PLANNING COMMITTEE

Thursday 14 December 2017 at 7.30 pm
Council Chamber - Epsom Town Hall

PART ONE (OPEN TO THE PRESS AND PUBLIC)

The Agenda items below that attract public speakers will be taken first – the resulting order of the Agenda will be disclosed by the Chairman at the start of the meeting.

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 Tina Mountain
Councillor David Reeve (Vice-Chairman)  Councillor Peter O'Donovan
Councillor Michael Arthur  Councillor Martin Olney
Councillor John Beckett  Councillor Vince Romagnuolo
Councillor Lucie Dallen  Councillor Clive Smitheram
Councillor Neil Dallen  Councillor David Wood
Councillor Jan Mason

Yours sincerely

Head of Legal and Democratic Services

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

AGENDA

1. MINUTES OF THE PREVIOUS MEETING  (Pages 3 - 28)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 9 November 2017 (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 16/01325/FUL - 13 ASHLEY ROAD, EPSOM KT18 5AQ (Pages 29 - 44)

Erection of an apartment building comprising 2 three bedroom units and 2 two bedroom units with basement parking and cycle/residential storage (Description amended and amended drawings received 27.11.2017)

4. PLANNING APPLICATION 17/00893/FUL - 6 THE GROVE, EPSOM KT17 4DQ (Pages 45 - 62)

Demolition of existing dwelling and redevelopment to provide a single three storey block comprising 11 x 2 bedroom flats and 2 x 3 bedroom flats including landscaping and basement parking area.

5. PLANNING APPLICATION 17/00988/FUL - HOBLEDOWN, HORTON LANE, LANE, EPSOM, KT19 8PTD (Pages 63 - 74)

Addition of timber and netting outdoor play structure.

6. PLANNING APPLICATION 17/00880/FUL - HORTON GOLF AND COUNTRY CLUB, HOOK ROAD, EPSOM KT19 8QG (Pages 75 - 82)

Erection of kitchen extension to club house and new yard enclosure.

7. PLANNING APPLICATION 1700835/FLH - 7 WOODLAND CLOSE, EWELL, KT19 OBQ (Pages 83 - 88)

New (raised) flat roof to flank extension, conversion of garage to a habitable room, new decking to rear.

8. REPORT ON RECENT PLANNING APPEAL DECISIONS (Pages 89 - 108)

This report follows on from recommendations in the Planning Improvement Action Plan 2017 to provide Members with an update on recent appeal decisions, and identifies any notable decisions for discussion.

9. SITE VISITS (Pages 109 - 110)

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 9 November 2017

PRESENT -

Councillor Humphrey Reynolds (Chairman); Councillor David Reeve (Vice-Chairman); Councillors Michael Arthur, John Beckett, Lucie Dallen, Neil Dallen, Jan Mason, Tina Mountain, Peter O'Donovan, Martin Olney, Vince Romagnuolo, Clive Smitheram and David Wood (left the Chamber at 8.20pm and returned at 8.45pm)

In Attendance: Councillor Tony Axelrod and Councillor Tella Wormington

Officers present: Mark Berry (Head of Place Development), Danny Surowiak (Principal Solicitor), John Robinson (Planning Officer) and Sandra Dessent (Democratic Services Officer)

34 DECLARATIONS OF INTEREST

In the interests of openness and transparency, the following declarations were made:

Planning Application 17/00542/FUL - The Royal Automobile Club (RAC), Woodcote Park, Wilmerhatch Lane, Epsom KT18 7EW

Councillor David Wood FCA, Other Interest: Member of the Royal Automobile Club. Did not take part in the deliberations or vote.

Planning Application 17/00542/FUL - The Royal Automobile Club (RAC), Woodcote Park, Wilmerhatch Lane, Epsom KT18 7EW

Councillor Tina Mountain, Other Interest: Owns a private property that backs onto the boundary of the Royal Automobile Club. Did not take part in the deliberations or vote.

35 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting of the Planning Committee held on 5 October 2017 were agreed as a true record and signed by the Chairman.

36 PLANNING APPLICATION 17/00001/FUL - DEVELOPMENT SITE 40-52 UPPER HIGH STREET, EPSOM KT17 4QS

Description
Proposed Mixed Use Development comprising food retail store (Use Class A1) together with 30 Residential Apartments, Access, Parking, Servicing and Landscaping (as amended).

Decision

Planning permission is PERMITTED subject to the following conditions:

Part A

Subject to a legal agreement being completed and signed to secure the following heads of terms:

a) The provision of 6 on-site affordable units comprising 2 homes for affordable rent and 4 for shared ownership in accordance with an Affordable Housing Plan. The applicants will be required to reach slab level of construction on 10 units within two years of planning permission having been granted, if not a (viability) review process will be triggered.

b) Highway improvement measures covering:
   - Right turn facility into site
   - Relocation and upgrading of bus stop adjacent to store and upgrading of shelter on northern side of Upper High Street.
   - Implementation, management and enforcement of the submitted Parking Management Statement.

The Committee authorise the Head of Place Development to grant planning permission subject to the following conditions:

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 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: 010001 Rev10, 010002 Rev 8, 010003 Rev 10, 010004 Rev 9, 020002 rev 13, 020001 Rev 13, 030001 Rev 1, 16/0916/SK03 Rev B, 16/0916/TK04 Rev A, 16/0916/TK01 Rev D.

   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) 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.


(4) No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

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

(5) The development hereby approved shall not be commenced unless and until the proposed vehicular access to Upper High Street has been constructed and provided with visibility zones in accordance with the approved plans and thereafter 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 Policies DM35 and DM37 of the Development Management Policies 2015.

(6) The development hereby approved shall not be first occupied or first opened for trading unless and until the existing redundant accesses from the site to Upper High Street have been permanently closed and any kerbs, verge, footway, fully reinstated.

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) The development hereby approved shall not be first occupied or first opened for trading unless and until space has been laid out within the site in accordance with the approved plans for and 24 customer cycles and 34 residential cycles to be parked and for the loading and
unloading of 1 vehicle and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking / loading and unloading / turning areas shall be retained and maintained for their designated purposes. 88 retail customer vehicle spaces and 24 residential vehicle spaces.

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.

(8) Prior to the commencement of the development a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council’s “Travel Plans Good Practice Guide”, and in general accordance with the 'Heads of Travel Plan' document. The approved Travel Plan shall be implemented on first occupation and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.


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

(a) parking for vehicles of site personnel, operatives and visitors
(b) loading and unloading of plant and materials
(c) storage of plant and materials
(d) programme of works (including measures for traffic management)
(e) provision of boundary hoarding behind any visibility zones
(f) HGV deliveries and hours of operation
(g) vehicle routing
(h) measures to prevent the deposit of materials on the highway
(i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
(j) no HGV movements to or from the site shall take place between the hours of 8.00 and 9.15 am nor shall the contractor permit any
HGVs associated with the development at the site to be laid up, waiting, in Church Road (North and South) Alexandra Road, Mill Road during these times

(k) on-site turning for construction vehicles has 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 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.

(10) The residential units hereby approved shall not be occupied until it has 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 sustainable and makes efficient use of water to comply with Policy DM12 of the Development Management Policies 2015.

(11) 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.

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.

(12) 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.

(13) 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

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.

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. Act 1990.

(14) 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.

(15) 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.

(16) 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.

(17) A Certificate of Completion shall be prepared by suitably qualified and accredited persons and provided to the local planning authority before occupation of any part of the site by any end user, stating that remediation has been carried out in accordance with the approved remediation scheme and that ‘the site is suitable for the permitted end use’.

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.

(18) The development hereby permitted shall not commence until the detailed design of the surface water drainage scheme have been submitted to and approved in writing by the planning authority. Those details shall include:

a) A design that satisfies the SuDS Hierarchy and follows the principles set out in the approved drainage strategy ‘Surface Water Strategy, Management and Maintenance Report’

b) Detailed drawings showing drainage layout, long or cross sections of each drainage element, pipe sizes and invert and cover levels.

c) Appropriate calculations to the elements above showing how the national SuDS standards have been met (if different from approved strategy).

d) Details of outline construction phasing and how surface water and any associated pollution risk will be dealt with during the construction of the development, and how any on site drainage systems will be protected and maintained.
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e) Details of who will maintain the drainage elements and their associated maintenance regimes.

f) Details of where any exceedance flows (i.e. rainfall greater than design or flows following blockages) would run to, avoiding risks to people and property.


(19) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.


(20) Prior to above ground works commencing details of the lighting to the food retail store outside operational hours which should be designed to minimise the risk of light spillage beyond the development site boundary shall be submitted to and approved in writing by the local planning authority and the lighting shall thereafter be operated in accordance with the approved details.


(21) The food retail store use hereby permitted shall not operate other than between the hours of 08.00-22.00 hours Mondays to Saturdays (inclusive) and 10.00-17.00 hours on Sundays.


(22) Prior to the commencement of development, detailed elevational drawings for the internal courtyard at second and third floor level 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

(23) No deliveries shall be taken at or dispatched from the site except between the hours of 07.00-21.00 Mondays to Saturdays and 09.00 – 17.00 on Sundays.


Informatives:

(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) The developer is advised that as part of the detailed design of the highway works required by the above 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.

(3) When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority Local Highways Service will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces at the developers expense.

(4) The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs.


(5) A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

(6) 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.

(7) The developer is advised that a standard fee may be charged for input to, and future monitoring of, any Travel Plan.

(8) Any unilateral undertaking shall be in accordance with Surrey County Council's standard format.

(9) The developer would be expected to instruct an independent transportation data collection company to undertake the monitoring survey. This survey should conform to a TRICS Multi-Modal Survey format consistent with the UK Standard for Measuring Travel Plan Impacts as approved by the Highway Authority. To ensure that the survey represents typical travel patterns, the organisation taking ownership of the travel plan will need to agree to being surveyed only within a specified annual quarter period but with no further notice of the precise survey dates. The Developer would be expected to fund the survey validation and data entry costs.


The applicant is advised that this standard can be achieved through either:

(a) using the ‘fittings approach’ where water fittings are installed as per the table at 2.1 in the AD or

(b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

(11) 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

(12) 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.

(13) The Council request that supermarket delivery vehicles (HGVs) be routed so that they approach the site in an Easterly direction and leave in a Westerly direction thus making only right-turn manoeuvres into and out of the site. This is to prevent the occurrence of vehicles crossing into the on-coming carriageway as they negotiate the turn.

Part B

In the event that the section 106 Agreement referred to in Part A is not completed by 21 December 2017 the Head of Place Development be authorised to refuse the application for the following reason:

In the absence of a completed legal obligation under section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with CS9 (Affordable Housing) and CS12 (Developer Contributions) of the 2007 Core Strategy in relation to the provision of affordable housing units, a commuted sum towards transport measures and estate maintenance arrangements.

The Committee noted a verbal representation from the applicant. 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.

PLANNING APPLICATION 17/00542/FUL - THE ROYAL AUTOMOBILE CLUB (RAC), WOODCOTE PARK, WILMERHATCH LANE, EPSOM KT18 7EW

Description

Provision of children’s facilities within walled garden, including a children’s activity centre, indoor swimming pool, café and associated areas, with associated landscaping, engineering works and operations.

Decision

It was agreed to refer the application to the Secretary of State to grant planning permission, subject to the following conditions:

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

(2) Prior to the commencement of development within the walled garden, full details of ground works within the walled garden shall be submitted to and approved in writing by the Local Planning Authority and those works shall be carried out strictly only in accordance with those approved details.

Reason: To ensure that the works are in keeping with the historic setting of the listed wall and to ensure a satisfactory external appearance of the building in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM8 and DM10 of the Development Management Policies Document – 2015.

(3) Prior to the commencement of the development (other than ground works and access construction), details and samples of the materials to be used for the external surfaces of the development hereby permitted 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.


(4) Prior to their installation on site, details of the permitted children’s outdoor play equipment shall be submitted to and approved in writing with the local planning authority. The development shall be carried out in accordance with the approved details.


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

   (a) parking for vehicles of site personnel, operatives and visitors
   (b) loading and unloading of plant and materials
   (c) storage of plant and materials
   (d) programme of works (including measures for traffic management)
   (e) provision of boundary hoarding behind any visibility zones
   (f) HGV deliveries and hours of operation
(g) vehicle routing

(h) measures to prevent the deposit of materials on the highway

(i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused

(j) details of all temporary accommodation works including temporary roads, car park, offices

(k) Details of waste minimisation strategy- arising

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: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of policy CS16 of the Core Strategy 2007.

(6) Prior to the first occupation of the development hereby approved, a revised Travel Plan shall be submitted for the written approval of the local planning authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council’s “Travel Plans Good Practice Guide”, and in general accordance with the 'Heads of Travel Plan' document. The approved Travel Plan shall be implemented on first occupation of the new development and for each and every subsequent occupation of the development, and the Travel Plan should thereafter maintained and developed to the satisfaction of the local planning authority.

Reason: To promote sustainable means of travel and 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 as required by Policy CS16 of the Core Strategy 2007.

(7) Prior to the commencement of the development (other than ground works and access construction), a landscaping scheme shall be submitted to and approved in writing by the local planning authority, details to include the planting of trees, shrubs, herbaceous plants and areas to be grassed. The landscaping scheme shall include the schedule of species, sizes, and planting densities along with the specification for aftercare maintenance. The landscaping shall take place in strict accordance with a phased programme to be agreed as part of the approved details and the planting in each phase shall be maintained for a period of five years, such maintenance to include the replacement of any plants that die.

Reason: To ensure the provisions and maintenance of soft landscaping, in the interest of visual amenity as required by Policies
CS1, CS2, CS5 of the Core Strategy 2007) and Policy DM5 of the Development Management Policies Document 2015

(8) Prior to the commencement of the development (other than ground works and access construction, an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

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

(9) The development shall be constructed in accordance with the measures outlined in Energy and Sustainability Statement, dated October 2014.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials in accordance with Policy CS6 of the Core Strategy 2007.

(10) The development shall be implemented strictly in accordance with the mitigation and enhancement measures outlined in the Ecological Appraisal dated October 2014 (Report Reference - EDP1297_07e) and the principles set out in the Landscape and Biodiversity Management Strategy November 2014, Family Facility, Woodcote Park, Royal Automobile Club, Epsom Ecology Position Statement 2017 C_EDP1297_18, Technical Note: Ecological Update 2016 (ref:C_EDP1297_14); and Ecological Management Plan (EMP) (ref: C_EDP1297_15b).


