

Public Document Pack

Simon Young, Solicitor
Head of Legal and Democratic Services



PLANNING COMMITTEE

Thursday 12 May 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 Michael Arthur (Vice-Chairman)
Councillor John Beckett
Councillor Neil Dallen
Councillor Robert Foote
Councillor Jan Mason
Councillor Tina Mountain

Councillor Peter O'Donovan
Councillor Martin Olney
Councillor Vince Romagnuolo
Councillor Clive Smitheram
Councillor Mike Teasdale
Councillor David Wood

Yours sincerely

A handwritten signature in black ink, appearing to read "S Young".

Head of Legal and Democratic Services

For further information, please contact Sandra Dessent. 01372 732121 or
sdessent@epsom-ewell.gov.uk

AGENDA

1. MINUTES OF THE PREVIOUS MEETING (Pages 3 - 6)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on the 07 April 2016 (attached) and authorise the Chairman to sign them.

2. 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.

3. PLANNING APPLICATION 15/01379/FUL - 3 & 4 DELL LANE, STONELEIGH KT17 2NE (Pages 7 - 18)

Extension of existing temple at 4 Dell Lane to include first floor residential accommodation for priests of the temple and redevelopment of adjacent warehouse premises at 3 Dell Lane to provide community meeting space and ancillary facilities.

4. PLANNING APPLICATION 15/01845/FUL - BAMBINI DAY NURSERY, EWELL COURT HOUSE, LAKEHURST ROAD, EWELL KT19 OEB (Pages 19 - 24)

Conversion of unused toilet outbuilding to habitable classroom/playroom for use as part of the Bambini Nursery.

5. PLANNING APPLICATION 15/01180/CAT - 21A HEADWAY EWELL KT17 1UP (Pages 25 - 42)

Objection to the implementation of a Tree Preservation Order on a European Lime – Tree Preservation Order No. 450

6. 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 7 April 2016

PRESENT -

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

Absent: Councillor Robert Foote

Officers present: Mark Berry (Head of Place Development), Adele Castle (Planning Development Manager), Samantha Dixon (Planning Officer), Louise Mathie (Solicitor), Fiona Cotter (Democratic Services Manager), Trish Gurney (Senior Transport Development Planning Officer, Surrey County Council) and Caroline Smith (Transport Development Planning Team Manager East, Surrey County Council)

54 DECLARATIONS OF INTEREST

No formal declarations of interest were made by members in relation to the application to be considered at the meeting. However, in the interests of openness and transparency, various members indicated an acquaintance with the objectors addressing the meeting or applicant's agent as set out below the relevant minute. Members did not consider that the relationships could be regarded as affecting their consideration of the item.

55 MINUTES OF THE PREVIOUS MEETING

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

56 PLANNING APPLICATION 15/01346/FUL - FORMER DAIRY CREST SITE, ALEXANDRA ROAD, KT17 4BJ

Description

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.

Decision

Planning permission is **REFUSED** for the following reasons:

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 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 on 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 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 (ix) 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 with the provision of affordable housing.
- (5) The proposed development, in close proximity to the five ways junction, will cause an increase in the volume and nature of traffic generated that would have a severe adverse impact on the safety, convenience and freeflow of traffic using the highway, contrary to Policy CS16 of the Core Strategy 2007.
- (6) The footpath to the east side of Church Road fails to provide a safe, convenient and attractive access for all, contrary to Policy CS16 of the Core Strategy 2007.
- (7) The proposed development fails to provide 25% of three, or more, bedroom units to meet identified housing demand within the borough, and is therefore contrary to the requirements of Policy DM22 of the Development Management Policies Document 2015.

- (8) The bulk, height, mass and design of the proposed development, coupled with the expanse of glazing at ground floor level, fail to respect local distinctiveness and would have a significant adverse impact on the character and appearance of the area, and the adjacent Pikes Hill Conservation Area. The proposal would therefore conflict with Policies DM8, DM9, DM10 and DM14 of the Development Management Policies Document (2015) and Policy CS5 of the Core Strategy 2007.

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 DM8	Heritage Assets
DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
DM14	Shop Front Design
DM22	Housing Mix
Policy DM29	Major new retail development
Policy DM37	Parking Standards

The Committee noted verbal representations from the applicant's agent, a supporter of the application and two objectors. Letters of representation had been published on the Council's website and were available to the public and members of the Committee in advance of the meeting.

Note: Prior to the meeting, the Committee had been informed of a typographical error in the third reason for refusal. This was incorrect in the Agenda papers in that it referred to Policy DM10 (viii). It should, in fact, have read Policy DM10 (ix).

Note: In the interests of openness and transparency the Chairman, Vice Chairman, Councillors John Beckett, Neil Dallen, Tella Wormington, Jan Mason, Tina Mountain, Clive Smitheram, Mike Teasdale and David Wood indicated that they knew Ms. Julie Morris, being a former councillor, and/or Mr. Andrew Ballard as a member of rotary or Chairman of the Epsom Town Resident's Association. Councillor Neil Dallen also indicated that he was acquainted with the representative of the applicant's agent.

57 SITE VISITS

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

- 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 9.45 pm

COUNCILLOR HUMPHREY REYNOLDS (CHAIRMAN)

3 & 4 Dell Lane, Stoneleigh, Surrey, KT17 2NE

Extension of existing temple at 4 Dell Lane to include first floor residential accommodation for priests of the temple and redevelopment of adjacent warehouse premises at 3 Dell Lane to provide community meeting space and ancillary facilities.

Ward:	Stoneleigh
Contact Officer:	John Mumford

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=NZPIPXYJZV00>

2 Summary

- 2.1 The application premises comprise the existing temple and the adjacent wholesale catering warehouse premises at 3 & 4 Dell Lane to the rear of Stoneleigh Broadway. The proposal would result in the remodelling of the existing temple premises with the addition of first floor accommodation to the rear over the hall below. It would also include the redevelopment of the warehouse into 2 storey premises that would be integrated at first floor level with the temple building to provide a community hall and ancillary facilities and new accommodation for priests of the temple. At ground floor level the redeveloped premises on the existing warehouse site would provide reception space and ancillary facilities all of which would cater for wedding receptions and banquets aimed at the Tamil, Indian, Mauritian and English Hindu community.
- 2.2 The application has been referred to Committee for determination by Councillor Mike Teasdale.
- 2.3 The application is recommended for REFUSAL** because of the impact on local parking and traffic conditions and because of the loss of existing employment premises.

3 Site description

- 3.1 The site is currently occupied by Sri Raja Rajaeswari Amman Temple (No. 4 Dell Lane) and a wholesale food warehouse (No. 3 Dell Lane). There is a small area of hard standing to the front of the buildings currently used as off-street parking bays for 4 vehicles.

- 3.2 The application premises are situated on the south side of Dell Lane, a private service road that also provides access to the rear of Stoneleigh Broadway shops, businesses, residential flats, the Hindu Cultural Centre at 5 Dell Lane next door, a scout group hall and a children's nursery. To the south of the premises are the rear gardens to dwellings in Briarwood Close and to the north immediately outside and facing the premises across Dell Lane are a series of rear garages and outbuildings in low intensity commercial or storage use, mainly associated with or ancillary to the Stoneleigh Broadway business frontage uses. Planning permission has been recently granted under 15/00336/FUL for the demolition of existing buildings to the rear of 44-48 Stoneleigh Broadway and the erection of a part single/part three-storey building providing commercial floor space at ground floor, and residential flat units at upper floor levels.
- 3.3 Almost opposite the warehouse building is a narrow service road that links Dell Lane with Stoneleigh Broadway.
- 3.4 The application site is situated between the established residential area to the south, east and west and the Stoneleigh Broadway District Centre immediately to the north. It is relevant to note that in recognition of the cluster of community and commercial uses located along Dell Lane it has been proposed in the Site Allocations Policies Document: Other Sites Consultation Paper, October 2013 to extend the District centre boundary to include these Dell Lane premises. This, however, has no formal status pending the preparation of the Site Allocations Policies Document for examination.

