Shopper traffic and delivery vehicles will have difficulty turning right and will cause a blockage to traffic approaching Epsom
- The traffic conflict survey undertaken was not complete or extensive enough to mitigate any concerns in this area, more extensive assessment of all traffic impacts must be taken to form an accurate view
- The provision of 65 parking spaces is inadequate leading to staff or customers circling the surrounding residential roads for parking opportunities which will place significant demand on the already stressed network of surrounding roads
- Noise from deliveries and general traffic movement will significantly impact the health and quality of life of nearby residents in those locations

6 Consultations

- 6.1 **Environment Agency:** We have reviewed the document 'Desk Study Assessment Report' by BSL, reference RW/C2080/3232 and dated 8 August 2012. The report has correctly identified the site's sensitivity with respect to controlled waters and has indicated the potential for some contamination to be present. However, no site visit was undertaken to inspect site conditions, and the report is now more than 3 years old. It needs to be updated, and to include a site walkover. Planning permission should only be granted for the proposed development as submitted if planning conditions are imposed with regard to contaminated land, piling and drainage.
- 6.2 **Thames Water:** No comments received
- 6.3 **County Archaeologist:** Recommends a condition be placed on any planning permission to secure the archaeological work as outlined in the submitted report.
- 6.4 **County Highway Authority:** Recommends that the applicant enters into an appropriate agreement to secure the improvement works in the public highway to be completed before the opening of the development including improved pedestrian crossing facilities at the Fiveways Crossroads. Highway conditions should be imposed on any permission granted.
- 6.5 **Environmental Health Officer:** The proposals are acceptable subject to conditions.
- 6.6 **Contaminated Land Officer:** Recommends contaminated land conditions and also ground gas conditions.
- 6.7 **Lead Local Flood Authority (LLFA):** As originally submitted the LLFA could not recommend that planning permission be granted because the proposed surface water strategy did not comply with the requirements laid out under the Technical Standards. The applicant subsequently provided additional information and the LLFA finds the drainage scheme acceptable subject to the imposition of conditions.

7 Relevant planning history

- 7.1 None

8 Planning Policy

National Policy Planning Framework (NPPF) 2012

Paragraph 17	Core Planning principles
Chapter 2	Ensuring the vitality of town centres
Chapter 6	Delivering a Wide Choice of Quality Homes
Chapter 7	Requiring Good Design

Core Strategy 2007

Policy CS1	Creating Sustainable Communities
Policy CS3	Biodiversity and Designated Nature Conservation Areas
Policy CS5	Built Environment
Policy CS6	Sustainability in New Developments
Policy CS7	Housing Provision
Policy CS8	Location of Housing Development
Policy CS12	Developer contributions to community infrastructure
Policy CS14	Epsom Town Centre
Policy CS16	Managing transport and travel

Plan E Epsom Town Centre Area Action Plan 2011

Policy E1	Town centre boundary
Policy E3	Town centre retail capacity
Policy E14	Depot Road and Upper High Street
Policy E15	The Utilities site

Development Management Policies 2015

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
Policy DM11	Housing Density
Policy DM12	Housing Standards
Policy DM29	Major new retail development
Policy DM35	Transport and New Development
Policy DM36	Sustainable Transport for new development
Policy DM37	Parking Standards
Policy DM38	Rear servicing

Epsom and Ewell Parking Strategy (2012)

9 Planning considerations

Land use principles

9.1 The site is not formally allocated for any particular use. The site was the subject of public consultation as part of a Housing Site Allocations Consultation Paper in 2011. This was the first stage in the site allocations process and in February 2013, committee members agreed to identify the site as a preferred housing site option. However, following changes to national planning policy we reconsidered our housing site allocations process and have not progressed it to date. Therefore, whilst the site is not formally allocated in any local planning policy document, an appropriate redevelopment may be acceptable, subject to all other material planning considerations.