(11) The developers shall give at least two weeks’ notice to Surrey County Council’s Principal Archaeologist of their intention to start
work on the site, and shall afford access at all reasonable times to any qualified person nominated by the Local Planning Authority, so that they shall have the opportunity to observe any works involving disturbance of the ground, and record any items of archaeological interest.

Reason: It is possible that minor items or features of archaeological interest will be disturbed in the course of the development, and these should be rescued or recorded before they are lost, as required Policy DM8 of the Development Management Policies Document 2015.

(12) 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 unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

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 Document 2015.

(13) Piling or any other foundation designs using penetrative methods shall not be 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 groundwater. The development shall be carried out in accordance with the approved details.


(14) The development permitted by this planning permission shall only be carried out in accordance with the approved FRA produced by Atkins dated November 2014 reference no. 5127703_200/072/DG/007 and Drainage Strategy produced by Precision dated 13/09/17 reference no.002/RAC Drainage Strategy Rev.8

Reason: To ensure suitable drainage of the development to reduce risk of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007.
(15) The external play facilities and café area in the walled garden shall not be used before 8am or after 6pm between April and October (inclusive) and in the winter months 5 pm on any given day. The facilities within the pool house (within the walled garden) shall not be used before 6am or after 10pm on any given day.


(16) No construction work shall be carried out before 07:30 hours or after 18:30 hours Monday to Friday; no construction work before 08:00 or after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank/Public Holidays.

Reason: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers in accordance with Policy DM10 of the Development Management Policies Document 2015.

(17) Vehicle service deliveries to the walled garden facilities shall only take place between 8am and 6pm weekdays and between 9am to 1pm on Saturdays.


(18) Prior to the commencement of the development (other than ground works and access construction) The applicant shall submit detailed hydraulic calculations of the final drainage calculation to include the following:

a) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+Climate change allowance) for storm events. Detailed hydraulic calculation of each SUDs feature shall be included.

b) Detailed drawings to include: a finalised drainage layout detailing the location of SUDs elements, pipe diameters, levels, details of how SuDS elements will be protected from root damage and long and cross sections of each SuDS element and including details of any flow restrictions.

c) Half drain time of 24 hours shall be achieved for at least the 1:30 year storm

Reason: To ensure suitable drainage of the development to reduce risk of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007.
(19) Prior to the commencement of the development (other than ground works and access construction) the applicant shall submit details of how the Sustainable Drainage System will cater for system failure or exceedance events, both on and offsite.

Reason: To ensure suitable drainage of the development to reduce risk of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007.

(20) Prior to the commencement of the development (other than ground works and access construction) the applicant shall submit details of how surface water and any associated pollution risk will be dealt with during the construction of the development and how any Sustainable Drainage System will be protected and maintained. The development shall thereafter be carried out in strict accordance with those approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure suitable drainage of the development to reduce risk of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007.

(21) Prior to the commencement of the development (other than ground works and access construction) details of maintenance regimes and responsibilities of the drainage and suds elements during the operation and lifetime of the systems shall be submitted. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure suitable drainage of the development to reduce risk of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007.

(22) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

Reason: To ensure suitable drainage of the development to reduce risk of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007.

(23) Prior to the occupation of the development hereby permitted the applicant shall submit a MUGA noise management and monitoring plan.

(24) Any weldmesh fencing, panels or similar materials used to enclose the MUGAs shall be securely clamped with resilient fixings to avoid vibrations, and any advertising signs in proximity to the playing surface shall be made from vinyl or other material which is resistant to the generation of impact noise.

Reason: To protect the occupants of nearby residential properties from noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015

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

1524_105 P7; 1524_110 P15; 1524_111 P14; 1524_112 P2; 1524_120 P9;
1524_121 P2; 1524_125 P2; 1524_126 P1; 1524_130 P6;

(90)LP001 R09 - General Arrangement Plan
(90)LP002 R01 - Landscape Colour Masterplan

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).

Informatives:

(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) The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds. Any works to trees should take place outside of the bird breeding season and if this is not possible an inspection for breeding birds should be carried out by a qualified ecologist no more than 24 hours prior to any works taking place.

(3) The applicants are reminded of the need to secure a European Protected Species Mitigation Licence from Natural England prior to the commencement of any works hereby approved.

The Committee noted verbal representation from the applicant. 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.
PLANNING APPLICATION 17/00244/FUL - 111 EAST STREET, EPSOM KT17 1EJ

Description
Demolition of bungalow comprising of 1 three bedroom flat and 3 two bedroom flats and associated parking (Description amended and amended drawings received 05.10.2017)

Decision
Planning permission is PERMITTED subject to the following conditions:

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 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 constructed entirely of the materials as detailed on the schedule of materials on the planning application form.


(3) No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

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

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

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

(5) 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 sustainable and makes efficient use of water to comply with Policy DM12 of the Development Management Policies 2015.

(6) No development shall take place until details and location of the installation of bat and bird boxes to enhance the biodiversity interest of the site have been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved and thereafter maintained.


(7) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for 5 vehicles to be parked, and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking / turning area shall be retained and maintained for their designated purposes.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of policy CS16 of the Core Strategy 2007.

(8) (a) The vehicular means of access to the development hereby approved shall be from rear access road onto Kiln Lane only.

(b) There shall be no means of vehicular access from the development hereby approved to East Street.

(c) The development hereby approved shall not be first occupied unless and until a permanent physical barrier fronting East Street has been erected to prevent the formation of unauthorised vehicular access to that road in accordance with the approved plans and thereafter that permanent physical barrier shall be permanently
retained and maintained to the satisfaction of the Local Planning Authority.

(d) The development hereby approved shall not be first occupied unless and until existing access/es from the site to East Street have been permanently closed and any kerbs, verge, footway, fully reinstated.

(e) No development shall commence on site until a pedestrian intervisibility splay of 2m by 2m has been provided on each side of the access, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility above 0.6m in height above ground level shall be erected within the area of such splays.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of policy CS16 of the Core Strategy 2007

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

(a) parking for vehicles of site personnel, operatives and visitors

(b) loading and unloading of plant and materials

(c) storage of plant and materials

(d) programme of works (including measures for traffic management)

(e) provision of boundary hoarding behind any visibility zones

(f) HGV deliveries and hours of operation

(g) vehicle routing

(h) measures to prevent the deposit of materials on the highway

(i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused

(j) no HGV movements to or from the site shall take place between the hours of 8.00 and 9.15 am nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Kiln Lane or Dirdene Gardens during these times has 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: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of Policy CS16 of the Core Strategy 2007

(10) The windows serving bathrooms in all the dwellings hereby approved shall be glazed with obscure glass of no less than obscurity level 3.


(11) Unless otherwise agreed by the Local Planning Authority, the following must be undertaken prior to any development on site, in accordance with current best practice guidance:

(i) a site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including volatile hydrocarbons) and contaminants with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the local planning authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and

(ii) if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority.

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 as required by policy CS6 of the Core Strategy 2007

(12) The development hereby permitted shall be carried out in accordance with the following plans:

Floorplans and elevations Rev C

3404 111 EAST STREET BLOCK PLAN

Reason: For the avoidance of doubt and in the interests of proper planning as required by Policy CS5 of the Core Strategy 2007
(13) The proposed development shall not be commenced until rights to thereafter allow unrestricted vehicular access to and egress from the parking area, for the parking of five vehicles, from the rear of the site have been secured.

Reason: To ensure that the parking area can be used by the occupants of the development in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of policy CS16 of the Core Strategy 2007.

Informatives:

(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

No burning of materials obtained by site clearance shall be carried out on the application site.


(3) The applicant is advised that this standard can be achieved through either:

(a) using the ‘fittings approach’ where water fittings are installed as per the table at 2.1 in the AD or

(b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

(4) 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
(5) No construction work shall be carried out in such a manner as to be audible at the site boundary before 07:30 hours or after 18:30 hours Monday to Friday; no construction work shall be audible at the site boundary before 08:00 or after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank/Public Holidays.

39 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:

- Cedar Lodge, Headley Road, Epsom KT18 6BH – 17/00441/FUL
- 6 The Grove, Epsom KT17 4DQ – 17/00893/FUL
- Epsom House, 10 East Street, Epsom KT17 1HH - 17/00385/FUL

The meeting began at 7.30 pm and ended at 9.20 pm

COUNCILLOR HUMPHREY REYNOLDS (CHAIRMAN)
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13 Ashley Road Epsom Surrey KT18 5AQ

Erection of an apartment building comprising 2 three bed units and 2 two bed units with basement parking and cycle/residential storage (Description amended and amended drawings received 27.11.2017)

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<th>Ward:</th>
<th>Town</th>
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| Contact Officer: | John Robinson |

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=documents&keyVal=OHGPUTGYMYQ00

2 Summary

2.1 This application proposes the demolition of the existing two storey building (comprising two flat units) and the erection of an apartment building comprising 2 three bed units and 2 two bed units, with basement parking and cycle/residential storage

2.2 This application has been submitted to committee at the request of Cllr Tella Wormington.

2.3 The application is recommended for APPROVAL

3 Site description

3.1 The application property is a two storey building which accommodates two self-contained three bedroom flat units (on the ground and upper floor. The building is of traditional appearance, with a two storey projecting front bay element under a tiled hipped roof.

3.2 The site is located on the eastern side of Ashley Road, opposite the traffic island, where the Ashley Road “one-way-system” divides. The property is bounded to the north by the parking area serving the Methodist Church, beyond which lie the refectory building and the church itself, to the east by a detached garage, and to the south by an access driveway serving Ashley Court, a three storey block of flats.
3.3 The immediate area is characterised by a mixture of building types, ranging from inter-war period flats (Ashley Court), neo-traditional flatted developments (Windsor Court, the ex-Magistrates Court site), traditional church vernacular (Methodist Church) and contemporary (the church refectory building). Opposite the site is a two storey converted office building of traditional appearance, behind which lies the three/four storey circa 1970’s shopping centre and attached parking garage (Ashley Mall)

3.4 The site is located outside the Epsom Town Centre Conservation Area. The boundary lies 50m to the northwest, and 70m to the north.

4 Proposal

4.1 This application proposes the demolition of the existing two storey building (comprising two flat units) and the erection of an apartment building comprising 2 three bed units and 2 two bed units, with basement parking and cycle/residential storage

4.2 The block of flats would have a pedestrian entrance set back from the front elevation and accessed via a covered walkway and a pedestrian ramp off Ashley Road, whilst the vehicular access would be via a ramp down to the basement parking area. The building would be set back around 7m from the highway boundary and the forecourt, enclosed by a 500mm high wall, would accommodate a landscaped, turfed communal amenity area.

4.3 The building would have a partly splayed rear elevation that would mirror the plot configuration.

4.4 The building which would be of “traditional” appearance would have brick elevations, articulated by sections of brick decorative panels, under a reconstituted slate tiled, hipped and crowned roof. The front and flank elevations would be further articulated by projecting balconies, enclosed by vertical steel balustrading.

4.5 It is proposed to provide 5 parking spaces within the basement of the building, and bicycle storage facilities. Disabled access to the upper floors would be served by a lift. Refuse storage would also be located in the basement area, adjacent to the parking area

5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 43 neighbouring properties, and a site notice. Amended drawings were received on 25 April 2017 and neighbouring properties were re-consulted. To date (28.11.2017) 19 objections have been received with regard to the amended scheme regarding:

- Overdevelopment
- Density
- Scale and massing
• Out of keeping
• Highway safety
• Overlooking, loss of privacy
• Overshadowing
• Lack of parking
• Restricted access for construction /maintenance

• The open balconies shown on the plans almost overhang the church's car park, with cars parked immediately below and members of the public passing by underneath. We are concerned that this constitutes a safety hazard should items drop from above.

The application was further amended in response to objections received and amended drawings were received on 27.11.2017.

Epsom Civic Society: Recommends refusal. The front elevation is improved by the revised pedestrian access and the lowering of the basement car park, but is still unattractive and damaging to the street scene. It would occupy almost 100% of the site area, making it unacceptably overcrowded and with inadequate landscaping. The latest sketch of the entrance to the car park ramp in relation to the traffic lights does not convince that this arrangement is satisfactory. A further vehicle access at this point would be most unfortunate and dangerous.

6 Consultations

6.1 County Highway Authority: No objections. Conditions to be imposed on any permission granted.

6.2 Tree Officer: No objection.

6.3 Conservation Officer: No objection. There would be no impact on the setting of the Grade II* Ashley House, which is located 50m to the north west. With reference to design (scale, mass and appearance) the proposed building would have a neutral effect on the character and appearance of the streetscene.
7 Relevant planning history

<table>
<thead>
<tr>
<th>Application number</th>
<th>Decision date</th>
<th>Application detail</th>
<th>Decision</th>
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<tr>
<td>13/00109/FUL</td>
<td>30.07.2013</td>
<td>Demolition of existing building and erection of a three storey building comprising 3 two bedroom, 1 three bedroom and 4 one bedroom self-contained flat units and associated basement parking and landscaping (Description amended 09.07.2013)</td>
<td>REFUSED. Appeal DISMISSED 04.03.2014</td>
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8 Planning Policy

Core Strategy 2007
- Policy CS1: General Policy
- Policy CS3: Biodiversity and Nature Conservation
- Policy CS5: Built Environment
- Policy CS6: Sustainable Development
- Policy CS7: Housing Provision
- Policy CS8: Housing Location
- Policy CS16: Highways

- Policy DM8: Heritage Assets
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM4: Biodiversity and New Development
- Policy DM5: Trees and Landscape
- Policy DM10: Design requirements for new developments
- Policy DM11: Housing Density
- Policy DM12: Housing Standards
- Policy DM37: Parking Standards

Supplementary Planning Documents
- Parking Standards for Residential development 2015

9 Planning considerations

Previous Application and Appeal Decision

9.1 A similar residential scheme for development (13/00109/FUL) seeking detailed planning permission for the demolition of the existing building and the erection of a three storey building comprising 3 two bedroom, 1 three bedroom and 4 one bedroom self-contained flat units with basement parking was refused by the Planning Committee in July 2013 on the following grounds:
1. The proposed development, by virtue of its design, scale and massing, would be out of character with the established pattern of development in the immediate vicinity and would be unduly harmful to the visual appearance of the streetscene and character of the area contrary to Policies BE19, HSG11 and DC1 of the Epsom and Ewell District Wide Local Plan (2000) and Policy CS5 of the Core Strategy Plan 2007

9.2 The application was dismissed on appeal in March 2014 (Appeal Ref: 2207796), on the grounds that the development would have a harmful effect on the character and appearance of the area contrary to Policy CS5 and that it would have a damaging effect on the living conditions of the occupiers of Ashley Court by reason of loss of outlook and privacy.