4 Proposal

- 4.1 The application proposes the extension of the existing temple at 4 Dell Lane to include first floor residential accommodation for priests of the temple and redevelopment of the adjacent warehouse premises at 3 Dell Lane to provide community meeting space and ancillary facilities.
- 4.2 The proposal would result in the remodelling of the existing temple premises with the relocation of existing first floor priests' accommodation to the rear over the hall below. It would also include the redevelopment of the warehouse into 2 storey premises that would provide modern purpose built space alongside the temple and linked at first floor level to accommodate both wedding ceremonies and banquets for the Tamil, Indian, Mauritian and English Hindu community and allow for in-house catering. Wedding receptions are currently held within the smaller rear hall of the Temple.
- 4.3 The proposed redevelopment of the warehouse premises would result in a slightly larger footprint with the building coming further forward by about 2.5m towards Dell Lane and up to about 3.0m further to the rear. With 2 floor levels the resultant floorspace of the new building linked to the temple would increase from the existing 285 sq m warehouse to 685 sq m. This would mean that the current 511 sq m of temple floorspace would increase to a total of 1196 sq m and occupy almost all the site curtilage but with the retention of 4 car parking spaces outside 4 Dell Lane.

- 4.4 The redeveloped building at 3 Dell Lane would match in scale and massing the existing Temple building in terms of the ridge height but it would include a higher eaves level on the Dell Lane frontage to accommodate the first floor level with a glazed curtain wall at first floor level and an open circulation corridor between the two buildings at ground floor level. On the rear elevation facing towards Briarwood Road there would be a series of first floor windows to serve the emergency stairwell, store/plant, the hall and the residential accommodation for the priests. Materials would be rendered walls, roof tiles and upvc windows and doors all to match those on the temple building at 4 Dell Lane.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to neighbouring properties. To date (27.04.2016) 683 letters of objection have been received regarding:

- Loss of light or overshadowing from the increased bulk of the building to residential properties in Briarwood Road that sit down at a lower level;
- Overlooking and loss of privacy from the rear first floor flat and external staircase to residential properties in Briarwood Road;
- No 3 Dell Lane currently has no windows overlooking the neighbours adjoining the property. The proposed building will therefore be intrusive and result in a loss of privacy;
- Impact of parking upon surrounding residential streets and Stoneleigh Broadway shops by reducing available parking for local residents;
- Impact on preserved trees to the rear (Officer comment – the remaining preserved Lombardy poplar (313/G4 is of poor quality and there is no objection);
- Noise and disturbance to neighbouring residents from increased and longer events;
- No provision for storage and disposal of trade effluent or waste;
- Lead to vehicles overhanging the adopted highway verge/road to the detriment of other road users and restricting access to emergency vehicles;
- Adversely affect the amenity of surrounding properties through roadside parking on this narrow lane/busy junction;
- The scale of the proposal will attract more people, more frequently to events resulting in extended periods of parking issues and congestion;
- This development does not support or enhance the local community;
- Adverse impact on the appearance and style of Dell Lane, and is out of keeping with the surrounding residential properties;
- Increased traffic would pose a serious risk to toddlers / children who currently have no pavement to protect them when leaving the nursery on Dell Lane.

- 5.2 In addition to the individual objections 2 separate petitions of objection have been received, one 10 page petition regarding the negative impact on the local area and Stoneleigh Broadway shops from the shortage of parking, and one 6 page petition regarding increased traffic and parking.

5.3 333 letters of support had been received by 27.04.2016, mainly although not exclusively, from users of the Temple who reside outside the local area. The grounds of support include:

- Makes good use of the adjacent building by providing support to both the local community and for the use of the temple;
- Reduce the traffic of heavy goods vehicles, especially on Dell Lane;
- Replaces a large 2 storey warehouse with a more ascetically pleasing two storey building;
- The temple has serviced our community for more than 20 years and I live opposite and can confirm there is little noise or disturbance;
- Enhancing opportunities for the local community- cultural and academic teaching opportunities for all(irrespective of background),as well as other community based activities;
- Weddings occur at the temple already. There will not be a regular increase of people coming to the temple- weddings are short, irregular festivals;
- The temple community is stable and is unlikely to increase at all as a result of the new facilities;
- The temple provides such a wonderful attraction and place of multiculturalism to Stoneleigh;
- The proposal to provide a reasonably priced wedding hall for the Hindu community is welcomed;

A 10 page petition was also received in support of the application from users of the Temple and a separate petition received from the teachers and parents of students who attend the Hindu Cultural Centre at Enderwood House, 5 Dell Lane.

5.4 Surrey County Highway Authority: Recommends refusal on the grounds that it has not been adequately demonstrated that the proposed extension to the Temple will not generate more traffic and parking in the vicinity of the premises to the detriment of free flow of traffic on surrounding roads and inconvenience for local residents, leading to conditions adverse to the safety of other road users. All this is contrary to CS16 of the Epsom and Ewell Core Strategy 2007.

6 Relevant planning history

Application number	Decision date	Application detail	Decision
97/00680/FUL	12.12.1997	Erection of first floor extension to existing church/prayer hall to provide additional accommodation.	Granted
14/01484/FUL	16.03.2015	Change of use of the first floor to residential accommodation (use class C3) for priests of the temple.	Granted

7 Planning Policy

National Policy Planning Framework (NPPF) 2012

Chapter 1:	Building a strong and competitive economy
Chapter 2:	Ensuring the vitality of town centres
Chapter 4:	Promoting sustainable transport
Chapter 8:	Promoting healthy communities

Core Strategy 2007

Policy CS5	The Built Environment
Policy CS11	Employment Provision
Policy CS13	Community, Cultural and Built Sports Facilities
Policy CS15	Role of local centres
Policy CS16	Managing Transport and Travel

Development Management Policies 2015

Policy DM5	Trees and landscape
Policy DM9	Townscape Character and local Distinctiveness
Policy DM10	Design Requirements for new developments
Policy DM24	Employment Uses outside of existing employment policy areas
Policy DM34	New Social Infrastructure
Policy DM35	Transport and new development
Policy DM36	Sustainable Transport for new development
Policy DM37	Parking Standards

8 Planning considerations

Community Use

8.1 The applicant in supporting documentation has confirmed that The Sri Raja Rajeswari Amman Hindu Temple has been situated at 4 Dell Lane since 1994 and is currently used for Hindu worship with regular attendance during the week's services of up to 250 people. Over a year the temple will also undertake over 50 wedding services with up to 300 people gathering at any one time. There are currently four priests that support these worshippers and undertake daily duties in the Temple and live within walking distance of the Temple.

8.2 The Temple is currently open for the following hours:

Monday to Thursday 08:30 – 14:00 / 17:30 – 21:30; and

Friday to Sunday 08:30 – 15:00 / 16:30 – 22:00.