Retail use

- 9.2 The thrust of national and local planning policy supports the role of town centres, recognising them as the heart of the community and aims to ensure their continued vitality and viability. The Council has a clear and positive strategy to promote a town centre first approach to retail development (recognised by Policies CS14, DM29, and the Epsom Town Centre Area Action Plan 2011(AAP)) and the AAP allocated specific sites for retail uses.
- 9.3 The site is located outside the Epsom Town Centre boundary as defined by the 'Plan E' proposals map, located just beyond the maximum of what could be considered an edge-of-centre site. There is no inter-visibility or connectivity between the site and primary shopping area, with a clear separation from the existing retail offer in the town centre. The character of Upper High Street significantly changes from the edge of the existing shops which are 300m away from this site, becoming predominantly characterised by residential development at the site. The highway layout and associated issues with the adjacent highway junctions serves to further disconnect the site from the town centre, particularly for pedestrians.
- 9.4 Paragraph 24 of the NPPF states that a sequential test should be applied to applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. Main town centre uses should be located in town centres, then in edge of centre locations. Only if suitable sites are not available should out of centre sites be considered. Preference should be given to accessible sites that are well connected to the town centre. Paragraph 27 notes that where an application fails to satisfy the sequential test, it should be refused.
- 9.5 The applicant does not consider there is a requirement for the application to be accompanied by a sequential assessment as Policy DM29 sets a minimum threshold for such assessments at 2,500sqm. Officers do not consider this to be correct. The NPPF does not provide any threshold for when a sequential test would be applied. Further, in retail policy terms, the proposal is not in accordance with an up-to-date Local Plan.
- 9.6 The lack of a local policy dealing with proposals under 2,500sqm does not mean that such proposals are automatically in accordance with the plan. Paragraph 23 of the NPPF requires an assessment of need, and whilst a need assessment did inform Plan E, that assessment has been updated within the Retail Study and Town Centre Study Update 2015. We are currently preparing a subsequent site allocations document. Until that document is adopted, the retail aspects of the Local Plan cannot be said to fully comply with Paragraph 23 of the NPPF. There has not been any sequential testing of this site as part of any development plan process.
- 9.7 Notwithstanding the applicant's argument that a sequential test should not be applied, they have submitted an assessment of some alternative sites in Epsom which is discussed overleaf:

- 9.8 The Upper High Street and Depot Road site, located on the edge of the primary shopping area, is allocated under Policy E14 as a strategic opportunity site for redevelopment including amongst other facilities, retail floor space and new dwellings. The applicant's analysis of the Upper High Street site is that the owners of the site have declined to discuss a foodstore on the site. However, following a letter of objection from another retailer, the applicant has acknowledged that the owner is currently having discussions that may result in a retail development on that site.
- 9.9 In light of the emerging proposals by a retail competitor, it is clear that the contents of the submitted Retail Study insofar as they relate to the availability of this vacant site can be discounted. The applicants state that if an alternative retailer has secured the site it is clearly not available for them. However, the purpose of the sequential test is to determine if the site is available for the proposed development, and not whether it is available to the applicants. This is reinforced by the fact that the development plan is seeking to deliver a new foodstore in Epsom. Based on the information available, the vacant site of Upper High Street is available for redevelopment.
- 9.10 In relation to the Council-owned car park, the applicant's analysis is silent. The site is included for redevelopment within the AAP and is available for redevelopment.
- 9.11 In relation to the suitability of the Upper High Street area to accommodate the proposed development, the applicant suggests that the combined vacant site and car park can accommodate the "*application development*" but "*neither site individually could accommodate the need for ALDI's parking requirements and replacement car parking*". No analysis has been provided to justify and support the conclusions reached. The provision of a foodstore and associated car parking on this vacant site will not affect the provision of public car parking elsewhere on the Policy E14 allocation area.
- 9.12 Depot Road car park and land/properties fronting Church Street is dismissed by the applicant as the site is in various ownerships which leads to difficulties of land assembly. They contend that the site is too constrained, the redevelopment of the area would be an unviable undertaking for a foodstore operator and the site is hidden with poor visual exposure. It is acknowledged that the site poses some challenges in terms of existing uses and land ownership. However, the site is adjacent to well-used parking areas for town centre visitors that will provide good exposure. There is no evidence to substantiate that redevelopment would be unviable. The applicant has not adequately demonstrated that parts of the Depot Road site are not suitable and available for development.
- 9.13 The Utilities site is allocated under Policy E15 of Plan E for employment and residential uses. This site is not allocated for retail use and as such officers concur with the applicant that the site is not available for retail redevelopment.