9.3 The Inspector’s appeal decisions are therefore a material consideration in assessing this application

Principle of Development

9.4 The National Planning Policy Framework (NPPF) states that planning should encourage the effective use of land by re-using land that has been previously developed. Core Strategy Policy CS1 requires development and the use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development in Epsom. Policy CS5 states that development should make efficient use of land and have regard to the need to develop land in a comprehensive way.

9.5 There is no in principle objection to the loss of the existing building because, the application site is located in the built-up area of Epsom, it is previously developed land and in a highly sustainable location just over 70m from Epsom town centre. It is not within a conservation area and the character and appearance of the conservation area located nearby would not be adversely affected by this development. Furthermore the existing building is not listed. In principle, it therefore accords with the policies contained within national and local planning policy regarding the intensification of previously developed sites.

9.6 The redevelopment of this site for a residential scheme is therefore appropriate in principle, subject to compliance with other relevant development plan policies.

Density

9.7 Policy DM11 - Housing Density states that in principle, proposals for new housing that make the most efficient use of sites within the borough’s urban area will be supported in principle. The scheme proposes a density of 133 units per hectare and whilst policy DM11 states that the density of new housing developments in most cases should not exceed 40 dwellings per hectare, exceptions will be considered if the site enjoys good access to services, facilities and amenities via existing public transport, walking and cycling networks and the surrounding townscape has sufficient capacity to accommodate developments of higher density.
9.8 The site is in a highly sustainable location, in proximity to a bus stop, a cycle route, as well as within easy walking distance of Epsom railway station. The immediate area is characterised by a mixture of building types, including residential buildings with densities in excess of 40 units per hectare, ranging from inter-war period flats (Ashley Court), and the neo-traditional flatted development at Windsor Court, (the ex-Magistrates Court site) which has a density of 176 units per hectare. It is therefore concluded that the density is appropriate for the site.

Visual Impact

9.9 Policy DM13 states that buildings higher than 12m will be inappropriate in all areas of the Borough except within identified areas within the Epsom Town Centre Boundary. This part of Ashley Road area is characterised by a variety of scales of buildings from single to three storeys (with roof accommodation). The new building would be two storeys in height (with a part basement level) in response to the built form and scale of the adjacent three storey Ashley Court and the three storey (with roof accommodation Windsor Court further to the north.

9.10 In his decision the Inspector noted that because the Ashley Court roof is hipped at the corner closest to the appeal building, this has the effect of reducing its bulk and prominence from street level. He stated that therefore it was meaningful to compare the height of the proposed building with the eaves, rather than the ridge line, of Ashley Court.

9.11 Whilst the new building would have an overall height of some 8.6m, around 1m higher than the eaves height of the adjacent Ashley Court, it differs from the refused scheme as the eaves height of the top floor would be around 1.2m lower than the eaves level of Ashley Court.

9.12 The roof which would be some 1.6m lower than the existing roof, would pitch back from the southern flank boundary, and the new building with a separation gap of 6 - 7m would therefore, by virtue of its height and massing along the southern boundary, relate acceptably with the larger scaled Ashley Court.

9.13 The reduced scale and massing of the current scheme would not (as previously) draw the eye and accentuate the discord between the scale of the proposed building and its neighbours to the north. Whilst the north elevation of the building would be exposed to extensive views across the car park to the north, when seen from this direction, the height and massing of the building would result in an acceptable change of scale compared with the car park and adjoining hall, and would form a transition between its two rather disparate neighbours.

9.14 The new building extends deeper at the rear than the existing but when viewed against the backdrop of the much larger building to the side and rear, this infilled section of the site, has a negligible impact on the street scene given its rear location and it is difficult to argue that infilling this section of land would lead to an unacceptably bulky and visually harmful building which has a significantly harmful impact on the street scene.
9.15 It is therefore concluded that the proposed scheme in terms of its design, scale and massing would not have a harmful impact on the character and appearance of both the immediate and wider area and would therefore accord with policies DM9, DM10 and CS5.

Residential Amenity

9.16 Directly opposite the new building, at a distance of between 6-7m, the return frontage of Ashley Court contains the entrances, and windows serving kitchen/dining rooms and bedrooms, of six flats (Nos 2, 3, 10, 11, 18 and 19). Due the acceptable separation gap, and the reduced scale of the current scheme, it would not have an overbearing effect on the outlook from the windows of the six flats opposite.

9.17 The proposed south elevation would have obscurely glazed windows serving bathrooms, and one window serving a stairwell. This would prevent any perceived or actual overlooking or loss of privacy to the neighbouring flat units (Nos 2, 10 and 18).

9.18 The flank entrance walkway at (raised) ground floor level would have high level windows to prevent overlooking of the affected flats in Ashley Court.

9.19 Concerns have been raised with regard to overlooking of the Church nursery school outdoor play area which is located to the north east of the application site. The current scheme has been amended to address this concern (the balconies on the rear splayed elevation have been relocated to the northern flank elevation) and officers consider these objections have now been satisfactorily resolved.

9.20 The proposed scheme would therefore accord with Policy DM10

Amenity Space

9.21 All flats would be provided with balconies which would meet the requirements of Policy DM12.

Standard of Accommodation

9.22 Each flat within the proposal would comply with national space standards in regards to overall gross internal area (GIA) and individual habitable rooms.

Parking/Access

9.23 Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are “severe”.

9.24 5 parking spaces are proposed which would comply with the Councils adopted parking standards which require 1 and 2 bedroom flats outside of the Town Centre to have a minimum of 1 space per unit, and 3 bedroom flats to have 1.5 spaces.
9.25 Refuse and bicycle storage would be provided in the basement, adjacent to the parking area.

9.26 Concerns have been raised regarding the access to the site. In this regard The Highway Authority has commented as follows: It is noted that there are some concerns regarding the parking and access for the proposed flats. Whilst this site is in a very constrained location there is an existing use associated with it, providing at least 3 parking spaces with turning for the flats here. The proposal provides 5 spaces with ample turning space for all 5 vehicles to enter and exit the property in a forward gear. The revised plans have reduced the total number of flats from 5 to 4 and this reduces the number of movements in and out of the access with very few trips generated during peak hours. It does not constitute a severe impact on the public highway. The visibility out of the access is not the best at present and the application represents an improvement albeit a small one. The front walls will be lower than 0.6m allowing visibility out of the access.

Sustainability and Renewable Energy

9.27 Core Strategy Policy CS6 requires proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development.

9.28 The applicants state that the proposal is orientated on an east-west axis with balconies to maximise sunlight to each apartment and it is intended for photovoltaic solar panels to be installed. Building materials would include traditional brick facing (sourced as locally as possible) with thermally efficient glazing and insulation, together with heating/ventilation systems and energy/water efficient internal fixtures and appliances to ensure current sustainability standards (with zero carbon aims) are met.

9.29 The proposal is indicative in the main and an appropriate planning condition is recommended to secure their inclusion.

Ecology

9.30 Policy DM4 of the Development Management Policy Document states that every opportunity should be taken to secure net benefit to the Borough’s biodiversity.

9.31 It is recommended that conditions be imposed requiring the provision of both bat and bird boxes within the site.

Trees

9.32 Two trees are proposed to be felled as a result of the proposed development. The Borough’s Tree Officer raises no objection to the proposed scheme. Details of hard and soft landscaping are secured by an appropriate condition.

Community Infrastructure Levy

9.27 The proposed scheme is CIL liable.
10 Conclusion

10.1 It is considered that the current scheme would address the previous reasons for refusal and that it would comply with Policies DM8, DM9, DM10, DM12, DM37, CS9 and CS12. In light of the above it is recommended that planning permission be GRANTED.

11 Recommendation

11.1 The Committee authorise the Head of Place Development to grant planning permission subject to the following conditions:

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

(2) 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.


(3) No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

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

(4) No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for a maximum of 5 cars and a minimum of 4 bicycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The parking area shall be used and retained exclusively for its designated use.
Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of Policy CS16 of the Core Strategy 2007

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

(a) parking for vehicles of site personnel, operatives and visitors
(b) loading and unloading of plant and materials
(c) storage of plant and materials
(d) programme of works (including measures for traffic management)
(e) provision of boundary hoarding behind any visibility zones
(f) HGV deliveries and hours of operation
(g) vehicle routing
(h) measures to prevent the deposit of materials on the highway
(i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
(j) no HGV movements to or from the site shall take place between the hours of 8.00 and 9.15 am and 3.15 and 4.00 pm (adjust as necessary according to individual school start and finish times) nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Heathcote Road, The Parade, Ashley Avenue or any other adjacent roads during these times.

has 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: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of Policy CS16 of the Core Strategy 2007

(6) The development hereby approved shall not be first occupied unless and until the proposed vehicular / cycle / modified access to Ashley Road has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of Policy CS16 of the Core Strategy 2007
(7) A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of Policy CS16 of the Core Strategy 2007

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

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

(9) 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 sustainable and makes efficient use of water to comply with Policy DM12 of the Development Management Policies 2015.

(10) No development shall take place until details and location of the installation of bat and bird boxes to enhance the biodiversity interest of the site have been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved and thereafter maintained.


(11) No construction work shall be carried out in such a manner as to be audible at the site boundary before 07.30 hours on Monday to Friday or after 18.30 hours on Monday to Friday; no construction work shall be audible at the site boundary before 08.00 and after 13.00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank Holidays or Public Holidays.
Reason: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties as required by Policy DM10 of the Development Management Policies Document 2015

(12) The windows in the southern flank elevation of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3, and shall thereafter be permanently retained as such.

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

(13) All new photo voltaic panels or tiles shall be fitted flush with the adjoining roof surface and shall not project beyond the plane of the roof.

Reason: To safeguard the visual amenities of the area and to ensure a satisfactory appearance to the buildings in accordance with policy DM9 and DM10 of the Development Management Policies Document 2015

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

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

(15) The development hereby permitted shall be carried out in accordance with the following plans:

J002347/ PL 03B; J002347/ PL 04C; J002347/ PL 05E; J002347/ PL 06D;
J002347/ PL 09F

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

Informatives:

(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) The water efficiency standard required under Condition 9 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)

The applicant is advised that this standard can be achieved through
either:

(a) using the ‘fittings approach’ where water fittings are installed as per
the table at 2.1 in the AD or

(b) using the water efficiency calculation methodology detailed in the
AD Part G Appendix A.

(3) 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/residents/planning/planning-
advice/community-infrastructure-levy-cil-guidance
6 The Grove, Epsom, Surrey, KT17 4DQ

Demolition of existing dwelling and redevelopment to provide a single three storey block comprising 11x 2 bed flats and 2 x 3 bed flats including landscaping and basement parking area

<table>
<thead>
<tr>
<th>Ward:</th>
<th>Town</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact Officer:</td>
<td>John Mumford</td>
</tr>
</tbody>
</table>

1 Plans

1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to the originally permitted application via the Council’s website, which is provided by way of background information to the report.

   Link: http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OW4410GYHTP00

2 Summary

2.1 This application is for the demolition of the existing detached dwelling and redevelopment to provide a single three storey block comprising 11x 2 bed flats and 2 x 3 bed flats including a basement car park to provide 15 car parking spaces and 10 secure cycle spaces.

2.2 The application site is located within the Church Street Conservation Area.

2.3 The application is referred to Committee for determination because it comprises a major development.

2.4 The application is recommended for REFUSAL because of the harm to the Church Street Conservation Area, the adverse impact upon neighbouring residential amenity and protected trees and the failure to provide a signed legal undertaking for an affordable housing contribution, absence of a preliminary ecological survey and not complying with the requirements on housing mix.

3 Site description

3.1 The application site is situated at the head of The Grove, a short cul-de-sac located off Grove Road, Epsom. The majority of The Grove is situated within a northern extension to the Church Street Conservation Area that was agreed in 2011 whilst more modern properties immediately to the north and north-west of the application site are outside the conservation area.

3.2 The site comprises a large two storey inter-war family house traditionally built with brick facings and clay tiled roof set back from the frontage and within a generous plot of approximately 0.2 ha.
3.3 Key features on the site are a magnificent category A Turkey Oak tree (58/T20 TPO) near to the southern boundary of the site, a Sycamore (58/T26) situated in the south-eastern corner of the site and a category B Norway Maple at the north-eastern corner of the site that is protected by reason of its location within the Church Street Conservation Area. In addition to these specimens there are a number of other mature trees adjacent to the rear and flank boundaries.

3.4 The site is bounded to the south by 7 The Grove, a 2 storey detached dwelling that is built up to the common boundary and sited approximately 14m closer to the highway frontage than the applicant property. This neighbouring property together with the similarly large inter-war detached properties on the opposite side at Nos 1,2 and 3 The Grove were, with the application property, all included in the extended Church Street Conservation Area confirmed in 2011. These dwellings were described in the Church Street Conservation Area – Character Appraisal and Management Proposals document 2010 as being of merit and comprising ‘well detailed and carefully scaled two storey family houses which appear to date to the 1920s or 1930s and which sit in spacious plots with mature planting.’ Grove House a Grade 2 listed former grand house situated to the south-east of 7 The Grove which is converted into flats including an attic level was also included in the extended conservation area because it ‘retains a pleasant setting to the front and a rear garden’.

3.5 To the north-west of the application site are the 3 storey retirement flats at Badgers Court and Badgers Lodge that lie outside the Church Street Conservation Area. Immediately to the north-east of the site is a garage court serving flats within the 3 storey Treemount Court that also lies outside the conservation area.

3.6 The application property along with other properties in The Grove were purposely included in the extended Church Street Conservation Area for the very reason that they shared the domestic scale and special architectural and historic interest of other properties in the conservation area. Notwithstanding the larger and more modern development that adjoins the application site to the north-east and north-west of the site it is clear therefore that the character and scale of development appropriate for the site is set by development within the conservation area not by that outside the conservation area.