Evening worship is the busiest period for the Temple, with its service starting at 20:00 and finishing at 21:00. Wedding ceremonies generally commence at 1200 and are finished by 1400. Other than the evening service, Hindu worship is primarily an individual act rather than a communal one as it involves making personal offerings to the deity. Worshipers don't generally arrive for a specific start time, attending Temple individually over the course of a number of hours. The peak periods of worship for the Hindu community is Chaturthi – the full moon festival and Last Friday of the month festival.

8.3 The applicant wishes to improve the quality of the building to offer a better environment for activities and provide a more flexible space. The proposed development is aimed at providing the Hindu community with a local hall space for wedding banquets along with the general needs of a large faith community for gathering together. The proposed hours of use would not be dissimilar to those existing and are stated as:

Monday to Saturday 08.30 – 22.00; and

Sunday and BH 08.30 – 21.30

8.4 An extended community facility in this location on the edge of Stoneleigh Broadway district centre is acceptable in principle as it mainly meets the criteria set out under Policy DM34 for new social infrastructure and in particular is co-located with other social infrastructure and is in a sustainable location well served by public transport. It, however, fails to make appropriate provision for on-site car parking (criteria f) and it also would involve the loss of an existing employment building protected under Policy DM24 (see further below). The issue of adequate on-site car parking is considered to be particularly relevant because the majority of users of the Temple reside outside the area and many from South-west London and the applicant's own survey information confirms that the vast majority arrive by car. The proposed extension to create a larger wedding and reception venue is considered likely to increase the level of car use to the premises.

Car Parking and Traffic

- 8.5 The applicant has submitted a Transport Statement and Travel Plan in response to a request by Surrey County Council, as Highway Authority, to provide this information in order to assess the impact of the proposal.
- 8.6 The Transport Statement details the use of the existing site, the scale of the proposed development and focuses on issues associated with traffic generation and travel planning. It states that Dell Lane is a privately owned lane and attendees at the Temple generally park on the lane to attend the Temple. It asserts that applicant has access to 18 car parking spaces but it should be noted that the application form and plans only refer to the 4 existing car parking spaces outside the temple being retained to service the development. It is also claimed by the applicant that the proposed modifications to the Temple are not envisaged to increase the number of worshipers at the Temple over and above those attending the Temple in its current form and that with regards to car parking, the Temple already receives large numbers of visitors on a weekly basis and that there would not be a further increase over and above those currently experienced.
- 8.7 The applicant has referred to the TRICS database trip generation to estimate that the existing 285 sq m wholesale food warehouse generates approximately 1 vehicle in the AM peak, 0 vehicles in the PM peak and a total of 12 daily trips. A travel survey was also undertaken at the temple for attendees on the busiest day of worship, which is the last Friday of the month, on Friday 26th February 2016 between the hours of 18:30 – 21:30. This surveyed 66 attendees of which, 89% travelled by car and 6% were car passengers. A total of 8% of attendees travelled by public transport and 3% walked to the Temple.
- 8.8 In addition to the travel survey, a car parking survey of on-street parking on adjacent roads, within a 1km walking distance route to the Temple, was undertaken on behalf of the applicant on the busiest day of worship, which is the last Friday of the month and on a neutral weekday between the hours of 19:30 – 20:30 in order to assess the impact of the existing temple use on the surrounding (mainly residential) streets. This survey found that the average occupancy in the surrounding residential roads was 56% and 59% of capacity throughout the surveyed period on a Friday and a typical weekday respectively and that the majority of attendees park on Dell Lane (which is a private road) and in the parking bays on The Broadway Stoneleigh.
- 8.9 The applicant states that the number of guests at weddings associated with the proposed development would be similar in number (300) to those who were surveyed on Friday 26th February. It is accordingly claimed by the applicant that with ample parking available for users of the Temple demonstrated, (even for their maximum use scenario) it is evident that with the proposed modifications to the Temple not envisaged to increase the number of worshipers at the Temple there would be no significant adverse effect on traffic flow, highway safety or parking stress as a result of the development.

- 8.10 The applicant's Transport Statement concludes that as the Temple is in a sustainable location, with a variety of public transport options available and with a suitable travel plan to be implemented by the Temple there would be no adverse traffic or parking impact arising.
- 8.11 Surrey County Council, as Highway Authority, has advised that the proposed increase in floor area more than doubles the existing Temple with no additional parking facilities to cater for the increase. The proposal removes an area of parking currently available in front of the Warehouse and increases the number of staff employed on the site from 3 to 6 full time and 4 part-time. The planning statement indicates that this is a growing faith group originally set up for Tamil Hindus but which, now embraces other nationalities of the same faith. Its growing popularity has led to the need for increased floor space but there is no indication of the rate of growth or that limits will be imposed on the future growth of the congregation. It is considered highly likely that the increased size of the temple would result in increased numbers attending and for longer periods with the improved and expanded facilities. This is borne out by the applicant's own statement that there are two other venues within south London that provide such dedicated space to the Hindu community for weddings but they are profit run businesses and as such are costly. The Temple aims to provide all its community with the opportunity to not only have the wedding service and marriage certification performed in the existing temple buildings but also then be able to have the wedding reception in the same space at lower cost as the Sri Raja Rajeswari Amman Hindu Temple runs as a not for profit organisation. The expansion of the existing facility is also underlined by the proposal to employ a full-time kitchen team of Chef, assistant and kitchen porter to provide food for two events each week together with a full-time site and events manager to organise and run the events.
- 8.12 The catchment area for the congregation is very broad, stretching far beyond the Borough Boundary into adjoining London Boroughs with most people attending coming by car.
- 8.13 The extended facilities would be easily separated from the existing temple and there is no guarantee that the halls on the ground and first floor will not be used independently by two users at the same time. It would be difficult to control the use of the halls even if planning conditions were introduced to this effect. The provision of banquet facilities will increase the length of time that the guests will be staying on site and this will put further pressure on local parking in the area. Whilst the applicant has undertaken a parking survey to demonstrate that the existing temple use does not impact on streets in the local area, it would seem that the congregation are using areas of private land in Dell Lane to park on, which are not included in the planning application, and which cannot be controlled for the use of the Temple and its congregation. Any increased size of wedding functions that would be catered for would be likely to coincide with when the Stoneleigh Broadway shops and businesses were open and would result in increased pressure on local public car parking facilities.

- 8.12 A new community centre of this type would usually require car parking at the rate of 1 space per 20 sq m : a total of 34.25 spaces, and Bicycle parking for at least 2 cycles. The proposal is therefore seriously deficient in provision of on-site car parking and it is concluded would have an adverse impact on local parking provision, traffic movement and highway safety as well as upon residential character and amenity.
- 8.13 It is also relevant to note that if either or both of the recently permitted mixed commercial/residential scheme at R/O 44-48 Stoneleigh Broadway (15/00336/FUL) and residential scheme permitted on appeal at R/O 72 Stoneleigh Broadway (14/00795/FUL) are implemented there would be likely to be more on-street parking pressures as both these schemes are "car free" developments.

Employment Policy

- 8.14 Policy DM34 seeks to protect employment floorspace outside the existing employment policy areas unless the existing use has a significant adverse impact on residential amenity or where there is genuine evidence through, for example, marketing for a period of 18 months that the site is no longer suitable for employment uses. There is no evidence that the existing low key wholesale use is having a significant adverse impact on this mixed use area. The premises at 3 Dell Lane are moreover still in warehouse use so there is no evidence presented to demonstrate that the premises are not suited to continued B8 or other employment use.
- 8.15 The applicant has stated that the alteration of the property to D1 use would increase the employment levels related to the current B8 (from 3 F/T employees to 6 F/T and 3P/T employees). This may be true but it doesn't overcome the employment policy objective under DM24 of trying to ensure that the requirements of different employment sectors and especially B1, B2 and B8 uses can continue to be met in the Borough.