- 9.14 Overall, and based on NPPG guidance, the applicant has not provided sufficient information to demonstrate that the Upper High Street and Depot Road areas are not suitable and available for the proposed development. The proposed development is not in accordance with the development plan strategy as it promotes retail floor space in an out-of-centre site and fails the sequential test requirements. The application is therefore contrary to the NPPF, Policy CS14 of the Core Strategy and Policies E3 and E14 of the Town Centre AAP.

Residential use

- 9.15 Core Strategy Policy CS8 encourages higher density residential development in sustainable locations, and Policy DM11 of the Development Management Policies (2015) states that we will, in principle, support proposals for new housing that make the most effective use of development sites located within the borough's existing urban area. Given its sustainable location in an existing urban area, there is no objection to the principle of additional residential units in this area.

Impact on highway safety

- 9.16 The site is located adjacent to the 'fiveways' junction. With numerous roads joining in one space, this junction is known as being problematic for road users and pedestrians alike.
- 9.17 The applicant has submitted a Transport Assessment that examines the existing capacity of the adjacent roads and junction, studies existing accident records, provides details of expected trip generation and also proposes works at the junction to improve access for pedestrians. A Stage 1 Road Safety Audit has been undertaken by the County Highway Authority which outlines recommendations to overcome any technical concerns that the new development would create.
- 9.18 Whilst the existing problems at the fiveway junction are recognised, there is no significant accident history. All recorded accidents since 2011 (5 in total) have been slight in nature as measured by police statistics.
- 9.19 The applicant's evidence suggests that the proposed development will not exacerbate this situation. Whilst development of the site will result in more traffic through the junction, it will be mainly out of peak hours and not result in severe impact on the highway network. The access to the site would be located further from the junction and the necessary visibility splays can be achieved. Highway improvement works include the formation of raised pedestrian crossing tables on Church Road (north) and Mill Road, a new footway on Church Road (south) and new crossing point on Upper High Street.

Parking

- 9.20 The scheme proposes 65 parking spaces for the retail use and visitors, and 6 spaces for the residents, which would be separated by user-controlled bollards. Cycle bays would be provided for the retail and residential use.
- 9.21 The applicants have used the Surrey County Council Parking Guidance (January 2012) Maximum Vehicular Parking Levels which states that food retail above a gross floor area of 1000sqm requires 1 car space per 14sqm, with a suggested reduction of 50% in an edge of centre location. This equates to a required parking provision of between 48-96 spaces. The applicants consider that the proposed parking provision exceeds the maximum requirement as required by the County Council.
- 9.22 There is no definition of edge of centre within the abovementioned guidance. The NPPF classification for an edge of centre site is a 'location that is well connected and up to 300m of the primary shopping area'. The site is located 300m from the edge of the primary shopping area at its closest point. It is not within 300m. The character of the site is significantly different from the town centre, being primarily residential and located on a slight but notable gradient away from the town centre. Given the distance from the town centre and change in character of the area, it is questionable whether users of town centre parking would travel to the site on foot and therefore it is not considered appropriate to apply the maximum reduction as suggested by the applicant in this case. In a suburban location the guidance suggests that a 25% reduction in spaces may be applied, which would require on-site parking provision of between 72-96 spaces. The proposal does not provide this level of parking.
- 9.23 Since the County parking standards were adopted, discounter supermarkets are demonstrating a much higher demand for car parking space per floor area than other discount stores due to their popularity. TRICS data is being updated to reflect this but is not available to date. Data collected at the Aldi store on the Kingston Road, Ewell demonstrates that parking demand outweighs provision at peak hours, and observations by officers and the public have evidenced that the car park is usually full to capacity. Cars park in the service bay area (unallocated) and vehicles are known to spill and queue onto the dual carriageway.
- 9.24 The alteration to the road layout results in the removal of five existing short stay parking bays on Alexandra Road. These spaces are frequently used by visitors to the adjacent doctor's surgery or short trips to the town centre. The application states that the five bays would be re-provided within the Aldi car park for users of the surgery. The adjacent surgery has inadequate on-site parking provision for its staff and patients. Use of parking spaces within the unfettered/uncontrolled car park on the application site for use other than customers visiting Aldi will reduce the number of spaces for shoppers. The application also states that linked trips to the town centre are expected which will also reduce the number of spaces for shoppers.