4 Proposal

4.1 The application seeks permission for demolition of 6 The Grove and redevelopment to provide a single three storey block comprising 11x 2 bed flats and 2 x 3 bed flats including a basement car park to provide 15 car parking spaces and 10 secure cycle spaces.

4.2 The proposed block would be broadly rectangular with a 2-3 storey scale frontage facing directly onto The Grove with the development to the rear angled to reflect the alignment of the north-west flank boundary with Badgers Court and Badgers Lodge. The scale of the proposal is such that the block would have an overall depth of 44.5m, a width of 14.5m and a height of 9.5m. This would mean that it would project a further 12m in front and extend a further 23m to the rear of the existing dwelling.
4.3 The third floor of accommodation would be provided mainly through dormer windows and rooflights within the roofspace but there would also be gables with third floor level open balconies on the south–east flank elevation.

4.4 To the front of the proposed building would be a ramp and retaining wall to provide access to the basement car park.

4.5 The building is designed with a front facing gable and roof dormers and would in red stock brick, render and slate.

4.6 It is proposed that all existing landscaping features of importance including mature trees would be retained and additional hard and soft landscaping is proposed which could be reserved by condition. It is proposed that the gardens would be communal for the use of residents.

5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 92 neighbouring residents in addition to a site notice and press notice. To date (21.11.2017) 180 separate objections have been received raising the following matters of concern:

- Object to the demolition of an attractive family house in the Church Street Conservation area to be replaced by a block of 13 flats. The 1920s property is intrinsic to the character of the road with the original houses at Nos 1, 2, 3, 6 and 7 The Grove of similar style and character, all set back from the road, with a front garden and attractive period brick front with original features.

- The application is in clear and direct contravention of Core Strategy Policy CS5 where the Council states it will protect and seek to enhance the Borough’s heritage assets including historic buildings and conservation areas.

- Essential the Council is seen to uphold its own policies by a clear and unqualified statement of its intention to preserve the quality Borough’s built environment.

- The building in the ‘Surrey Arts and Crafts’ style is, with the exception of Grove House, architecturally the most interesting building in The Grove.

- The applicant’s claim that the existing building’s contribution to the Conservation Area is diminished because it is in a “transitional location” on the boundary of the CA and adjacent to “poor quality” properties is also irrelevant. A conservation boundary is established to ensure those on or within that designation are ‘protected and enhanced’, otherwise boundaries are meaningless.

- The proposal provides no substantial public benefits that might outweigh the harm to the heritage value of the conservation area and Grove House and as such there is a clear conflict with Policies CS5, DM8 and the NPPF.
• Adverse impact on the streetscene and character of the area by virtue of scale, mass, design and bulk.

• The height, scale and style of Badger Court should not be used as a reference point to justify the proposal within the conservation area because it was built in the early 1990s when The Grove was not within the conservation area.

• From my perspective as local MP. I share the reservations that have been expressed about the proposal, which in my view is quite out of keeping with the local character of this part of Epsom, one of the prettiest areas in the town. I would be very concerned to see a development of this size and scale being given the go-ahead in a conservation area, which the council has of course already deemed worthy of protection.

• The proposed scheme is significantly bigger than the building it would replace. It would be too tall and too large for the road it is located in and would hugely damage the character of the surrounding area.

• The proposed block represents a huge, uninterrupted built form that would utterly dominate any views to the west from the garden or side facing windows of 7 The Grove. It would also have a substantial and materially adverse impact on the amenity of the family house at No 7 by virtue of loss of light and overbearing impact. This is exacerbated by the second floor balconies on the eastern elevation that would afford a direct and uninterrupted view towards the property and garden at No 7. The provision of balconies would also result in significant noise disturbance.

• The proposed remedial works such as additional boundary planting would be inadequate to address the problems to the residential amenity of No 7 and would also result in a significant loss of light and sunlight to the house and garden of No 7.

• The communal building adjacent to the boundary with No 7 and the ramp to the basement car park would be highly likely to generate significant noise disturbance.

• Inadequate parking with 13 underground spaces for a scheme comprising 28 bedrooms resulting in overflow parking in The Grove and other local roads.

• There will be an unreasonable increase in general disturbance from the coming and going of extra traffic.

• Noise and disturbance to nearby residents.

• The new access and inadequate parking will not be safe for the road users and pedestrians. The development relies solely on underground parking and dependent on the road for the parking of any large vehicles such as emergency, delivery, trade, removal and waste removal, thus obstructing the turning circle.
• Badgers Court and Badgers Lodge require unobstructed access as nurses and ambulances are regularly called.

• Unlike other properties on The Grove, given its proposed gated underground car park, residents of the application site could not realistically provide any off-street parking to visitors driving larger vehicles and inevitably the pressure on limited roadside parking would increase disproportionately. In this regard, importantly, it must be borne in mind that The Grove has no pavements; therefore pedestrians (many of whom are elderly) are generally obliged to walk down the middle of the road, given vehicles parked on both sides.

• The mass of built form immediately adjacent to the southern and western boundaries of the site would be an incongruous design feature within The Grove, worsened further by the entrance ramp to the basement level car parking which a commercial type of concrete structure entirely out of keeping with the cul-de-sac, which is characterised by generous driveways and above ground parking

• There is a badgers set at the rear of the property and damage to the sites biodiversity value with no detailed mitigation measures proposed to compensate for this loss and removal of trees (Planning Officer comment: an ecological survey report has been requested from the applicant and this is awaited)

5.2 Epsom Civic Society has objected on the grounds that the existing application 2 storey family house property sitting in a spacious plot with mature planting contributes to the setting of the nearby Grade 2 listed Grove House. It should also be rejected on the grounds that it would whittle away the extent and quality of the Church Street Conservation Area.

5.3 In addition to the individual objections there has been a 122 signature petition and a 40 signature petition submitted on the grounds that the proposal fails to protect and enhance the Borough’s heritage assets, namely the setting of the Grade 2 listed Grove House; would have an adverse visual impact on the Church Street Conservation Area; set a precedent for other excessively scaled development in the Borough’s other conservation areas.

5.4 In addition one representation in support of the application has to date (21.11.2017) been received on the grounds that the building would fit nicely into the area, which is already architecturally diverse and supporting the focus on energy conservation, which is put into practical use - electric car-chargers, facility for the use of bikes.
6 Consultations

6.1 Surrey County Council – No objections as The Grove is a private road and therefore not within the jurisdiction of the Highway Authority. It is, however, pointed out that that the gradient of the access is very steep and likely to lead to grounding of vehicles at the access point. Also sight lines at the access are compromised by the steepness of the gradient.

6.2 Borough Conservation Officer – The proposal is contrary to Para. 132 of the NPPF, which requires great weight to be given to the conservation of designated heritage assets and notes that significance can be harmed or lost through unsympathetic development. In order to avoid harm to the significance of the Church Street conservation area, a form of development compatible with key local qualities is essential and refusal of the present proposal is strongly recommended in terms of Policies DM8 and DM9.

6.3 Borough Countryside Officer (Ecologist) - the site needs a preliminary ecological assessment (including bats, badgers and common reptiles) carried out in order to determine the application with regard to complying the with policy DM4 where the presence or absence of protected species is a material consideration.

6.4 Borough Tree Officer - A much less intensive scheme is required on this site. This should allow a design that has better spatial integration and harmony with the existing notable trees and landscape of the site. There are four areas of objection to this proposal on tree grounds and these are elaborated upon in the report.

7 Relevant planning history

<table>
<thead>
<tr>
<th>Application number</th>
<th>Decision date</th>
<th>Application detail</th>
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</tr>
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<tr>
<td>16/00331/FLH</td>
<td>27.05.2016</td>
<td>Conversion of garage into a habitable room. Part two-storey/part single-storey rear extension.</td>
<td>Granted</td>
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<tr>
<td>16/00977/PREAPP</td>
<td>23.01.2017</td>
<td>Demolition of existing dwelling and erection of 3 storey block(s) of residential flats or single family dwelling house</td>
<td>Completed</td>
</tr>
</tbody>
</table>

8 Planning Policy

National Policy Planning Framework (NPPF) 2012

Core Strategy 2007
Policy CS3 Biodiversity
9 Planning considerations

Principle of demolishing a building in a Conservation Area

9.1 The existing building with its original red brickwork and decorative timbers clay roof tiles and leaded light windows is described in the Church Street Conservation Area – Character Appraisal and Management Proposals 2010 document as a building of merit and is one of a small group of similar dwellings all built around the same time in the late 1920s or early 1930s next to Grove House, a Grade 2 listed building. It is considered that the application property, individually and as part of a group of similarly designed dwellings, makes an important contribution to the Church Street Conservation Area and should be viewed as a positive building.
9.2 It is considered that the applicant has failed within the submitted Heritage Statement to adequately assess the significance of the heritage asset and the impact of its demolition upon the Church Street Conservation Area. The Heritage Statement moreover incorrectly states that 'only about a third of the site's perimeter falls within the conservation area and therefore land outside the CA has a significant bearing on the setting of the application site and it would therefore be wrong to assess it purely in the context of the CA'. In fact the only part of the site which is not within the conservation area is a smaller section of land comprising mature trees (amounting to 12.7% of the site area) to the rear of Badgers Lodge which is only included because it is in the applicants ownership and which plays no part in the development proposal.

9.3 Accordingly the applicant has not fully complied with the requirements of Para 128 of the NPPF and has not justified the demolition of an existing building within a conservation area.

Impact on the Conservation Area

9.4 The development site is within the Church Street Conservation Area and it is roughly triangular in shape, with a narrow south-western frontage edging The Grove and an extensive 'backland' area.

9.5 A Grade II listed building exists to the south-east of the site. However it is located at some distance and due to the presence of intervening built form and trees, the heritage asset is little affected by the proposal. The new development is thus reviewed in terms of its impact on the significance of the Church Street Conservation Area.

9.6 A general sense of unity typifies the conservation area streetscenes in the immediate vicinity of the site. Dwellings gently enclosing The Grove and Grove Road are typically two storeys and set behind small front gardens, with each building accessed via a single, short driveway. Although eclectic in terms of age and style, the built form is modestly scaled and well permeated with small gaps which allow glimpsed views of soft landscaping to the side and rear. A consistent pattern of loosely-knit frontage development respects a well-defined building line and dwellings maintain an active sense of engagement with the street.

9.7 Local distinctiveness in levels and patterns of development, site layouts and scales of built form create a strong sense of place and the qualities described above are fundamental to the significance of the Church Street Conservation Area.

9.8 The proposed three storey development clearly references the monolithic forms of buildings outside the designated area and in consequence, it sits uncomfortably in the conservation area context and is objected to on the basis that:

(i) It is contrary to locally typical levels and patterns of development, the proposed level is intensive and much of the new build is in effect 'backland' development, which has no sense of engagement with the street.
(ii) The bulky, impermeable form of the new building bears no relation to locally typical models within the conservation area.

(iii) The proposed monolithic structure - with its extended footprint and continuous frontages - is entirely alien to the finely grained and permeable conservation area context.

(iv) The ramp and associated harsh blank walls providing access to the basement level are overtly urban features completely foreign to the quietly domestic streetscene of The Grove.

9.9 While it is acknowledged that some degree of change within a designated area is inevitable, it must be managed in ways that maintain and reinforce the special qualities for which the area was designated. A fundamentally incompatible form of development is proposed and its alien presence will harm the significance of the conservation area.

9.10 Para 58 of the NPPF requires new development to 'establish a strong sense of place' and para. 60 notes 'that it is proper to seek to promote local distinctiveness'. The proposed impermeable, bulky built form - with its continuous frontages and extended footprint - sits uncomfortably in the local context and the 'anywhere' architectural treatment entirely lacks locally distinctive qualities.

9.11 Para 137 of the NPPF states that new development within a conservation area should 'enhance or better reveal' the significance of the designated heritage asset and the present proposal does neither. The overwhelming bulk of the new building clearly references buildings outside the conservation area and the encroachment of alien forms and patterns of development harm key qualities for which the area was designated.

9.12 The proposal is thus contrary to Para. 132 of the NPPF, which requires great weight to be given to the conservation of designated heritage assets and notes that significance can be harmed or lost through unsympathetic development. In order to avoid harm to the significance of the Church Street conservation area, a form of development compatible with key local qualities is essential and the present proposal fails to comply with the requirements of Policies DM8 and DM9 or the guidance set out in the Church Street Conservation Area – Character Appraisal and Management Proposals document.

**Layout, Design and Scale**

9.13 The layout, scale and massing of the proposed development is considered to be wholly inappropriate for the site and its setting within the Church Street Conservation Area and the presence of mature protected trees within the site that contribute significantly to the visual amenities of the area.
9.14 It should be emphasised that the development was subject to extensive pre-application discussions relating to a number of layout options. The applicant was advised that all of the options presented were considered to be contrary to the prevailing character of this part of the Church Road Conservation Area. Their siting, scale and design would not reflect the surrounding historic and natural environment and would fail to preserve and enhance the conservation area. The applicant was advised that a building of a similar scale and design to that now submitted for planning permission would not be in character and its siting close to the site frontage with a ramp down into a basement car park with minimal frontage landscaping would cause serious harm to the visual amenities of the area. It was also concluded that a scheme of this nature would result in loss of privacy and overlooking to the occupiers of 7 The Grove. The applicant was advised that any new development must be two storey scale of traditional design but the applicant has failed to follow this advice.

Residential Amenity

9.15 Policy DM10 requires development to have regard to the amenities of occupants and neighbours, in terms of privacy, outlook, sunlight/daylight, noise and disturbance. It is considered that the south-east facing orientation and balconies at first and second floor level would in particular all have an unacceptable impact on the privacy, outlook and amenity of the adjacent occupiers at No 7. There would also likely be additional noise and disturbance to the neighbouring occupiers from the use of the communal grounds and especially the proposed conversion of the existing garage adjacent to the rear garden boundary with No 7 to use as a communal building and seating area.

9.16 The form and layout of the development at the front with the utilitarian basement car parking ramp and the requirement for servicing vehicles to park outside the site would also contribute to a loss of amenity to neighbouring residents in terms of noise and disturbance and obstruction of the highway.