Design and Appearance

- 8.16 The design and scale of the building is considered to be acceptable in this transitional location between the 4 storey Stoneleigh Broadway properties and the suburban 2 storey residential properties to the south. The resulting building would be a relatively long (43m) and utilitarian building but in the context of the range of industrial style properties along Dell Lane it is considered that no objection can be made to the proposal on design grounds.

Residential amenity

- 8.17 Objections have been raised about the potential for loss of privacy, noise and disturbance and loss of light arising from the proposed development. It is however considered that the rear of residential properties in Briarwood Road being approximately 28m distant from the application proposal are sufficiently separated by their rear gardens that these matters would not be harmful to justify a reason for refusal. The rear first floor windows are small and being situated to the north of the residential properties there would be no overshadowing of rear gardens.

Community Infrastructure Levy

8.18 The development is not liable.

9 Conclusion

9.1 The application fails to make adequate provision for on-site car parking for what in effect would be a sub-regional community facility. It also fails to justify the loss of an existing employment facility that is still in use by a local wholesale company.

10 Recommendation

10.1 Planning Permission is refused for the following reasons:

Reasons:

- (1) It has not been adequately demonstrated that the proposed extension to the Temple will not generate more traffic and parking in the vicinity of the premises to the detriment of free flow of traffic on surrounding roads and inconvenience for local residents, leading to conditions adverse to the safety of other road users. The application is therefore contrary to Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM34 and DM37 of the Development Management Policies Document (2015).**
- (2) The development would result in the loss of existing employment premises and the applicant has failed to demonstrate that the exceptional criteria under Policy DM24 of the Development Management Policies Document (2015) have been met. The development is therefore contrary to Policy DM24 of the Development Management Policies Document (2015).**

Informative(s):

- (1) The plans considered in the determination of this application are as follows: 132/D/10, 132/D/11, 132/D/12, 132/D/13.**

15/01494/FUL

3 & 4 Dell Lane, Stoneleigh, KT17 2NE



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Bambini Day Nursery, Ewell Court House, Lakehurst Road, Ewell, Surrey, KT19 0EB

Conversion of unused toilet outbuilding to habitable classroom/playroom for use as part of the Bambini Nursery.

Ward:	Ewell Court
Contact Officer:	Sam 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=O48BT3GYKPE00>

2 Summary

- 2.1 This application proposes the conversion of the unused outbuilding at Ewell Court House to a usable classroom space to be used as part of Bambini children's nursery.
- 2.2 This application is considered by the Planning Committee as the property is owned by Epsom and Ewell Borough Council.

3 Site description

- 3.1 Ewell Court House is a substantial former residential property located to the south of Lakehurst Road which is now owned by Epsom and Ewell Borough Council. The building is Grade II listed. It is a Jacobean style building of 1879 which incorporates an earlier house of 1690 in its service wing. It is a mostly two-storey building with red brick walls, sandstone window dressings and a pitched tiled roof. The building sits in substantial grounds on the edge of the Hogsmill Countryside Area. The building is used as a library and function rooms and the northern part is used as a children's nursery.
- 3.2 The nursery has an external play area to the north east side of the building. This space is bound by fencing and well screened by mature vegetation. Abutting the north east of this area is an outbuilding that was once used as public conveniences. It is single-storey with a pitched roof and is currently overgrown with ivy.

4 Proposal

- 4.1 This application proposes the conversion of the unused toilet outbuilding into a habitable classroom/playroom for use as part of the Bambini Nursery.
- 4.2 Internally, the existing walls would be removed to create one large playroom area. A wc and small kitchenette would also be formed. Externally, fenestration would be altered in the elevations facing into the site. A canopy structure would be erected to the south east of the building with dimensions of 7.5m by 2.5m. It would have timber beams and a semi-translucent mono-pitched polycarbonate roof which would sit under the eaves of the existing building. It would have a maximum height of 2.4m.
- 4.3 The existing 1.8m high close-boarded fence to the south of the site would continue around the building to provide necessary security.

5 Comments from third parties

- 5.1 The application was advertised by means of press notice, site notice and letter of notification to 16 neighbouring properties. To date (26.04.2016), no representations have been received.

6 Consultations

- 6.1 County Highways Authority: Has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirements.

7 Relevant planning history

Application number	Decision date	Application detail	Decision
09/01057/FUL and 09/01058/LBA	15.10.2010	Erection of a canopy over children's play area.	Granted

8 Planning Policy

National Policy Planning Framework (NPPF) 2012

Chapter 12 Conserving and enhancing the historic environment

Core Strategy 2007

Policy CS1 Creating sustainable communities
Policy CS5 The built environment

Development Management Policies 2015

Policy DM8 Heritage assets
Policy DM9 Townscape character and local distinctiveness

Policy DM10 Design requirements for new development

9 Planning considerations

Impact on setting of listed building and visual amenity

- 9.1 The existing ancillary building is a modern element of no architectural or historic interest and it is located some distance to the north-east of the listed building. The proposed conversion to a compatible new use causes no harm to the significance of the principal designated heritage asset or to the significance of the other listed elements within the curtilage and there is no objection in terms of Policy DM8.
- 9.2 The attached canopy is a simple structure that would respect the dimensions of the building to which it would be attached. It would have materials to match the existing canopy within the site.
- 9.3 A fence would be erected around the building to provide the necessary securing for the nursery children. This fence has been set back from the adjacent footpath to ensure the existing shrubs and trees are located outside of the site and to provide a continued green space along the footpath. The soft landscaping, which has a strong and important presence, would remain prominent and the visual appearance of the area would be retained.
- 9.4 To ensure the development would not have an adverse impact on the health of the trees, a condition would be imposed on any permission to ensure the roots of the trees would not be affected.

Impact on residential amenity

- 9.5 Given the location of the proposed works within the site, there would be no adverse impact on the occupiers of any adjacent residential dwelling.

10 Conclusion

- 10.1 The proposal would create a good use of an unused building. The development would have an acceptable impact on the setting of the listed building and on the visual appearance of the area. As such, it is recommended that planning permission is granted.

11 Recommendation

- 11.1 Planning permission is granted subject to the following condition(s):

Conditions:

- (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(1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- (2) The external finishes of the development hereby permitted, including making good to the retained fabric, shall match in material, colour, size, style, bonding, texture and profile those of the existing building and canopy.

Reason: To secure a satisfactory appearance in the interests of the visual amenities area in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies Document 2015.

- (3) Excavation within the root protection area shall be undertaken by hand and no tree roots over 25mm shall be cut.

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.

- (4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Block Plans, Proposed ground floor and roof plan, Proposed front east and south elevations, Proposed front north and west elevations, Proposed sections A-A & B-B (dated 11.12.2015) and Proposed site plan (dated 25.04.16).

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).