- 9.25 No provision is made for staff to park within the site. The submitted Travel Plan suggests that 59% of staff would drive to the site, and with the implementation of a travel plan this would reduce by only 5% in 5 years. It is expected that the development would generate 40-50 jobs. No information is provided of where the staff will park. The Council's Parking Standards Evidence Paper (2015) which informed our Local Parking Standards for residential development demonstrates that on-street parking in the area surrounding the site is already at capacity over night for existing residents.
- 9.26 Observation in the daytime reveals that on-street parking is also at capacity as this area is popular with commuters. Lack of any recognised parking provision for staff will exacerbate this existing situation. Inadequate parking within the site would further compound this situation and is likely to have knock on effects on the surrounding road network. A Travel Plan, whilst beneficial to some extent, will not overcome this concern.
- 9.27 The applicant has not demonstrated that the parking provision will be adequate for the proposed supermarket, users of the adjacent surgery and the town centre. No staff parking would be provided on site and the applicant has not undertaken a parking stress survey of the surrounding area. There is very limited available street parking in the surrounding area during the day and night. The applicants have not demonstrated that parking problems for local residents will not be further exacerbated given the existing stress on the highway network.
- 9.28 Free car parking is proposed for customers for up to 1.5 hours. The system is enforced using an automatic number plate recognition system. The car park will remain open at night but be controlled by CCTV and low level lighting. The applicants are willing to accept a car parking management plan condition which could include a period of review for the length of stay of the car park if required. Should the application be approved an appropriately worded condition or S106 legal agreement would need to be included.
- 9.29 Detailed discussions with the LPA on a proposed parking management plan have not taken place to date. The LPA would need to be satisfied that the proposed arrangements would allow sufficient time for customers to carry out their shop at the proposed store and carry out additional linked trips and that the proposals would not conflict with the Epsom and Ewell's Parking Strategy (2012).
- 9.30 The overall vision of the Epsom and Ewell Parking Strategy (2012) is to ensure that the borough will become a place where the parking needs of residents, shoppers, businesses, commuters and other visitors are balanced to avoid conflict. New developments provide an appropriate level of on-site parking provision, which will meet the needs of that development without having an adverse impact upon existing residents or highway safety. The strategy for Epsom Town Centre seeks to increase the vitality and viability of the town centre by providing adequate parking

provision or creating sustainable modes of travel. Policy DM37 requires demonstration that the new scheme provides an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. The application does not achieve compliance with these policies.

- 9.31 Bicycle spaces are to be provided within the site. The spaces for the store are deficient by three spaces. There is however, room to provide additional spaces within the site and this could be secured by condition.