Parking and Access

9.17 The proposal is policy compliant insofar as the number of car parking spaces are concerned but a scheme of this scale should include a minimum of 15 cycle parking spaces and only 10 are shown on the basement layout plan. The applicant’s Sustainability Statement refers separately to three secure and easily accessible bicycle storage spaces per dwelling and if necessary the scheme could easily be amended to meet this requirement.

9.18 Neighbouring residents’ concerns have been expressed regarding the fact that the scheme only provides for the parking needs of its residents and all servicing would have to be carried out from the highway, potentially creating difficulties for both pedestrian and vehicular access to Badgers Lodge and Badgers Court and the use of the turning head. Surrey County Council has not objected to this aspect of the development as it affects a private road and whilst this may indeed give rise to occasional problems for access it is not considered that this would in itself warrant a reason for refusal.
Housing Mix

9.19 The proposed housing mix comprises 11 x two bedroom flats, 2 x three bedroom flats representing 15% against the policy requirement of 25% set out in Policy DM22. The housing mix therefore fails to meet Policy DM22 and to meet identified local housing needs for larger family sized units.

Housing Standards

9.20 The proposed residential accommodation would be provided on three levels and would be accessed via three entrance cores located on the north-western flank elevation. The flats would all be dual aspect and ground floor flats would have private outdoor space immediately next to the living rooms whilst upper floor flats would have balconies.

9.21 Each of the dwellings would comply with the DCLG Technical housing standards – nationally prescribed space standard as referred to under Policy DM12.

9.22 It is considered that the proposed residential flats incorporate appropriate layout and access arrangements, external and internal amenity that would meet the needs of future residents and accordingly comply with the design requirements of Policy DM10.

Affordable Housing

9.23 The applicant in the submitted Design, Access and Planning Statement states that proposed single block flatted development with communal grounds and areas, would be owned and run by a management company and each flat would be subject to a service charge, which given the quality of communal areas proposed may be significant. In these circumstances it is not considered possible to include on-site affordable housing, and indications are that affordable housing providers would not be interested in managing a small number of individual flats in this situation. The applicant therefore proposes to make provision for affordable housing via a commuted sum.

9.24 Given the significant outstanding objections to other aspects of the development as set out elsewhere in this report it would not have been sensible to progress a S106 Agreement to cover the need for a commuted sum for 2.6 affordable housing units off site. In the absence of a signed S106 Agreement, however, it is appropriate to include this as an additional reason for refusal.
Landscaping

9.25 The applicant has submitted an Arboricultural Impact Assessment and Method Statement which confirms that 13 individual trees and 3 groups of trees would need to be removed to allow for the development but the applicant asserts in the Design, Access and Planning Statement that the site offers significant opportunities for additional hard and soft landscaping which can readily be secured via the imposition of planning conditions.

9.26 The Borough Tree Officer has particular concerns relating to the impact of the proposal upon two protected trees including the outstanding Turkey Oak which is of high amenity value and in total has 4 separate objections:

(i) There is insufficient reassurance that it will be possible to construct this development without incursion into the root protection area (RPA). I note that the basement itself has sufficient clearance between the RPA and the retaining structure. However, the width of excavation to accommodate the communal areas, extends right to the edge of the RPA. There is a drop in level of at least 600mm, perhaps more to allow construction of the paving sub-base. There appears to be no detail in the methodology of this ground retaining system. It is assumed that the retained soil will either be battered back or over-excavated and shored up to enable construction of a retaining wall. This excavation will involve incursion into the RPA of Tree 4 (Turkey Oak) and T10 (Norway Maple) and could cause damage to roots.

It is noted that ground protection boards are proposed between the eastern limit of excavation and the protective fencing for the Turkey Oak. This constrained area will be very difficult to manage and again there will be a risk of damage to roots this time from compaction during construction activity. There is little reassurance from the method statement that tree roots will be protected from damage during service installation.

(ii) A second objection concerns the encroachment of built form on the trees environs and how this is incongruous with the verdant setting of the back land. This back land still retains a certain landscape appeal associated with the former pleasure grounds of the grade II listed Grove House, which still survives two houses away. The mass of the building will visually crowd the trees and the character of the setting. The Turkey oak is a particularly fine specimen tree that requires a spacious setting for its full splendour to be admired.

(iii) The third objection concerns the over bearing nature the boundary trees (most notably T4 the Turkey oak and T5 sycamore) will have on the development. The Arboricultural Method Statement produced by Arbtech does not include an arboricultural implications assessment that properly considers above ground constraints. These two trees being on a higher level and having attained a height of 22.5m will cast a significant shade on the building. When considering the tree shadow segment as advised under BS5837 2012 it is clear there will be
significant obstruction of sunlight. This will create an adverse quality of life for occupants that look directly into the crown and shadow of the trees. The Oak is such a large tree that a spatial separation of 18m + is preferable.

(iv) The dominance of the trees (most notably T4 and T5) and the boundary level changes mean that a very large area of the rear garden will be under the heavy shade of the trees, with all the associated biological nuisance of leaf/twig/seed litter and bird droppings etc.

9.27 It is therefore concluded that the scheme as proposed would fail to ensure that there would not be route damage to protected trees on the site and the siting of the flats in such close proximity to large trees would be likely to have an adverse impact on the living conditions of prospective residents.

Biodiversity

9.28 The applicant has submitted a preliminary ecological assessment (including bats, badgers and common reptiles) for the site given the likelihood of European Protected Species being found. The survey report recommends that a bat emergence survey should be undertaken in the period mid-May to August inclusive. Until that survey is undertaken and in the absence of a detailed report specifying any mitigation measures the Local Planning Authority cannot be satisfied that there would not be an adverse impact on a European Protected Species arising from the development of this site. Consequently the proposal is contrary to Policy DM4 of the Development Management Policies (2015) and paragraphs 117 and 118 of the National Planning Policy Framework.

Sustainability

9.29 Policy CS6 requires development to reduce or have a neutral impact on pollution and climate change. It also requires proposals to demonstrate how sustainable design and construction can be incorporated to improve energy efficiency. Policy DM12 requires new developments to comply with Part G of Building Regulations for water efficiency. The applicant’s Sustainability Statement confirms a willingness to provide sustainable construction and design to improve the energy efficiency of the development and this could be covered by planning condition.

Community Infrastructure Levy

9.30 The scheme is CIL liable.

10 Conclusion

10.1 For the reasons set out above in the report the application is recommended for refusal.

11 Recommendation

Planning permission is refused for the following reasons:
The proposal would result in the loss of a heritage asset which makes a positive contribution to character and distinctiveness of the Church Street Conservation Area. In the absence of substantial public benefits outweighing the loss of the existing building the proposal is contrary to Policy DM8 and Paragraphs 128-134 of the NPPF.

The proposed scheme due to its design scale and massing would significantly harm the character, appearance and setting of this part of the Church Street Conservation Area contrary to policy CS5 of the Epsom and Ewell Core Strategy (2007), and policies DM8, DM9 and DM10 of the Development Management Policies Document (2015), and paragraphs 129-138 of the National Planning Policy Framework 2012.

By reason of its location, height, scale, massing, layout and design, the development would be unduly overbearing and cause an unacceptable loss of outlook and privacy to No.7 The Grove. The application therefore fails to comply with the requirements of Policy CS5 of the Epsom and Ewell Core Strategy (2007) and Policy DM10 of the Development Management Policies (2015).

The proposed layout with rear communal garden area would introduce noise disturbance into an area which is currently quiet and secluded and as such would significantly affect the quiet enjoyment of the residential amenity to the detriment of the occupiers of No.7 The Grove. The application therefore fails to comply with the requirements of Policy CS5 of the Epsom and Ewell Core Strategy (2007) and Policies DM10 and DM16 of the Development Management Policies (2015).

The close proximity of the proposed building to the protected Turkey Oak, Sycamore and Norway Maple trees will have an adverse impact on the living conditions of the occupants of the proposed flats due to excessive tree shade and nuisance and is therefore likely to result in future pressure to heavily prune trees to the detriment of the visual amenity of the locality. The development would also result in potential root damage to trees during the construction of the proposed dwellings. The application is therefore contrary to the requirements of Policies CS1 and CS5 of the Epsom and Ewell Core Strategy (2007) and Policies DM5, DM10 and DM12 of the Development Management Policies (2015).

In the absence of a bat emergence survey covering the existing dwelling on site the Local Planning Authority cannot be satisfied that the development would not have an adverse impact on a European Protected Species. The proposal is therefore contrary to Policy DM4 of the Development Management Policies (2015) and paragraphs 117 and 118 of the National Planning Policy Framework.

Without an appropriate agreement to secure a commuted sum in lieu of the on-site provision of 2.6 affordable housing units, the proposal is contrary to the provisions of Policy CS9, and CS12 of the Epsom and Ewell Core Strategy (2007).
(8) The proposed scheme would not provide 25% of the overall units as three bedroom flat units, contrary to Policy DM22 of the Development Management Policies (2015)
6 The Grove Epsom
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Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PTD

Addition of timber and netting outdoor play structure

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<tr>
<th>Ward:</th>
<th>Ruxley</th>
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<tr>
<td>Contact Officer:</td>
<td>John Mumford</td>
</tr>
</tbody>
</table>

1 Plans

1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to the originally permitted application via the Council’s website, which is provided by way of background information to the report.

Link: [http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OX8JI3G YI0C00](http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OX8JI3G YI0C00)

2 Summary

2.1 The application seeks planning permission for the erection of a timber and netting outdoor play structure.

2.2 The application is referred to the Planning Committee as it is on Council owned land.

2.3 The application is recommended for APPROVAL as it involves a policy compliant open recreational Green Belt use and there are no visual, residential amenity or other significant concerns relating to the proposal.

3 Site description

3.1 The application relates to Hobbledown Children’s Farm, previously known as Horton Park Farm, on Horton Lane. The site was formerly a farm associated with the hospitals that was granted planning permission to become an agricultural/educational facility in 1985. The agricultural/educational use has evolved over time through various planning applications and since the planning permission granted in 2011 the leisure attraction has undergone major refurbishment and expansion. It is now a fantasy themed adventure park and zoo comprising a play barn with outdoor areas containing tunnels, mazes, role play areas, giant sandpits, a zip wire, animal zoo and petting farm together with children’s play structures.

3.2 The overall site is located on the west side of Horton Lane adjacent to the Horton Lane/McKenzie Way roundabout. The whole of the site is in the Green Belt and forms part of Horton Country Park. Immediately to the north of the site on the opposite side of Bridleway 73 is Clarendon Park and to the east on the other side of Horton Lane are the shops and houses of Livingstone Park.
3.3 The current application is situated amongst the existing play structures including two 'jumping pillow' trampolines which are provided towards the centre of the park and approximately 150m from the nearest residential properties to the north.

4 Proposal

4.1 The application seeks permission for the creation of a new play structure comprising 4 wooden towers and posts with enclosed netting suspended in between. This area would incorporate a multi-sports court on the bouncy netting with a play zone on a lower level of suspended netting beneath half of the sports court. The towers would be a maximum of 9.25m high above ground level and would be constructed of natural timber materials and light coloured netting. There would be a central wooden pole of 11.0m height to allow the netting to be suspended at the correct height of 5.0m and a number of other wooden poles would be 8m high.

4.2 There would also be a timber tower structure rising to a height of 8m with a platform and connecting walking bridge at a height of 5.0m. This would be aimed at the under 4s age group.

5 Comments from third parties

5.1 The application was advertised by means of letters to 13 neighbouring properties and to date (20.11.17) 6 objections have been received raising the following matters:

- The proposed structures exceed planning restrictions previously placed on the site by the council.

- The nature of the proposed development is clearly targeting an older demographic than the existing play areas and will result in an increase in noise generated by the site from both the elevated court and the open 'sin-bins' in the towers.

- There is already a noise restriction on the site and yet there has been no assessment of the increased noise levels associated with this proposed attraction or reference to any additional noise deadening measures.

- The application refers to the additional 'outdoor sport' facility, with reference to volleyball and goals. Neither of these sporting activities typically taking place on a bounce net 5m above the ground, and any multi-person, competitive activity taking place on an unstable base will introduce a significant risk of injury. There is no health and safety assessment included in the application.

- The proposed elevated volley ball court (5 metres above ground) is approximately 26m by 16m wide and is therefore large enough to accommodate a full sized adult volley ball court. This looks too big for younger children to be able to use and more like it could be used as an adult/corporate party venue which is inconsistent with the usage of the site (Children's Farm sui generis).
No numbers given of people allowed on MUGA at any time (on court and in the towers), but size would allow 30 - 50 people easily.

Appears to be a party venue, like the Dodge Ball Court at Air Hop, Guildford. Up to 6 separate parties will be swapped in and out of the court there each and every hour at evenings and weekends, meaning it is in use most of the time. Much more intensive use than a MUGA in a local park or school.

No hours of operation /illumination. Hobbledown is open for up to 11 hours per day, 363 days per year. It's important to consider the impact of this when allowing noisy attractions at the site.

The MUGA will be contained by a 3m high net; even higher netting may actually be required to prevent balls dropping on children below. This netting will appear solid like a wall. This is a huge structure (approx. 400m2 just for MUGA). Inappropriate scale in greenbelt.

The majority of the trees are deciduous and provide little visual or noise screening during the winter months. The raised elevation of the proposed constructions and activity, the nature of the activity (multi-sport court, including netball with towers housing onlookers in ‘sin-bins’) and the age-group it is designed for, are all likely to significantly increase the level of sound reaching the housing development, and particularly the nearest houses to the Hobbledown boundary.

Condition 6 of Permission 11/00511/FUL granted in December 2011 stated that no part of the play structures should exceed 7m above ground level, other than the turret housing the zip wire launch platform which was allowed to be up to 9.5m above ground level. The fact that a previous planning permission granted a relatively tall play structure, does not mean that further tall structures should be agreed to. The new structures are 1.5-2.25m taller than their equivalents in the 2011 planning permission, significantly increasing the potential for both visual and noise impact from the development.

Figure 7 indicates that the proposed construction will have significant visual impact, comprising, as it does, 4 substantial towers, a large raised platform area and at least 15 tall poles. Given the above, it appears probable that, as well as generating a noise nuisance to residential neighbours, the proposal would not conform to all relevant local and national planning policy relating to the Green Belt.