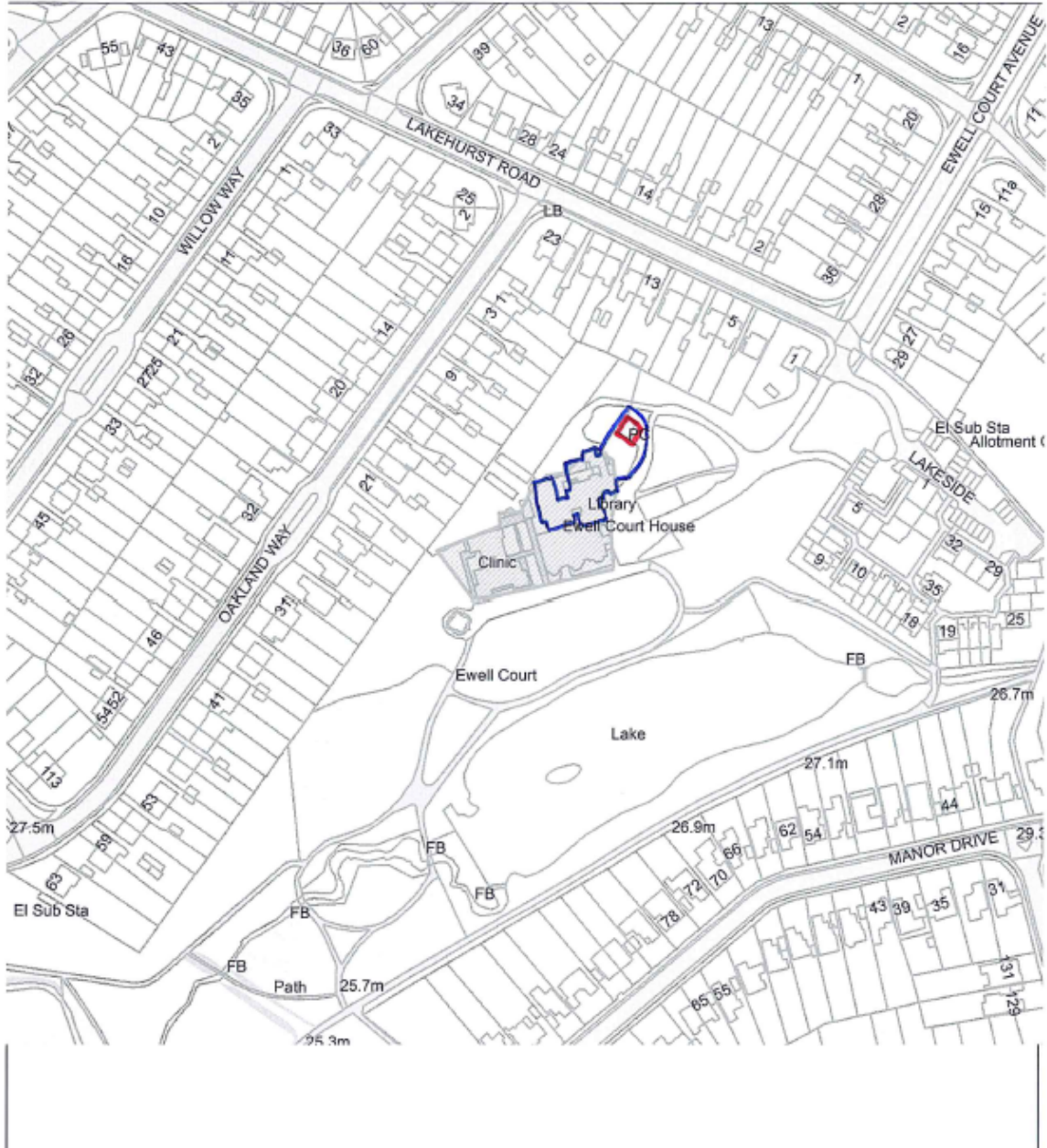
Informative(s):

- (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) 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.



15/01845/FUL

Bambini Day Nursery, Ewell Court House



Scale : 1:2124

Date	26 April 2016
Comments	Not Set
SLA Number	71

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21A The Headway, Ewell

Objection to the implementation of a Tree Preservation Order on a European Lime at 21A The Headway - Tree Preservation Order No. 450

Ward:	Ewell
Contact Officer:	Jeremy Young

1 Summary

- 1.1 This report is for the Planning Committee to consider whether to confirm tree preservation order (TPO) No. 450 following objections to its implementation by the tree owner at 21A The Headway.
- 1.2 21A The Headway is situated in the Ewell Village Conservation Area. A section 211 notice was received from the home owner on 8/11/2015 (application No. 15/01180/CAT) giving six weeks' notice that it was intended to fell the Lime tree in the front garden and replace this with a Cherry tree. Officers evaluated the proposal and objected to the loss of the tree.
- 1.3 Delegated authority was obtained and a provisional tree preservation order was made on 16th December 2015.
- 1.4 The Council received an objection to the tree preservation order from the tree owner on 23rd December 2016. A copy of the letter of objection is attached to the report.
- 1.5 Where objections are received these are reported for consideration by the Planning Committee. A decision is required whether the order should be confirmed, modified or not confirmed after taking into account the amenity implications and the validity of the objections received.

2 Site description

- 2.1 The first houses of The Headway were constructed around 1927. Prior to this it was a field area with an allotment at one end and a footpath from Ewell village to West Ewell railway station. 21A is an infill property built around 1976 on what was the grounds of No. 21. The Headway has an attractive suburban landscape but the generally spacious plots and good coverage of trees give a more rural quality to the setting.
- 2.2 Ewell Village Conservation Area itself contains a fine collection of trees that provide a distinct sylvan character to the area. The area contrasts sharply with the urban qualities of adjacent areas. It is thanks to these mature trees that this character is reinforced. Trees in surrounding roads act as visual connections to this general leafy ambience.

- 2.3 The Lime subject of this tree preservation order is a middle aged specimen located in the front garden of the property. It predates No. 21A and was probably planted or seeded into the garden of 21 about 65-75 years ago. Lime are long lived trees and have a normal life expectancy under favourable growing conditions in excess of 200 years. The Lime has attained a height of about 15-16m and it has an average crown spread of 9m. Trunk diameter is recorded as 490mm, measured at 1.5m above ground level.
- 2.4 The condition of the Lime is good; there are no signs of any detrimental pathogens. Cyclical crown reduction pruning has been carried out for over a decade now. The tree has been professionally pruned and well cared for. Lime generally respond well to crown reduction pruning and this tree is no exception.
- 2.5 European Lime are upright growing trees. At a distance of about 9.5m between the trunk centre and the front of the house there is ample space to physically accommodate the spread of the Lime without it unduly overhanging the building. Limes can grow exceptionally tall under the right growing circumstances (over 21m). If the tree reached this full proportion there could be a feeling that its size would be out of scale with owner's house.
- 2.6 In the immediate vicinity there is a cluster of mature trees, these include Pines and Limes in the garden of 22, a Horse Chestnut, Pine and Cypress at 21 and Copper Beech on the frontage of 7. Collectively this group of trees provide are a valuable landscape fabric.

3 Proposal

- 3.1 When a tree preservation order is served it takes effect immediately for a provisional period. If the TPO is to remain valid it must be confirmed within expiry of six months from the date the order is made or a new order has to be made. There is an opportunity for those affected by the TPO to raise an objection or make comments. The Committee has agreed that any unchallenged orders are confirmed automatically. Where objections are received these are reported for consideration by the Planning Committee and a decision is required whether the Order should be confirmed, modified or revoked after taking into account the amenity of the tree and validity of the objections received.
- 3.2 Subsequent to the making of this tree preservation order one objection has been received to its implementation from the tree owner. The letter of objection is appended to this report and Members are advised to take account of the points raised.
- 3.3 In summary the basis of the objection to the TPO on the Lime are set out below:
 - The objector is concerned the tree is damaging the front wall and could potentially damage the drains and house foundations.