Impact on visual amenity

- 9.32 The site is bounded on two sides by the Pikes Hill Conservation Area. Due to the site's topography and the surrounding built form, the new development will not intrude into views either into, or out of, the designated area and the presence of the new build will have negligible impact on the area's special character. The built-form would be located over 40m from Church Road and to the rear of dwellings that front Wyeths Road. In conclusion, there is no objection in terms of Policy DM8 which seeks to conserve the setting of heritage assets.
- 9.33 Policies DM9 and DM10 require new development to be of high quality design and make a positive contribution to the built environment of the borough.
- 9.34 New development of between one and three storeys will occupy the eastern part of the site, with parking to the west. From a visual perspective, the new build sits comfortably on the site, with the bulk of the development massed to the north and relating well to the surrounding topography. While extensive in terms of footprint, the new development is generally massed to avoid an overwhelming solidity of form.
- 9.35 The three-storey, largely residential component of the development has a strong presence in the street scene of Alexandra Road. The treatment of the first and second floor elevations of the northern frontage is clearly domestic in nature and although contemporary in style, effectively references traditional local models. At ground floor level, the elevational treatment becomes austere commercial and thus bears little relationship to the domestic detailing of the floors above.
- 9.36 Due to the elevated level of Alexandra Road, the lower level of this elevation has little presence in views from the public realm from the eastern approach along Alexandra Road. From this approach, the upper parts of the building appear wholly domestic and sit comfortably in the surrounding context. The view of the building at the site entrance is less visually pleasing as the domestic element appears to float above the retail store below. However, in an area where there is an array of architectural styles, with numerous buildings of three-storey in height and taking into account the appearance of the existing buildings on site, this elevation is not considered to cause undue harm to the visual amenities of the locality.

- 9.37 An indicative materials palette has been provided and if planning permission is granted a condition requiring full details including samples to be submitted to ensure that the proposed development is locally appropriate and will help to integrate the new development in to the existing townscape will be required.
- 9.38 While there is no objection in principle to a green roof, this space should be managed to ensure it does not fall into disrepair or become unsightly.

Impact on residential amenity

- 9.39 Policy DM10(ix) requires development to have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.
- 9.40 The built form would be located at the eastern part of the site. Land levels rise from west to east. At its eastern end, the site would be excavated and the building would be set down within the plot.
- 9.41 The rear gardens of dwellings on Wyeths Road back onto the site. A 2m high close-boarded fence with 0.6m high trellis above would line the boundary with these properties and a 2m wide landscape buffer would be located along the inside of the site boundary. The proposed building would be located approximately 4m from the boundary with Nos.25 to 35 Wyeths Road. The element closest to Wyeths Road would be single-storey and would house the warehouse and service area. It would have height of 5m, with a maximum height of 3.2m above ground level. Given the change in ground levels and resultant height of the building above ground level, the building will cause no loss of light or outlook from the rear gardens or rooms of Nos.25 to 35. The roof above the warehouse would be a green roof and no access would be allowed upon it.
- 9.42 The proposed residential units would be located a minimum of 18m from the nearest rear boundary of residential dwelling 35 Wyeths Road, and approximately 25m from the nearest rear elevation. This distance greatly increases westwards. Given the distance, the residential development would cause no loss of light, outlook or privacy. A pergola structure would be positioned to provide a screen between the dwellings and trees would be planted along the site boundary.
- 9.43 The properties to the north side of Alexandra Road are over 20m from the proposed building and divided by the highway. Shadow impact studies have been undertaken which show that the building would cause no loss of light to the adjacent properties. The front elevations of the dwellings on Alexandra Road are visible within public views and therefore the development would not cause any loss of privacy in comparison to the existing situation.
- 9.44 The building is located far enough from the doctor's surgery, divided by the surgeries car park, to ensure the development would cause no loss of light or outlook to this building.

- 9.45 The building would be located over 40m from the properties on Church Road and will therefore not be unduly prominent or cause any loss of amenity.
- 9.46 The entrance to the supermarket is located centrally within the site and the car park is located to the western part of the site and adjacent to the Church Road boundary and behind No.5 Church Road and 9 to 21 Wyeths Road.
- 9.47 A Noise Report has been submitted which has assessed noise from existing and increased road traffic, the mechanical service plant, service yard noise and car park noise. The Council's Environmental Health Officer is satisfied that the proposal will be acceptable in terms of noise as long as conditions are imposed to limit proposed noise levels and operation hours of plant machinery and to ensure the proposed residential units are effectively soundproofed.