A ‘bouncy netted floor’ volleyball court is unlikely to appeal to, or be safe for, the younger children that are the focus of the majority of the current clientele.

The proposals have the potential to considerably increase the number of visitors to Hobbledown, as well as significantly alter/broaden the demographics of the target visitor group.
5.2 In addition a neutral representation was received stating that the applicant was considered a good neighbour providing recreation and local employment but the one concern would be if an older market was being targeted as this could generate additional noise pollution and in this case would ask the Council to consider a noise assessment.

6 Consultations

6.1 Surrey County Council – No objections.

6.2 Borough Environmental Health Officer – Given the existing use of the site and no change to the hours of operation it is considered unnecessary to require a noise survey given the siting of the proposal away from residential dwellings.

7 Relevant planning history

<table>
<thead>
<tr>
<th>Application number</th>
<th>Decision date</th>
<th>Application detail</th>
<th>Decision</th>
</tr>
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<tbody>
<tr>
<td>85/0986</td>
<td>17.10.85</td>
<td>Change of use of farm to use for agricultural/educational purposes.</td>
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<tr>
<td>11/00511/FUL</td>
<td>09.12.11</td>
<td>Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean to barn, replacement kiosk, replacement of party/school rooms, relocation of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden.</td>
<td>Granted</td>
</tr>
<tr>
<td>13/01184/FUL</td>
<td>14.02.14</td>
<td>Demolition of an existing kiosk and relocation and erection of a replacement kiosk building and the demolition of an existing hand wash facility and erection of a replacement toilet block building incorporating hand wash facility.</td>
<td>Granted</td>
</tr>
</tbody>
</table>
8  Planning Policy

National Policy Planning Framework (NPPF) 2012
Para 79-92: Protecting Green Belt Land

Core Strategy 2007
Policy CS1  Creating Sustainable Communities
Policy CS2  Green Belts
Policy CS4  Open spaces and green infrastructure
Policy CS5  The Built Environment
Policy CS11 Employment Provision

Development Management Policies 2015
Policy DM3  Replacement and extensions of buildings in the Green Belt
Policy DM6  Open space provision
Policy DM10 Design requirements for new developments
Policy DM25 Development of employment premises

9  Planning considerations

Principle of Development

9.1 In principle the proposal for a timber and netting outdoor play structure within this area of the children’s farm is compatible with national Green Belt policy that allows for provision of appropriate outdoor recreation facilities as long it preserves the openness of the Green Belt and does not conflict with the purposes of including land with it.

9.2 The proposal also accords with condition 19 of 11/00511/FUL (the original consent for Hobbledown) that requires play activities and equipment to only be sited in certain specified areas which includes the current application site notated as Zone B on the approved Master Plan 6773/50 Rev H.
9.3 Condition 6 of 11/00511/FUL requires that no part of play structures should exceed a height of 7m above existing ground level other than the turret housing the zip wire launch platform which was allowed to be up to 9.5m above ground level.

9.4 The proposed new play structure rises 11m above ground level at its highest point. This relates to the central wooden pole that allows the surrounding netting to be suspended at the correct height. The highest ‘structures’ are the open towers at the corners of the play areas which would be 9.25m at their highest point. These structures are similar in scale and design to the existing climbing frame towers within the adjoining Hobbledown village part of the site and it is considered that the provision of a single wooden pole exceeding these limitations would not in itself have an unacceptable visual impact from outside the site.

9.5 The separate 8m high poles and netting would exceed the 7m play structure height limitation imposed by condition 6 but again it is not considered the additional height would compromise the visual amenities of the site, given the use of timber structures, neutral light coloured netting and existing landscaping near to the proposal and along the site boundary. This should enable the scheme to be satisfactorily assimilated into the existing landscape.

Residential Amenity

9.6 It is considered that given the distance of at least 150m between the proposal and nearest dwellings within the Clarendon Park development together with existing landscaping between the two would mean that there would be only a minimal visual impact and that this would not in itself be harmful to the visual amenities of neighbouring occupiers.

9.7 A number of assertions have been made by neighbouring objectors to the development including the likely target market and possible extended hours of use. The applicant has responded to these claims by stating that:

- ‘Hobbledown does not currently allow adults-only groups into the park, and nor does it intend to start doing so. Adults may only enter the park if they are accompanying a child and indeed this is stated as rule number one on the park’s website. Hobbledown’s main focus has always been, and will continue to be, on families with children up to the age of 14. The proposed play structure is very suitable for this age group and has been designed and proposed on that basis.

- Our client confirms that the structure is in fact intended to be used for parent/guardian supervised play most of the time. This is in line with how most of the play activities at Hobbledown are currently used. The structure would then also be used occasionally as part of a children’s party package for a volley ball style game with the unique Hobbledown twist of using giant inflatable balls. No more than two such parties would be held on any one day, as each would involve closing the play area to the general public. Any further closure of the structure on the same day would not be acceptable.
to other non-party visitors to the park and would understandably lead to customer complaints.

- Some local residents also expressed concern about the possibility of lengthy hours of operation and illumination of the proposed play structure. Our client does not intend to extend the park’s general opening hours and as the structure will just be an additional attraction within the overall park it will not have its own separate hours of use.

- Other representations expressed fear that the nature of the structure meant its users would invariably be particularly noisy, excitedly shouting and cheering. As detailed above, although the proposed structure will have the potential to host a unique volleyball style game, it will very infrequently be used for this purpose. The majority of the time it will be used by children and families for more sedate bouncy play.

- Local residents were also concerned that the height of the structure could be responsible for causing an increase in the level of noise reaching the Clarendon Park housing development to the north of Hobbledown. This is on the basis that the source of noise – children playing – will be above the height of the surrounding trees which currently act as an acoustic screen for the site. As the submitted elevation plan shows the floor of the bouncy netting and of each of the four corner towers is only 5m from the ground. Accordingly any noise generated by children playing on the upper parts of the new structure would be at just above this 5m height. As this is around the same height as the higher tunnels and platforms of the existing play structures, we feel that the trees surrounding the site, which already act as an effective acoustic screen, will be able to perform the same function for the new structure.

- In terms of the effectiveness of the current tree screening, our client confirms that since Hobbledown opened in July 2012 they are only aware of 11 noise-related complaints that have been made to the park directly. Of these, nine were in relation to their annual Wildflowers event for which they always obtain a temporary event licence. No local resident has ever complained to the park about the general levels of noise generated by children and their families playing.

9.8 It is accordingly concluded in the light of the facts presented and advice from the Borough Environmental Health Officer regarding noise that the proposed development complies with Policy DM10 in respect of its impact on residential amenity.
Green Belt

9.9 It is considered that the proposal does not conflict with any of the five purposes that the Green Belt is considered to serve as set out in paragraph 80 of the NPPF. The proposed play structure is designed as an outdoor recreational and sport facility for children. Paragraph 89 of the NPPF states that new buildings are inappropriate in the Green Belt other than in certain exception cases. One of these exceptions is the ‘provision of appropriate facilities for outdoor sport, outdoor recreation… as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it’. The siting and appearance of the play structure would not have an adverse impact on the openness of the Green Belt.

Local economic benefits

9.10 Hobbledown Children’s Farm provides in the order of 70-80 jobs and makes a valuable contribution to the local economy both directly and indirectly to other local businesses. The proposed development would assist in providing a diversified offer and increased dwell time for visitors which should lead to additional employment at the park and increased expenditure with local service providers.

Parking and access

9.11 The proposed new play structure is not intended to increase the number of visitors, and Surrey County Council as Highway Authority has no objection to the proposal.

Community Infrastructure Levy

9.12 The scheme would not be CIL liable.

10 Conclusion

10.1 The application proposal is compatible with Green Belt policy and in terms of design, scale and appearance is considered to have no harmful impact on the residential amenity of neighbouring occupiers or upon the visual amenities of the area.

10.2 In view of the above, it is recommended that planning permission is granted.

11 Recommendation

11.1 Planning permission is granted subject to the following conditions:

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 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: D00743 Rev 05; D007443 Rev 04; D007441 Rev 04; Planning, Design and Access Statement dated September 2017.

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 development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form and as specified in the Planning, Design and Access Statement.


Informative:

(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.
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Horton Park Golf And Country Club, Hook Road, Epsom, Surrey, KT19 8QG

Erection of kitchen extension to club house and new yard enclosure

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<tr>
<th>Ward:</th>
<th>Ruxley</th>
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<tr>
<td>Contact Officer:</td>
<td>John Mumford</td>
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1 Plans

1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to the originally permitted application via the Council’s website, which is provided by way of background information to the report.

Link: [http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OVWP9WGYHSL00](http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OVWP9WGYHSL00)

2 Summary

2.1 This application is for the erection of a kitchen extension to the clubhouse and provision of new yard enclosure.

2.2 The site forms part of the Metropolitan Green Belt and the application is referred to Committee for determination because it involves Council owned land.

2.3 The application is recommended for APPROVAL as it involves a minor extension to an existing building in the Green Belt and there are no visual or amenity concerns relating to the proposal.

3 Site description

3.1 Horton Park Golf and Country Club occupies land owned by Epsom and Ewell Borough Council. The existing facilities comprise an 18-hole and 9-hole complex, a clubhouse with shop and a driving range. Extensive parking is provided alongside the clubhouse, to the north-east of the site and in the northern corner of the site adjacent to Chessington Road frontage is an 18 hole adventure golf course aimed at children.

4 Proposal

4.1 The application seeks permission for demolition of an existing yard facility and erection of a kitchen extension to the clubhouse measuring 8.0m (length) x 5.0m (width) x 3.0m (height) and provision of new yard enclosure measuring 6.0m x 5.2m x 2.2m (height).
4.2 The kitchen extension would be faced with brown stained vertical timber boarding and stained timber windows and doors similar to the existing yard enclosure together with a dark grey flat roof. The new yard enclosure would also have a 2m high brown stained vertical timber fencing.

5 Comments from third parties

5.1 The application was advertised by means of letters of notification to the 6 nearest residential properties on Chessington Road some 140 metres distant to the north. To date (21.11.2017) no letters of objection have been received.

6 Consultations

6.1 Surrey County Council – No objections.
7 Relevant planning history

<table>
<thead>
<tr>
<th>Application number</th>
<th>Decision date</th>
<th>Application detail</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>85/1239/0637</td>
<td>1986</td>
<td>Proposed golf centre, erection of single-storey/two-storey clubhouse, single storey driving range structure, provision of car parking areas and vehicular access drive.</td>
<td>Granted</td>
</tr>
<tr>
<td>88/1360/0724</td>
<td>1989</td>
<td>Two storey side extension and single storey rear extension to clubhouse to enlarge kitchen, dining room and provide store room, single storey front extension to enlarge cellar and cold store.</td>
<td>Granted</td>
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<tr>
<td>15/01261/FUL</td>
<td>17.02.2016</td>
<td>Erection of children's play area structure.</td>
<td>Granted</td>
</tr>
<tr>
<td>16/00749/FUL</td>
<td>12.10.2016</td>
<td>Driving bay extension and new conservatory to club house</td>
<td>Granted</td>
</tr>
<tr>
<td>16/01688/REM</td>
<td>06.04.2017</td>
<td>Variation of Condition 2 (Plans) of 16/00749/FUL (Driving bay extension and new conservatory to club house) to undertake minor amendments to driving bay and conservatory</td>
<td>Granted</td>
</tr>
</tbody>
</table>

8 Planning Policy

National Policy Planning Framework (NPPF) 2012
Chapter 9: Paragraphs 79-89 Protecting the Green Belt

Core Strategy 2007
Policy CS2 Green Belt
Policy CS13 Community, Cultural and Built Sports Facilities

Development Management Policies 2015
Policy DM3 Replacement and extensions of buildings in the Green Belt
Policy DM5 Trees and Landscape
Policy DM10 Design Requirements for New Developments
Policy DM34 New Social Infrastructure
9 Planning considerations

Impact on the Green Belt

9.1 The application site lies within the Green Belt and accordingly the application needs to be assessed as to its conformity with national Green Belt policy set out within the NPPF and local Green Belt policy as set out in the Development Management Policies document.

9.2 Paragraph 89 of the NPPF states the following that is relevant to this proposal: ‘A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building.

9.3 The kitchen extension comprising 40 sq m floorspace is a modest extension to the original building of 520 sq m and even allowing for subsequent extensions permitted and erected since then it is considered that the current proposal would meet the criteria set out under Policy DM3 that requires extensions to buildings in the Green Belt to be no greater than 30% above the volume of the existing building.

9.4 The extension would effectively replace the existing yard enclosure that is screened off from public view by solid timber fencing store and the new yard enclosure next to the play area would not have a negative impact on the openness of the Green Belt.

Visual and Residential Amenity

9.5 The proposal would be situated some 140m away from the nearest residential properties that are located across Chessington Road. The proposal would necessitate the removal of a semi-mature tree but as this overlaps with another nearby tree of similar stature the Borough Tree Officer has no objection to its removal. It is accordingly concluded that there would be no harmful impact on visual amenities.

10 Conclusion

10.1 The minor application proposals would have no harmful impact on the openness of the Green Belt or upon the visual amenities of the area.

11 Recommendation

11.1 Planning permission is granted subject to the following conditions:

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 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: 16042/120, 16042/121, 16042/124.

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 development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form and as shown on drawings 16042/124.


Informatives:

(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) The applicant is advised that it is considered any further extensions to the club house are unlikely to be permitted because this would probably exceed the 30% maximum increase in the volume of an original building situated in the Green Belt as required under Policy DM3 ‘Replacement and extensions of buildings in the Green Belt.’
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7 Woodland Close Ewell Surrey KT19 0BQ

New (raised) flat roof to flank extension, conversion of garage to a habitable room, new decking to rear

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<tr>
<th>Ward:</th>
<th>Ewell Court</th>
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<tbody>
<tr>
<td>Contact Officer:</td>
<td>John Robinson</td>
</tr>
</tbody>
</table>

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=documents&keyVal=OVA65TGYHP100](http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OVA65TGYHP100)

2 Summary

2.1 This application proposes the installation of a new (raised) flat roof to the existing flank extension, conversion of the garage to a habitable room, and the erection of new decking to the rear of the dwelling.