- They find the sap deposits a nuisance because they are damaging to car paint work. The tree shades the garden and verge.
- In respect of the above, the objector points out that the Council should balance the environmental benefits of trees against environmental problems caused in residential areas.
- The objector does not feel they can comply with the terms of their insurance agreement as the tree gets progressively larger even with the canopy reduction regime they have instigated. They have pointed out research that shows crown reduction is not that effective at controlling moisture uptake.
- The objector points out they have increased leaf cover in the garden, they are pro trees, but just have an issue with the Lime which they feel is too large growing for the domestic garden space.

4 Consultation and comments from third parties

4.1 The tree preservation order was served on the owner/occupiers of No.21A, 22 The Headway and the private road association. No comments have been made by neighbours.

4.2 Relevant planning history

Application number	Decision date	Application detail	Decision
92/0609	23/03/1992	Felling of 6 Firs	No objection raised
92/0592	07/12/1992	Felling of 7 Conifers	No objection raised
93/0028	19/04/1993	Felling of Scots Pine	Approved
93/00244/BN		Underpinning	
03/00662/CAT	23/03/2007	Crown reduction of Lime	No objection raised
06/00876/CAT	27/03/2007	Crown reduction and shaping of 1 Lime and 2 Cypress	No objection raised
07/01214/CAT	11/01/2008	Felling of 2 Leyland Cypress	No objection raised
10/00736/CAT	11/11/2010	Crown reduction of Lime and Cherry Plum	No objection raised

12/00783/CAT	21/11/2012	Felling of Cherry Plum	No objection raised
15/01180/CAT	16/12/2015	Felling of Lime	Blocked by Tree Preservation Order

5 Planning Policy

National Policy Planning Framework (NPPF) 2012

Chapter 11 Conserving and enhancing the natural Environment

Core Strategy 2007

Policy CS1 Sustainable Development

Policy CS5 Built Environment

Development Management Policies 2015

Policy DM5 Trees and Landscape

Policy DM9 Townscape Character and Local Distinctiveness

6 Planning considerations

6.1 Amenity Considerations

6.2 The Town and Country Planning Act 1990, Section 198 provides that Local Planning Authorities may make a tree preservation order (TPO) if it appears to them to be “expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”. Tree preservation orders and trees in conservation areas planning practice guidance (updated 6/3/2014) recommends that TPO’s should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

6.3 To define what amenity means in practice, the Council’s procedure is to use a systematic scoring system to evaluate whether a tree has sufficient amenity to justify the serving of a TPO. This also ensures a consistent approach to tree protection across the Borough. In considering the amenity value such factors as the size, age, condition, form, rarity, prominence, screening value, appropriateness to setting and presence of other trees are taken into account.

6.4 Two amenity appraisal methods were used - The Helliwell system and Tree Evaluation Method for Preservation Order (TEMPO). Under both these system the tree obtained high enough scores to justify protection. The amenity appraisals are attached to this report.

- 6.5 The Lime is a middle aged specimen that makes a very pleasant contribution to the amenity of this road. The tree is visible right from the entrance of the Headway and is very dominant to the street scene because of its size and position in the front garden. The public amenity impact is all the greater as the Lime is situated adjacent to the corner of the public right of way that leads towards the railway station.
- 6.6 Aesthetically, the Lime has a manicured form from the crown reduction. Officers suggest that this treatment doesn't detract from the amenity of the tree. The pruning was started at the right time and therefore the tree does not have the appearance of a full grown tree that has been heavily lopped down. It has the appearance of a purposely trained tree much in accordance with street tree management commonly seen practiced where larger trees grow in confined urban streets. The pruned branch tracery gives architectural effect during the winter which is replaced by the soft leaf tones after bud burst.
- 6.7 Although there is a cluster of mature trees in close proximity to the Lime, it should be noted that some of these are becoming over-mature and starting to decline. The two Beech in the front garden of 7 The Headway and the Horse Chestnut in the rear of 21 are trees that could potentially face removal within the next decade. The Lime in contrast is thriving and has many years useful life expectancy. In this respect the tree has great value in the continuity planning of the tree-scape. The Lime would be missed if it was removed and this detrimental effect on landscape amenity and beauty would be more noticeable if accompanied by further denuding of localised tree cover. In addition the harm to amenity could not be restored by the planting of smaller replacement trees.
- 6.8 Members should also be aware that Ewell Village Conservation Area Character Appraisal and Management Proposal makes special mention of the positive contribution trees make to the sylvan character of the village. The study recommends the need for planning to conserve this amenity asset.
- 6.9 A further consideration is that Lime is a native tree species of the British Isles and therefore provides greater potential for natural biodiversity than more exotic tree species.
- 6.10 Validity of the Objections
- 6.11 Officers have considered the reasons given to remove and replace the Lime tree and do not feel these justifications are persuasive. Officers do not share the view that the tree is too over-bearing, in contrast it is considered to be in proportion and in scale with its setting. The Council has evidently allowed regular sensitive pruning of the tree to manage its proportions and it is likely that such pruning in the future will continue to be agreed under the tree preservation order.

- 6.12 The first reason cited by the tree owner in objection to the Tree Preservation Order is that the tree drops sap and creates shade; these are normal inconveniences of tree ownership and would not normally justify removing a tree of such high public amenity. Honey dew secretions from aphids can be more acute in Lime. Regular washing of surfaces usually is sufficient to stop black mould forming and damaging paintwork. Natural predators can be encouraged to help control aphid populations.
- 6.13 The second reason for objection is the perception of risk of the tree damaging the foundation. Although it would be unreasonable to protect the tree if it was the main cause of subsidence damage in a vulnerable house, it should be pointed out that this property was fully underpinned in 1993. At the time the Lime was not considered to be the cause of damage. It was concluded that removal of several Poplars on the site prior to house building and the action of a Leyland Cypress hedge growing immediately adjacent to the opposite wall was creating differential building movement from opposing forces of heave (ground swelling) and subsidence. Building control records show underpinning was to a depth of between 2.7 and 3.2m.
- 6.14 Members are referred to the report with recommendations into the previous subsidence made by Dr Ian Richardson. The relevant recommendation in relation to the Lime is cited in the paragraph that reads: *Trees in the front are probably safe at present but they must not be permitted to grow any larger, again bearing in mind the proven vulnerability of the structure.* Officers point out that this recommendation was made in October 1992 and probably prior to the decision to underpin the property (underpinning was undertaken in June 1993). The key point is that underpinning should be designed and constructed to address the previous movement and any further subsidence problems. No further subsidence problems have been noted by the owner.
- 6.15 Under the circumstances it would seem the risk of subsidence damage from the Lime is remote, especially if a cyclical crown reduction regime is continued to contain the trees height and spread. Officers are aware of the Hortlink research into the effects of tree pruning on regulating water demand. The findings did establish that reducing the crowns of trees reduces their moisture uptake. One fact that is being overlooked is that by reducing the tree you are controlling the height and spread from getting progressively larger and therefore restricting the development of a greater root to shoot ratio. Although there is some minor increase in water uptake as branch and stem size increase, by far the main loss of moisture is through the surface area of the leaves. By controlling the leaf area mass with periodic reduction pruning this should help maintain the *status quo*. The owner has also pointed out that a number of trees have been felled around the property over the years and this would also reduce moisture uptake.
- 6.16 A third reason for the objection to the Tree Preservation Order is the potential damage to the drains. Interference by roots in drains is mostly due to leaking drains being invaded by the roots which ramify and block the drain. Roots rarely puncture drains but exploit existing holes. The solution is to repair the drain and it is not normally necessary to remove nearby trees. No actual problems with the drain have been reported by the tree owner.