Proposed residential amenity

- 9.48 Policy DM12 refers to housing standards and states that all housing developments are required to comply with external and internal space standards. In terms of internal space, the nationally described technical space standard requires two-storey 2 bedroom units to have minimum gross internal floor areas of 81sqm. All units accord with this standard having 84sqm each.
- 9.49 Paragraph 3.35 the Development Management Policies Document states that adequate external private amenity space needs to be provided for each unit. For houses a minimum total private outdoor space of 40sqm should be provided for 2 bedroom dwellings. Each unit has a private balcony fronting Alexandra Road of approximately 10sqm and a communal terrace provides access to the units. The external private amenity space falls well short of the minimum standard required by Policy DM12. This is a predominantly residential area and the occupiers of two bedroom dwellings in this area should reasonably expect adequate amenity space for their domestic needs.
- 9.50 Access to the residential element is provided from the car park (via a stairwell and lift) and from Alexandra Road.

Ecology and landscaping

- 9.51 A Preliminary Ecological Appraisal and Initial Bat Report and further Bat and Reptile Survey Report have been submitted to support the application. The Council's Ecologist has commented that the surveys have not indicated a high level of interest in terms of biodiversity, showing that there are no roosting bats in any of the buildings on site and no reptiles.

- 9.52 Policy DM4 states that every opportunity should be taken to secure net benefit to the borough's biodiversity. Therefore, biodiversity enhancement measures should be secured via condition, and at the very least should require bird and bat boxes/bricks incorporated into the new buildings. This could be secured by condition.
- 9.53 With regard to soft landscaping, there is very little existing vegetation on the site. The Council's Tree Officer has no objection to the proposed landscaping scheme which will provide some softening of the site and an improvement in comparison to the existing situation.

Sustainable Drainage System (SuDS)

- 9.54 As originally submitted the Lead Local Flood Authority (LLFA) could not recommend that planning permission be granted because the proposed surface water strategy did not comply with the requirements laid out under the Technical Standards. The applicant subsequently provided additional information and the LLFA finds the drainage scheme acceptable subject to the imposition of conditions.

Affordable Housing

- 9.55 Two of the proposed six residential units are proposed to be affordable, which exceeds the requirement outlined by Policy CS9. This would be secured via 106 legal agreement.

Archaeology

- 9.56 The application will involve large scale ground disturbance and is within an area of that has a high potential for the presence of Heritage Assets with archaeological significance associated with the probable route of the Roman road, Stane Street. The applicants have submitted an Archaeological Desk Based Assessment. The County Archaeologist is satisfied that the assessment has covered the relevant issues adequately and meets the required professional standards. It is recommended that the archaeological work be secured via condition.

Community Infrastructure Levy (CIL)

- 9.57 The development is CIL liable.

10 Conclusion

- 10.1 The principle of retail development is unacceptable in this location as the applicant has failed to demonstrate that there are no other sequentially preferable sites within the town centre. It has not been demonstrated that the proposed parking is adequate to meet of the demand of the proposed store with respect to staff, customers and the loss of on-street parking associated with the construction of the access. The private external amenity space for the residential units falls under the space standard required by local plan policy.

Recommendation

Planning permission is refused for the following reason(s):

Reasons:

- (1) The applicant has failed to provide sufficient information and analysis to demonstrate that the Upper High Street and Depot Road car park areas are not suitable and available for the proposed development, which lie in a sequentially preferable location and are allocated for retail development. The proposed development is not in accordance with the development plan strategy as it promotes retail floor space outside of the town centre. The application is therefore contrary to the requirements of the Section 2 of the National Planning Policy Framework. It is not in accordance with the plan read as a whole which promotes a town centre first approach to retail development in particular in Policy CS14 of the Core Strategy (2007) and Policies E3 and E14 of the Epsom Town Centre Area Action Plan (2011) and DM29 of the DMPD.
- (2) The applicant has failed to demonstrate that the level of car parking to be provided at the development is adequate to meet of the demand of the proposed store with respect to staff, customers and the loss of on-street parking associated with the construction of the access, to the detriment of on-street parking conditions in the surrounding area. The development is therefore contrary to the requirements of Policy CS16 of the Core Strategy (2007), Policy DM37 of the Development Management Policies (2015) and the overall aims of the Epsom and Ewell Parking Strategy (2012).
- (3) There would be inadequate external amenity space for the occupiers of the residential units. The units would not provide a quality environment which would adequately meet the needs or protect the living conditions of the occupiers of the site and therefore the development is not sustainable. As such the proposal does not accord with the requirements of Policy CS1 of the Core Strategy (2007) or Policies DM10 (viii) or DM12 of the Development Management Policies Document (2015).
- (4) In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply the provision of affordable housing.

Informative(s):

- (1) The plans considered in the determination of this application are as follows: Drawing Numbers: 0837-CHE-100 Rev B, 0837-CHE-101 Rev B, 0837-CHE-102 Rev A, 0837-CHE-103 Rev A, 0837-CHE-104 Rev A, 837-CHE-105 Rev A, 0837-CHE-106 Rev A, 0837-CHE-107 Rev A, 0837-CHE-108 Rev A, 0837-CHE-109 Rev A, 0837-CHE-110 Rev F, 0837-CHE-111, 0837-CHE-112, 0837-CHE-115 Rev A, 0837-CHE-117, 3787/105/301, 3787/105/303, MJA-P105-4204 and V0837 L01.

(2) You are advised that the following policies and/or proposals in the development are relevant to this decision:

- National Policy Planning Framework (NPPF) 2012
Paragraph 17 Core Planning principles
Chapter 2 Ensuring the vitality of town centres

- Core Strategy 2007
Policy CS1 Creating Sustainable Communities
Policy CS5 Built Environment
Policy CS14 Epsom Town Centre
Policy CS16 Managing transport and travel

- Plan E Epsom Town Centre Area Action Plan 2011
Policy E1 Town centre boundary
Policy E3 Town centre retail capacity
Policy E14 Depot Road and Upper High Street

- Development Management Policies 2015
Policy DM10 Design Requirements for New Developments
Policy DM29 Major new retail development
Policy DM37 Parking Standards



15/01346/FUL

Former Dairy Crest Site



Scale : 1:1062

Date	17 March 2016
Comments	Not Set
SLA Number	71

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SITE VISITS

<u>Report of the:</u>	Head of Place Development
<u>Contact:</u>	Mark Berry
<u>Annexes/Appendices (attached):</u>	None
<u>Other available papers (not attached):</u>	None

REPORT SUMMARY

To identify planning applications which Members of the Committee consider should be the subject of a Member site visit.

RECOMMENDATION:

Members are asked to put forward any planning applications which it is considered warrant Members visiting the site before a decision is made.

Notes

1 Implications for Community Strategy and Council's Key Priorities

- 1.1 This report accords with the functions and objectives of Development Management.

2 Details

- 2.1 The Committee is asked to note that planning applications previously agreed as the subject of Member site visits that have been withdrawn or recommended for refusal under delegated authority have been removed from the list.
- 2.2 The Committee is asked to consider whether it wishes to add to the list of applications to be subject to a site visit (at the appropriate time):
- 2.2.1 The Roveries, 59-63 Cox Lane, West Ewell KT19 9NR Ref: 15/01464/FUL
 - 2.2.2 Hindu Temple – 3 & 4 Dell Lane, Stoneleigh, KT17 2NE Ref: 15/01379/FUL
- 2.3 The Committee is asked to note that a site visit should only be requested for planning applications that meet at least one of the following criteria:
- 2.3.1 If the whole of the site cannot be seen from the road
 - 2.3.2 If the application is large and/or complex
- 2.4 The Committee is reminded that they will need to give their reason for requesting a site visit at the Planning Committee Meeting.

WARD(S) AFFECTED: All