2.2 This application has been submitted to committee as the applicant is a Councillor.

2.3 The application is recommended for APPROVAL

3 Site description

3.1 The application property is a detached bungalow, located at the western edge of the turning head to Woodlands Close. The property has rendered elevations under a hipped tiled roof, and benefits from a flat roofed flank and rear extension. The flank extension accommodates a garage.

3.2 The immediate area is characterised by similar inter-war period detached bungalows of varied appearance and scale.

4 Proposal

4.1 This application proposes the installation of a new (raised) flat roof to the existing flank extension, conversion of the garage to a habitable room, and the erection of new decking to the rear of the dwelling.
4.2 A 2.3m x 1m deep section of the front elevation of the flank extension would be demolished (including the removal of the garage door) and would be replaced by a new casement window. A new flat roof incorporating two rooflights would replace the existing flat roof to the flank extension. The new roof would result in the roof height being increased by 460mm. (Overall height 3.4m)

4.3 A new raised timber deck is proposed to the rear elevation. It would extend across the full width of the dwelling (12m) and would have a depth of 3m. It would be raised 900mm above ground level.

5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 2 neighbouring properties, and a site notice. To date (29.11.2017) no objections have been received.

6 Consultations

6.1 County Highway Authority: No objections.

7 Relevant planning history

<table>
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8 Planning Policy

Core Strategy 2007
Policy CS5 Built Environment

Policy DM9 Townscape Character and Local Distinctiveness
Policy DM10 Design Requirements for New Developments

Supplementary Planning Documents
Parking Standards for Residential development 2015
9 Planning considerations

Visual Impact

9.1 The proposed new roof and garage conversion would be visible in the streetscene. The proposed scheme is relatively discreet and would not detract from the appearance of the original dwelling or have a material harmful impact on the streetscene and character and appearance of the wider area.

9.2 It is therefore concluded that the proposed scheme in terms of its design, scale and massing would therefore accord with policies DM9, DM10 and CS5.

Residential Amenity

9.3 The proposed raised deck would not lead to overlooking of the neighbouring properties as the application property is enclosed by vegetation and a 2m high flank boundary fence. The increase in height of the flat roof by 460mm is acceptable.

9.4 The proposed scheme would therefore accord with Policy DM10

Parking/Access

9.5 The proposal would result in the loss of a parking space. However there would be sufficient space within the forecourt area to accommodate the displaced vehicle.

Community Infrastructure Levy

9.27 The proposed scheme is not CIL liable.

10 Conclusion

10.1 In light of the above it is recommended that planning permission be GRANTED.

11 Recommendation

11.1 The Committee authorise the Head of Place Development to grant planning permission subject to the following conditions:

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 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 constructed entirely of the materials as detailed on the schedule of materials on the planning application form.


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

Plan1: Proposed floorplans; Plan2: Proposed flank elevation; Plan3 Proposed rear elevation; Plan4 Proposed front elevation;

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

Informative:

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
REPORT SUMMARY

This report follows on from recommendations in the Planning Improvement Action Plan 2017 to provide Members with an update on recent appeal decisions, and identifies any notable decisions for discussion.

Attached are summaries of six recent appeals:

- Sunninghill, Downs Avenue – dismissed but paras. 13-15 regarding affordable housing are important
- 320 Chessington Road West Ewell – dismissed.
- 34 Ebbisham Court, Dorking Road – dismissed.
- 5 Cox Lane, West Ewell – dismissed.
- 34 Edenfield Gardens, Worcester Park – Allowed and planning permission granted.
- 21 Cullerne Close – dismissed
- Young Farmers hut Reigate Road – dismissed
- 23 Windmill Lane - dismissed

All were dismissed with the exception of Edenfield Gardens which was very much an on balance decision for a rear dormer extension and raised roof height.
### RECOMMENDATION
That the attached appeal summaries are noted.

| Notes |
Appeal Decision

Site visit made on 3 October 2017

by Michael Boniface MSc MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th October 2017

Appeal Ref: APP/P3610/W/17/3179650
Sunninghill, Downs Avenue, Epsom, KT18 5HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms Gemma Purkiss, Sunninghill Epsom Limited against the decision of Epsom & Ewell Borough Council.
- The application Ref 16/01197/FUL, dated 4 November 2016, was refused by notice dated 24 January 2017.
- The development proposed is a two storey (with roof accommodation) building accommodating 7 flat units and associated parking.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development above from the Council’s decision notice as opposed to the application form, as this more accurately describes the proposal.

3. The appeal is accompanied by an Arboricultural Impact Assessment (July 2017), various tree survey and constraint plans and revised landscaping proposals. Minor changes to the position of the proposed cycle store and 3 parking bays have also been made. The Council has had the opportunity to consider these documents during the appeal process and I am satisfied that no party would be prejudiced by me taking them into account. Therefore, I have had regard to this additional information in reaching my decision.

Main Issues

4. The main issues are whether the proposed development, including removal of a number of trees, would preserve or enhance the character or appearance of the Burgh Heath Road Conservation Area; and whether the development is required to make a contribution towards local affordable housing needs.

Reasons

Character and appearance

5. The appeal property is a large Arts and Crafts style building which has been converted into flats. It is noted on the Townscape Appraisal Map as being a ‘positive building’ in the conservation area and an ‘important tree group’ is identified in the rear garden, contributing to the sylvan character of the area with large areas of open space and tree planting. Downs Avenue comprises a

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wide tree lined street with large well-spaced dwellings within generous plots. This is the overriding character in this part of the conservation area, though evidence of infill development is apparent in the immediate vicinity of Sunninghill, which is accessed via a private driveway off of Downs Avenue.

6. The proposed building would stand to the rear of Sunninghill in its existing garden area, which currently stretches back to meet the large rear gardens of properties on Downs Avenue. The introduction of backland development would to some extent reflect other infill developments that have occurred over the years, notably Hilton and Kingswood House, close to the site. However, the undeveloped rear garden of the appeal property currently maintains the appearance of a substantial building set within large grounds, not only referencing the original form of the site but providing integration with the much less densely developed properties on Downs Avenue.

7. This is particularly evident on walking the footpath adjacent to the site where the undeveloped nature of the garden land is readily apparent, despite the tree screening on the boundary, giving a sense of verdant tranquillity as one moves beyond Sunninghill and travels towards Downs Avenue. The experience is further enhanced by the significant amount of tree planting within the garden of Sunninghill, other large gardens and along the line of the footpath, creating a woodland feel.

8. The appellant refers to the Burgh Heath Road Conservation Area: Character Appraisal and Management proposals (2010), noting some of the keys characteristics of the area to include spacious plots, mature trees and areas of woodland. It is further noted that the southern part of the conservation area is the most wooded, highlighting the importance of trees to the sylvan character of the area and warning of the constant pressures for the infilling of garden plots, having the potential to adversely affect the special interest of the conservation area.

9. Contrary to the appellant’s conclusions, I do not consider that past infilling, which has demonstrably altered the character of the area in some parts, to justify further similar development that would harm the key characteristics of the conservation area. The introduction of a large flatted building would significantly reduce the plot size of Sunninghill and create a similarly small plot for the proposed building. This would be in stark contrast to the spacious woodland setting that I have identified and the prevailing character in Downs Avenue that I have described.

10. Furthermore, the development would require removal of a number of mature trees. Whilst these are primarily Category C trees of moderate quality and replacements could be incorporated within the site, they nonetheless make an important contribution to the sylvan character of the area. Even with replacement planting, the large building would become a prominent and visually intrusive element that would severely diminish the woodland character in this part of the conservation area.

11. The harm arising from the development would be less than substantial in the context of the conservation area as a whole, but the preservation of heritage assets should be given great weight in the decision making process. There would be some public benefit in the provision of 7 additional residential units but no evidence has been submitted to demonstrate that the Council is not successfully boosting the supply of housing in the area in accordance with the

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National Planning Policy Framework and in any case, the contribution of 7 units would be limited. The harm arising to the conservation area far outweighs the public benefits that have been identified in this case.

12. The development would harm the character and appearance of the conservation area. As such, the proposal would conflict with Policies DM5, DM8, DM9 and DM16 of the Development Management Policies Document (2015), which seek to protect trees and encourage additional planting, conserve and enhance heritage assets, ensure high quality design that maintains or enhances local character and distinctiveness and resists backland development in gardens where character would be harmed.

Affordable housing

13. Policy CS9 of the Core Strategy (2007) requires that 20% of new residential developments between 5 and 14 dwellings should be affordable housing. In this case, the Council seeks a commuted sum towards the provision of affordable housing elsewhere, noting the significant and demonstrable need in the area.

14. However, in November 2014 a Written Ministerial Statement (WMS) was issued which clarified that affordable housing contributions (or other tariff style contributions) should not be sought for developments involving 10 units or less. This Government policy has subsequently been incorporated into Planning Practice Guidance (PPG) and is an important material consideration. This position post-dates adoption of Policy CS9.

15. I have had regard to the Council's Statement on the Exemption of Small Sites from Development Contributions (Affordable Housing) (December 2016) which sets out the specific local need for affordable housing and local circumstances. However, Government policy and guidance is clear that such obligations should not be sought so as to reduce the burdens of small-scale developers and encourage delivery. I attach significant weight to this Government policy expressed in the WMS and PPG and consider that this justifies a decision other than in accordance with Policy CS9 in this instance. An affordable housing contribution is not necessary.

Conclusion

16. Whilst I have found that a contribution towards affordable housing is not necessary, this does not alter or outweigh the harm that I have identified to the character and appearance of the conservation area.

17. In light of the above, and having considered all other matters, the appeal is dismissed.

Michael Boniface
INSPECTOR
Appeal Decision

Site: 320 Chessington Road West Ewell Surrey KT19 9XG

Proposal: Demolition of existing dwelling and erection of two pairs of semi-detached dwellings providing 3-bed units with associated car parking and landscaping

Application Number: 16/01214/FUL

Decision: Appeal dismissed

Grounds for Refusal:

1. The close proximity of the proposed buildings (particularly at Plot 3 and Plot 4) to the protected Yew and Pine trees will have an adverse impact on the living conditions of the occupants of the proposed houses due to excessive tree shade and nuisance and is therefore likely to result in future pressure to remove or heavily prune trees to the detriment of the visual amenity of the locality. This would be further exacerbated by the need to retain the boundary hedge, which is necessary to protect the privacy of the adjacent property. The development would also result in potential root damage to trees as during the construction of the proposed dwellings. The application is therefore contrary to the requirements of Policies CS1 and CS5 of the Core Strategy (2007) and Policies DM5, DM10 and DM12 of the Development Management Policies (2015).

The Inspector upheld the ground for refusal stating that.

“The proposed development would introduce new dwellings in very close proximity to the protected trees, around 4.3m at the closest point according to the submitted Arboricultural Report (2016) and within the identified Root Protection Area (RPA). Measures are set out to investigate the presence of roots and to deal with them sensitively if and when they are discovered during construction. However, these investigations have not yet taken place and it seems to me, given the close proximity, highly likely that roots will be impacted by the proposed buildings, particularly plots 3 and 4. No detailed information about specialist foundations has been provided and the information available suggests that it is likely that roots will be cut. In my view, there is a very real prospect that this would be to the detriment of the trees health and longevity.

In addition to these concerns, the sheer size and scale of the protected trees in such proximity to the rear of plots 3 and 4 would undoubtedly have an uncomfortable and overbearing impact on future residents, whose outlook from rear windows would be directly onto the trees. I note the potential to include additional windows to the side and have had regard to the plan contained at Appendix 4 of the appellant’s statement but this would not alter the relationship with the large opening in the rear living room, albeit that it may
assist in allowing light to penetrate. This situation would be further compounded by proposals to retain the large Beech tree to the front of plots 3 and 4, leading to a similarly constrained relationship in views out of front windows.

With regards to light, the submitted Amenity Sunlight Assessment (2017) finds that 60% of the most affected rear garden would receive at least 2 hours of direct sunlight on 21 March in accordance with BRE Guidance1. Even if this was the case, taking account of likely growth and notwithstanding previous consents to carry out works to the trees, much of the garden would remain in shade. In my view, and contrary to that of the appellant’s, it does not necessarily follow that under these circumstances the proposed dwellings would receive sufficient light and the analysis of garden impacts does not persuade me that suitable living conditions would be achieved.

On top of these issues, the large height and canopy spread of the protected trees and their attendant overshadowing of the garden, coupled with their inherent tendency to drop detritus would make the closest rear gardens somewhat uninviting and in part potentially unusable.

All of these issues together lead me to conclude that there would be a very real likelihood of loss or damage to the trees as a result of the development. Even if, as the appellant suggests, the trees were adequately protected and retained there would likely be a strong and persistent pressure from residents for their future removal or substantial pruning in light of the constrained and uncomfortable relationship between the trees and the proposed dwellings. These impacts would severely undermine the standard of the living accommodation, resulting in inadequate and undesirable living conditions for future occupants”.

The Inspector noted the potential benefits of the development, including the provision of three additional family sized dwellings but stated that these did not outweigh the harm that I have identified in regards to the main issue

Conclusion:

When assessing an application it is important for Planning Officer’s to understand how important trees and other types of screening could possibly affect the amenities of future occupants of the development.
1. Address
34 Ebbisham Court, Dorking Road, Epsom KT18 7NN

2. Proposal
New third floor to provide 1 x 2 bedroom flat including provision of two parking spaces.

3. LPA Ref.
16/01078/FUL / 17/00009/REF

4. Decision.
Appeal dismissed.

5. Summary of decision including reasons for refusal supported and reasons not supported. Also, perhaps most importantly, any lessons we should learn from the decision to inform our future decision-making.

Reason for refusal
The proposed additional car parking spaces would result in the loss of soft landscaping to the front of the site which would have a harmful impact on the streetscene and setting of the proposal site. This is contrary to the aims of Policy CS5 of the Core Strategy 2007, and Policies DM5, DM9 and DM10 of the Development Management Policies 2015.

Inspector response – supports refusal reason
The proposal would add a further 2 vehicle parking spaces. This would extend the hard surfaced area considerably along the frontage where it is adjacent to the road. It would also significantly reduce the amount of landscaped area here because it is already limited in area. Given the surrounding area has attractive trees, shrubs and lawns in front of buildings, this would adversely affect the character and appearance of the area.

Reason for refusal
The proposed additional storey by reason of its design, scale, massing and appearance would have a harmful impact on the streetscene and character and appearance of the wider area. This is contrary to the aims of Policy CS5 of the Core Strategy 2007, and Policies DM9 and DM10 of the Development Management Policies 2015.