- 6.17 There is crack damage to the front boundary wall. It is not clear if the hedge or the Lime tree is implicated in damage to the wall. In the short term the wall would appear repairable. This disadvantage is considered to be within the spectrum of reasonable tolerance given the benefit of tree compared against its impact as a growing feature in a static hardscape.
- 6.18 Officers have concluded that the objections raised to the TPO do not appear compelling enough to override the need to protect the tree in the interest of amenity.
- 6.19 Expediency
- 6.20 The felling notification indicates the intention to remove the Lime. It would therefore seem reasonable for the Council to believe the Lime is at risk of being cut down. There would be no protection afforded a young replacement tree under the Conservation Area Regulations. If that replacement tree was removed within a few years of planting, the site, as a tree position, could be lost.
- 6.21 Once the amenity assessment indicates the tree/s are worthy of protection it becomes more compulsive for the Council to act and issue a TPO.
- 6.22 Confirming the TPO will have the effect of creating a planning constraint on the use of the land. However, this impact is not considered to be a disproportionate burden on the owner or neighbours who would retain the right to make applications for tree works and appeal planning decisions.

7 Conclusion

- 7.1 The Lime makes a significant contribution to the landscape which can be appreciated by local residents. It is a healthy specimen of good form and has a good safe useful life expectancy. The Lime has an important place in preserving the continuity of the local mature tree-scape.
- 7.2 If the order is not confirmed the tree could be removed to the detriment of the visual character and amenity of the landscape.
- 7.3 Removal of the tree would be contrary to policies contained in the Development Management Policies Document and the Core Strategy of the Local Development Framework - these seek to conserve and enhance landscape character and the natural environment.
Confirmation of the TPO and retention of the tree promotes environmental sustainability.
- 7.4 The objections raised to the TPO are not considered to be justified reasons to remove the tree as they relate to:
- I. the expected biological consequences in common with managing urban trees which is really part of everyday life;
 - II. a perception of risk of damage which does not appear to be substantiated; and

III. a concern about impacts to the environs that are not insurmountable.

7.5 It is the officer's view that the objections raised against the making of Tree Preservation Order 450 do not override the public interest to protect the tree as an amenity and natural feature.

8 Recommendation

8.1 That Tree Preservation Order No. 450 is confirmed without modification.

C.J. Grant
THE MAYOR



Simon...
HEAD OF LEGAL & DEMOCRATIC SERVICES

21a

T1

21

THE HEADWAY

8



Created by: Julian Turpin
Reference: TPO 450
Revision No:
Date: 15/05/2015

T1 LIME 21a The Headway Ewell

1:500



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TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

AGENDA ITEM 5
ANNEXE 1

Date: 08/12/15	Surveyor: Julian Turpin
----------------	-------------------------

Tree details	
TPO Ref: 450	Tree/Group No: T1 Species: LIME
Owner (if known): Mr Alan Rogers	
Location: of Lymecroft 21A The Headway Ewell Surrey KT17 1UP	

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Unsafe Unsuitable
- 0) Dead Unsuitable

Score & see report
3

b) Remaining longevity (in years) & suitability for TPO:

Refer to 'Species Guide' section in Guidance Note

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10 Unsuitable

Score & see report
4

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use; refer to Guidance Note

- 5) Very large trees, or large trees that are prominent landscape features Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or larger trees with limited view only Just suitable
- 2) Small trees, or larger trees visible only with difficulty Unlikely to be suitable
- 1) Young, v. small, or trees not visible to the public, regardless of size Probably unsuitable

Score & see report
4

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Members of groups of trees important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & see report
1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify; refer to Guidance Note

- 5) Known threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only
- 0) Tree known to be an actionable nuisance

Score & see report
5

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total:	Decision:
17	Make TPO

Site of Lymecroft 21A The Headway Ewell Surrey KT17 1UP
Surveyor Julian Turpin Date 09/12/15

Data Sheet for Trees

TREE NUMBER	SCORE	NOTES
1. Size 0 less than 2m ² 0.5 very small 2 - 5m ² 1 small 5 - 10m ² 2 10 - 20m ² 3 20 - 30m ² 4 medium 30 - 50m ² 5 50 - 100m ² 6 large 100 - 150m ² 7 150 - 200m ² 8 very large 200m ² +	6	8x16 = 128 large
2. Expected duration 0 less than 2 years 1 2-5 years 2 5-40 years 3 40-100 years 4 100+ years	3	
3. Position (Importance in the Landscape) Private assessment 0.25 <i>Little importance:</i> trees on remote parts of large country estates 0.5 <i>Some importance:</i> garden trees in groups of no particular individual importance 0.75 <i>Considerable importance:</i> prominent garden trees 1.0 <i>Great importance:</i> main feature or focal point Public assessment 0 <i>No importance:</i> trees not visible from any public vantage point 0.5 <i>Very little importance:</i> trees only seen with difficulty or by a very small number of people 1 <i>Little importance:</i> most trees in woodlands, back gardens or in groups of trees, etc. 2 <i>Some importance:</i> individual roadside trees. Trees close to busy roads. Trees in public parks. 3 <i>Considerable importance:</i> prominent individual trees in well-frequented places such as town centres, shopping centres, etc. 4 <i>Great importance:</i> trees which are of crucial importance as the principal feature of a public place	0.75	
4. Other trees 0.5 more than 70% of the visual area covered by trees, and at least 100 trees in total 1 more than 30% of the visual area covered by trees, and at least 10 trees in total 2 more than 10% of the visual area covered by trees, and at least 4 trees in total 3 less than 10% of the visual area covered by trees, but at least one other tree present 4 no other trees present in the area under consideration	1	
5. Relation to setting 0 totally unsuitable 0.5 moderately unsuitable 1 just suitable 2 fairly suitable 3 very suitable 4 particularly suitable	3	
6. Form 0.5 Trees which are of poor form 1 trees of average form 2 trees of above average form	2	

6x3x2.75x1x3x2x£30.84 = £9159.48





*Lymecroft,
21a, The Headway,
Ewell Village,
Surrey, KT17 1UP.*

*Tel: 020-8394 2325
Mobile: 07967 104758
e-mail: alanj.rogers@btinternet.com*



Mark Berry,
Head of Planning,
Town Hall,
The Parade,
Epsom,
Surrey, KT18 5BY.

21st December 2015.

Ref: TPO 450
Planning ref: 15/01180/CAT

Dear Mr. Berry,

I wish to object to your refusal to allow the felling of a lime tree (T1 on your plan) in my front garden, and to the subsequent serving of a Tree Preservation Order. I understand that the Council has a responsibility to preserve trees that have a high amenity value, but would point out that none of my neighbours held it in sufficient regard to object to my proposal. It is also important that the Council balances the environmental benefits of trees against the environmental problems caused in residential areas.

I should like to expand on the evidence I presented in my original application.