Inspector response – refusal reason not supported
The proposal would result in a modern flat roofed addition to the building. However, the existing building is already flat roofed and the addition would be set back from the building’s frontage, and recessed from the sides of the building. It would also only be slightly higher than the neighbouring three storey block of flats with pitched roof. There would also be some scope to control facing materials by way of planning condition. For these reasons, the addition would be discretely located, not overwhelming within the street scene despite its modern design, and would not adversely affect the character and appearance of the area.

The extension of a hard surfaced area would harm the character and appearance of the area. Accordingly, the proposal would be contrary to policies DM5, DM9 and DM10 of the Council’s Development Management Policies Document (DMPD) 2015 and policy CS5 of the Council’s Core Strategy (CS) 2007, which collectively and amongst other matters, requires
the protection of landscape features, compatibility with local character and relationship to existing townscape, incorporation of good design and the respecting of essential elements contributing to character and local distinctiveness including spaces between buildings.

**Reason for refusal**
The proposed scheme with its external terracing would lead to unacceptable overlooking and loss of privacy to the neighbouring occupiers contrary to Policy DM10 of the Development Management Policies 2015.

**Inspector response – refusal reason not supported**
The rear part of the rooftop addition would have a master bedroom window and a rear terrace beyond this. However, the living rooms and gardens of 7 Westland Court would be some 18-20m distant and the dwelling at 36 Dorking Road some 34m distant. The terrace would also be high level being at three storey level. Given this separation and elevation, the terrace would not result in any significant loss of privacy in relation to these properties. For the flats below, there are bedrooms and on the front of the appeal building, small balconies. For people using the rear terrace their ability to see into bedrooms of flats below would be difficult. They would have to peer down over the edge of the building turning their heads down awkwardly. In respect of the frontage flat balconies and bedrooms, the frontage terrace would be sited back significantly from the edge of buildings. Consequently, there would be no loss of privacy to flat residents using their balconies or bedrooms. Any views from the terraces and top floor unit would be oblique in relation to the neighbouring church so limiting any overlooking, even when the intervening trees have lost their leaves in winter.

In conclusion, the development would not harm the living conditions of neighbouring residents. Accordingly, the proposal would comply with policy DM10 of the DMPD, which requires consideration to be given to the amenities of occupants and neighbours.

**Other Issues arising**
The appellants tried to substitute revised plans to address the car parking and loss of privacy reasons for refusal and but the Inspector supported our protestations that this should be pursued through a planning application as third parties had not been consulted on a substantially changed scheme.

The reason for refusal relates to the need to accommodate additional car parking. This appears entirely at odds with the other recent appeal decision for 107 Dorking Road (17/00001/REF) which is almost opposite this site and which did not uphold that car parking reason for refusal ‘the appeal site is on a main road which provides bus stops nearby and it is within walking distance of the town centre. As such I consider the appeal site to be in a sustainable location, and in my view the future occupiers of the property would not be reliant upon a car to travel to and from the nearby facilities and services.’
Appeal Decision

Site: 5 Cox Lane, West Ewell, Surrey, KT19 9LR

Proposal: Proposed demolition of existing bungalow and erection of a new building containing 10 flats (2 x 3 bed, 5 x 2 bed, 1 x 1 bed & 2 x studio flats) and associated parking and landscaping

Application Number: 16/01146/FUL

Decision: Appeal dismissed

Grounds for Refusal:

1. The proposed building, due to its height, bulk, layout, scale and massing, would over-dominate the adjacent bungalow and have an unacceptable impact upon the outlook and light received by this property. The proposal would thus be contrary to policy DM10 part (ii), (iii), (iv) and (ix) of the Development Management Policies Document 2015.


3. Without an appropriate agreement to secure the provision of a commuted sum in lieu of the on-site provision of two affordable housing units, the proposal is contrary to the provisions of Policy CS9, and CS12 of the Epsom and Ewell Core Strategy (2007)

4. The proposed development, due to its layout, spatial setting in relation to its neighbours and overall quantum of development, results in a building which is too large for the site and is considered an overdevelopment of the site. The building sits too close to its boundaries and its neighbours, it covers a significant proportion of the site leaving little space to manoeuvre to the side and rear of the new building, it fails to respect adjoining rear building lines and it fails to provide a satisfactory standard of amenity space for flats 1, 2, 4, 5 contrary to policies DM9, DM10, DM12 of the Development Management Policies Document 2015 and policy CS5 of the Core Strategy 2007.
Summary of Decision:

1. The Inspector upheld grounds 1, 2 (except biodiversity) and 4 for refusal.

2. However he did not agree that the loss of a significant portion of the rear garden area would fail to provide a net benefit to the borough's biodiversity, contrary to Policy DM4. He stated that the applicant’s ecological assessment indicated that there is an opportunity to secure enhancement measures. Such measures could be secured by a planning condition and thus the proposal would comply with DMPD policy DM4.

3. With regard to the affordable housing provision (Ground 3) he stated that

“On the evidence before me in this case, the requirement for affordable housing provision for this scheme under the CS policy is outweighed by national policy. (As expressed in the Written Ministerial Statement (WMS) dated 14 November 2014). Such a conclusion is in accordance with the appeal decision at 59-63 Cox Lane in February 2017. Accordingly, a planning obligation is not necessary to make the development acceptable in planning terms”.

Conclusion: Whilst the Council submitted a statement on the exemption of small sites from development contributions (affordable housing) (dated December 2016) the statement needs to include evidence as to what impact the WMS has had on the affordable housing provision in the Borough. The statement needs to demonstrate how smaller sites will continue to be an important source of affordable housing land supply, and how they contribute to associated housing targets.
Appeal decision

Site: 34 Edenfield Gardens, Worcester Park, Surrey, KT4 7DU

Proposal: Proposed hip-to-gable roof extension and addition of full width rear dormer

Decision: Appeal allowed & planning permission granted

EEBC grounds for refusal:

1. The proposed hip-to-gable loft conversion and rear dormer, due to its incongruous bulky form and foreign materials, would adversely impact the visual amenities of the street scene and therefore fails to comply with Policy DM9 of the Development Management Policies Document 2015.

2. The proposed rear dormer, due to its excessive bulk and massing and the full width/full height glazing across the rear, would severely impact the amenities of neighbouring properties, specifically through an overbearing impact and unacceptable loss of privacy. The proposal is therefore found to fail to comply with the requirements of Policy DM10 of the Development Management Policies Document 2015.

Appeal decision:

The appeal is allowed and planning permission is granted for a loft extension including dormer to rear at 34 Edenfield Gardens, Worcester Park, Surrey, KT4 7DU in accordance with the terms of the application, Ref 17/00156/FLH, dated 1 May 2017, subject to the conditions set out in the attached Schedule.

Summary of appeal decision:

The Inspector stated that visual impact to the public realm would be limited with the development having most impact at the rear of the property. However, it was noted that, as the applicant property has already been substantially altered and extended, the work would not have a dramatic effect on the character of the dwelling. The conclusion on this point was “that whilst the proposed scheme would cause some harm to what remains of the original character and appearance of the host property at the rear, it would have a very limited and not unacceptable impact on the character and appearance of the street scene and wider area.”

With regard to loss of neighbouring amenities, the Inspector found that the existing situation of “mutual overlooking” would not be substantially altered, and that there was unlikely to be any sense of overbearing as a result of the proposed dormer. This section was closed with a statement of “no conflict with those provisions of DMPD policy DM10”.

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Conclusion of appeal decision:

The Inspector agreed with the Council that there would be some detrimental impact to the character and appearance of the original dwelling but found this was not sufficient to outweigh the points outlined above, and therefore concluded in favour of the appellants.

Conditions attached:

1. The development hereby permitted shall begin not later than three years from the date of this decision.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: The OS location plan and Drawing Nos. 34/ED/010; 34ED/011; 34ED/012; 34ED/020; 34ED/021; 34ED/022; 34ED023; 34ED/111; 34ED/112; 34ED/120; 34ED/121; 34ED/122 & 34ED/123. All the approved drawings are marked as Rev P1, dated April 2017.

3. Unless otherwise specified in the original planning application form and approved drawings, the external materials utilised shall match those of the existing building.

N.B.: The Case Officer submitted an initial 'on balance' recommendation of approval to the Head of Planning. The favourable report closely shared the views of the Inspector. On review this was overturned and the report rewritten to account for the above reasons for refusal.
Appeal Decision

Site: 21 Cullerne Close, Ewell, KT17 1XY

Proposal: Garage conversion to habitable room, extension over existing garage to form new bedroom and side extension to provide new garage

LPA Ref: 17/00165/FLH

Decision: Appeal dismissed

Grounds for Refusal:

1. By reason of its scale, massing, layout and roof form, the proposal would form an incongruous addition which would be at odds with and overwhelm the character of the host building, have a harmful impact on the visual appearance of the street scene and would fail to make a positive contribution to the quality of the built environment. The application therefore fails to comply with the requirements of Section 7 of the National Planning Policy Framework (2012), Policy CS5 of the Local Development Framework Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies (2015) and Supplementary Planning Guidance on Householder Extensions 2004

2. The proposed side extension and garage, by virtue of their resulting size, width and siting will have an adverse overbearing impact upon the outlook and amenities of neighbouring occupants at Number 22 Cullerne Close contrary to Policy CS5 of the Local Development Framework Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies (2015) and Supplementary Planning Guidance on Householder Extensions 2004.

The Inspector assessed the proposal and decided that the proposed extension would make the dwelling appear more prominent and further enclose the area in front of the existing group of houses. Nevertheless, this prominence and enclosure would not result in material harm to the character and appearance of the surrounding area.

The Inspector decided that the external appearance of the proposed extension would reflect that of the remainder of the property and the proposed extension would appear subservient to the main dwelling in some views.

The Inspector therefore decided that the proposed extension would not cause harm to the character and appearance of the existing building and the surrounding area.

However, the Inspector decided that as the proposed extension was located close to the boundary with the neighbouring property at no. 22 and No.22 only has a small rear garden, the proposal would result in a two storey extension.
comprising a blank wall at first floor level along most of the rear boundary of no. 22, which would dominate the outlook of the rear windows and garden of no.22.

Conclusion:

Design is very subjective and therefore Inspectors do not always support concerns raised by Planning Officer’s. Notwithstanding this, it is the duty of a Planning Officer to assess a proposal with regard to all its impacts and recommend the refusal of an application where it is felt by the Officer that a proposal would cause significant harm to the streetscene.
**Appeal Decision**

Site: Young Farmers Club Hut, Reigate Road, Ewell, KT17 3DH

Proposal: Demolition and replacement of former hut, with a one bedroom dwelling.

Application Number: 16/01679/FUL

Decision: Appeal dismissed

Grounds for Refusal:


Main Issues:

- whether the proposal is inappropriate development in the Green Belt and whether it would have a greater effect on the openness of the Green Belt;
- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

The Inspector stated that “new buildings are to be regarded as inappropriate development, subject to a number of express exceptions outlined in paragraph 89. One such exception is for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The appellant accepts that the proposed residential use is not the same as the extant use of the building and so this exception does not apply.

Openness is epitomised by the absence of buildings and whilst the existing building on the site has an impact in this respect, the proposed increase in volume and spread of mass and bulk across the site into areas currently absent of buildings would result in a greater impact on openness. In addition to the substantial extension proposed, the plans and supporting documents indicate that a garden area would surround the building, along with a parking area for two cars and boundary fencing. All of these matters combined lead me to conclude that the development would have a greater impact on the openness of the Green Belt.
The proposal would erode the wider openness of the Green Belt and this would be at odds with its essential characteristics, openness and permanence. In addition, the development would conflict with the defined purposes of the Green Belt, specifically to assist in safeguarding the countryside from encroachment.

Conclusion: Substantial weight is accorded to Green Belt harm in terms of inappropriate development and the impact on openness.
Appeal Decision

Site: 23 Windmill Lane, Epsom KT17 3AE
Proposal: Proposed first floor rear extension with gable roof and increase in ridge height to facilitate loft conversion with three rear dormers.

Application Number: 16/01890/FLH

Decision: Appeal dismissed

Grounds for Refusal:

1 The proposed first floor rear extension, rear dormers and raised ridge height would result in a large, bulky, gable-ended roof extension which would be out of character with the prevailing development typology of this group of three bungalows and therefore it would fail to contribute to the attractive character and local distinctiveness of the existing street scene. As a result it fails to make a positive contribution to the borough’s visual character and appearance and is contrary to policies DM9, DM10 of the Development Management Policies Document 2015 and policy CS5 of the Core Strategy 2007 and it fails to be guided by the principles of the Householder Applications - Design Guidance 2004.

2 The proposed rear roof extension and new dormer windows, by reason of their size, number and location, would introduce a significant element of overlooking to adjoining properties and would result in a loss of privacy to Nos 25 Windmill Lane and 1 Chelwood Close contrary to policy DM10 of the Development Management Policies Document 2015 and the principles of the Householder Applications - Design Guidance 2004.

3 The proposed extensions would result in a raised ridge height and large, gable-ended roof extension which, by reason of its significant height and bulk, in relation to that of the adjoining bungalow at No.25, would be unneighbourly and would have an unacceptable overbearing impact on this property contrary to policy DM10 of the Development Management Policies Document 2015.

Summary of Decision:

1. The Inspector upheld ground 1, and concluded that the proposed loft/roof conversion would harm the character and appearance of the existing building and surrounding area.

2. However he did not agree that the scheme would have a harmful impact on living conditions (Grounds 2 and 3), and stated
that “the overlooking of this property is of a form that is not unusual in residential areas. Consequently, that overlooking would not have a material effect on the living conditions of occupiers of that neighbouring property.”

and furthermore “the proposed increase in height of the rear elevation, along with gable ended roof, would be visible from that neighbouring property. However, in the context of the relationship with the living conditions of those neighbouring occupiers, the increase in height is not excessive and the set back is small. As a result, it would not materially affect the outlook of the neighbouring property”.
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.

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).

- Cedar Lodge, Headley Road, Epsom KT18 6BH – 17/00441/FUL
- Epsom House, 10 East Street, Epsom KT17 1HH - 17/00385/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:

- If the whole of the site cannot be seen from the road
- 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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