I had a long discussion with Mr. Turpin when he came to inspect the tree. I explained that the house had been built in the very dry summer of 1976 on a plot where around twenty poor quality trees (mainly poplars) had been removed. The Council at that time stipulated which trees should be retained, and where new trees should be planted (see plan). When I moved to the house in 1991, the foundations were badly cracked. Professor Ian Richardson, the renowned arboricultural expert was consulted during the ensuing negotiation with the insurance company, and he concluded that the damage to the property was partly due to subsidence caused by the mature trees in Nos.21 and 22; partly to the fast growing Leylandi hedge that had been planted as a screen along the boundary of No.21; and partly due to heave resulting from the removal of the poplar trees.

His report recommended that the Leylandi hedge should be reduced to 2.5 metres (never to exceed 3 metres); that the 15 metre horse chestnut in No.21 should have the crown thinned by half, and regularly restricted; and that the limes, horse chestnuts and fruit trees to the east of the property (No.22) should have their leaf area reduced by one third. My neighbour at No.21 has been diligent in maintaining the hedge at the recommended height; he regularly applies to have the horse chestnut reduced, but Council permission is usually below the recommended 50% crown reduction. My neighbour at No.22 has had limited reductions made to his trees, but in general, the mature trees have grown, thereby increasing the uptake of water from the surrounding soil.

The report also suggested that "the trees in the front garden are probably safe at present, but they must not be permitted to grow any larger." The lime tree in question was originally

overshadowed by a large chestnut, and after that was removed in 1976, the lime flourished. The only way I could get ongoing buildings insurance on the property was to take over the previous owner's policy, and to comply with Professor Richardson's recommendations. With Mr. Young's approval, I have gradually replaced the original trees with more manageable varieties, and the lime is the sole survivor.

At a distance of 9 metres from the front of the house, the root system will extend to the foundations, and certainly be growing around the drains. A paper, "The distance at which trees can affect a building" (Architects Journal, 7th December 2006), states:

"Implementing a policy to prune or lop trees to prevent them from growing to full height is not a workable, long-term strategy for controlling the root network. A crown reduction of 70 per cent by volume (approximately 35 per cent height reduction) reduces the water draw by only a small amount and only during the year of pruning. In subsequent years the soil moisture levels return to normal. This is partly because pruning encourages shoot growth and hence larger leaves, which then make similar demands on the water absorption capacity of the root system."

Professor Richardson has actually committed us to a losing battle. Council permission for crown reduction is usually restricted to 25%; each successive pruning causes a growth spurt; as the limbs get thicker, the tree surgeons are reluctant to cut back to the original pruning points. The result is that the tree is now considerably larger after each reduction than it was in 1991. The logical conclusion is that the only way to stop the tree growing is to replace it with a smaller garden-friendly species.

Mr. Turpin complimented me on the replacement planting I have done around the house. I love trees, and I believe I have always acted responsibly in removing trees that were either too large for the garden, or in poor health, and by planting trees and shrubs that were more suitable for the size of the plot and proximity to the house. This garden was a horticultural desert when I moved here in 1991, and I have greatly increased the "leaf count" with careful planting. You can see from the aerial photograph submitted with the original application that we also have excellent tree cover in the adjoining properties. I have once again said that I am willing to take Mr. Young's advice on a replacement tree and its position.

An amenity is something useful or pleasant. A lime tree is an amenity in a park, or in a wide avenue of trees. It is too large for a domestic garden, and is now becoming a real problem. Apart from the potential damage to my foundations and drains, it throws out more and more suckers; it rains down black sap, killing the verge and plants beneath it, and damaging the cars parked below; and it is cracking the garden wall. In placing a TPO on this tree, you are implying that its removal is a threat to the environment, but conservation doesn't necessarily require preservation. I could have "preserved" the garden as I found it in 1991, but I chose to replant, and all the changes that I have made to the garden has benefitted the local environment. I see my application as a continuance of that conservation.

I therefore ask that you reconsider your decision.

Yours sincerely,



Alan Rogers.

Enc: Plan of plot, 1976.
Prof. Richardson's report, 1991 (Poor copy, no letterhead)

Dear Sirs,

21A The Headway, Ewell

I was pleased to meet Mr Stephenson when I visited 21A The Headway on 8th October, 1992.

- 1 I am a Chartered Biologist with the academic qualifications listed on the letterhead. Particularly relevant among my publications is the book *Tree Roots and Buildings*, by D F Cutler & I B K Richardson (Longman, 1981; ed. 2 1989), written while I was a member of the research staff at the Royal Botanic Gardens, Kew. Since 1979 I have acted as an independent Consultant Botanist, specializing in tree/building problems.
- 2 The 1976 house has suffered damaging structural movement from 1991 onwards. The underlying soil is clayey and the foundations are only 1 metre deep. Trees on and near the site will have promoted differential soil shrinkage by their root action, especially in dry periods.
- 3 Previously there were many more trees on the site, particularly significant being a row of Poplars adjacent to the nearby public footpath. Some were very near the position of the building, and there would have been considerable soil 'recovery' after felling of these Poplars; some of this could have been 'long-term', meaning that there could have been soil expansion taking place under at least part of the building for some years after its completion; how long would have depended on the size and vigour of the nearest trees and their root systems, as well as on properties of the clay.
- 4 A row of 10-metre Cypresses, planted in 1976 at the time of construction, is very close to the opposite (left-hand) flank wall. These will have been increasing in root activity, especially in dry summers such as 1989-91.
- 5 It can therefore be seen that the building may well have been stressed from at least two, more or less opposing forces, namely heave from the (removed) Poplars and subsidence from the Cypresses. Recently this has been manifested in damage.

- AGENDA ITEM 5
ANNEXE 2
- 6 It might be worth-while reducing the Cypresses drastically, to about 2.5 metres in height (thereafter never to exceed 3.5 metres) to reduce and more or less stabilize their root activity. On this occasion I have strong reservations as to the effectiveness of this course of action, because of the probable complexity of the forces which the structure has undergone, and I consider that underpinning may well be the only permanent solution to the problem.
- 7 There are other trees nearby which could at least potentially be a threat to a proven vulnerable building. There is a large 15-metre Horse Chestnut in the adjacent left-hand garden, behind the Cypresses. This will, like the conifers, almost certainly have roots drying the soil under part of the building. If underpinning is not undertaken, this tree should be severely reduced in leaf-area - say by crown-thinning to half the present amount - and thereafter regularly restricted as regards future growth.
- 8 To the right, along the public footpath, are a mixture of Limes, Horse Chestnuts and Fruit Trees; these pose a threat to the garage and should be reduced by at least a third of their leaf-areas, and never again exceed three quarters their present combined area; felling of about a third of the more robust trees in this group would have a similar effect, preferably combined with some pruning of the remainder.
- 9 Trees in the front garden are probably safe at present, but they must not be permitted to grow any larger, again bearing in mind the proven vulnerability of the structure.
- 10 Where there is a requirement to reduce trees and thereafter monitor them, 'before and after' photographs can be good points of reference for the Tree Surgeon in the future.
- 11 I would like in summary to repeat that on this occasion I am not convinced that reduction of the nearby trees will result in a permanent stabilization of this building. It is my opinion that underpinning may well be the only solution.

Yours faithfully,



Dr Ian Richardson.

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SITE VISITS

Report of the: Head of Place Development
Contact: Mark Berry
Annexes/Appendices (attached): None
Other available papers (not attached): 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 are therefore 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).

- The Roveries, 59-63 Cox Lane, West Ewell KT19 9NR 15/01464/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

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