

PLANNING COMMITTEE

Thursday 6 September 2018 at 7.30 pm

Council Chamber - Epsom Town Hall

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

Councillor Humphrey Reynolds (Chairman)
Councillor David Reeve (Vice-Chairman)
Councillor Michael Arthur MBE
Councillor John Beckett
Councillor Lucie Dallen
Councillor Jan Mason

Councillor Tina Mountain
Councillor Peter O'Donovan
Councillor Martin Olney
Councillor Vince Romagnuolo
Councillor Clive Smitheram
Councillor Tella Wormington

Yours sincerely



Chief Executive

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

AGENDA

1. DECLARATIONS OF INTEREST

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

2. MINUTES OF THE PREVIOUS MEETING (Pages 3 - 14)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 19 July 2018 (attached) and authorise the Chairman to sign them.

3. VARIATION OF CONDITION 2 (PLANS) OF 17/00429/FUL (CONSTRUCTION OF 88 RESIDENTIAL DWELLINGS WITH ASSOCIATED ACCESS, OPEN SPACE, CAR PARKING, LANDSCAPING AND OTHER WORKS) TO AMEND PLOT 36 TO A 4 BED 8 PERSON DWELLING AND AMEND BOUNDARIES TO PLOTS 36, 37 AND 38 (Pages 15 - 26)

This application seeks amendments to the exant scheme comprising internal layout amendments to a dwelling and the reconfiguration of three plots.

4. VARIATION OF CONDITION 16 (REMEDIATION SCHEME) OF PLANNING PERMISSION 15/01497/FUL TO PERMIT THE VERIFICATION REPORT TO BE COMPLETED PRE-OCCUPATION RATHER THAN PRE-COMMENCEMENT (Pages 27 - 42)

This application seeks the variation of Condition 16 (Remediation Scheme) of the exant planning permission 15/01497/FUL to allow the verification report pertaining to contaminated land to be carried out post construction and pre-occupation rather than pre-commencement.

5. NON-DETERMINATION PLANNING APPEAL 91 CHESSINGTON ROAD (Pages 43 - 66)

This report is a result of an appeal that has been submitted against non-determination of planning application ref: 17/00976/FUL. In order to express the Council's views to the Planning Inspectorate, Members are asked for their recommendation.

6. MONTHLY REPORT ON PLANNING APPEAL DECISIONS: JULY - AUGUST 2018 (Pages 67 - 70)

This report provides Members with an update on recently decided appeals and identifies any notable decisions.

Minutes of the Meeting of the PLANNING COMMITTEE held on 19 July 2018

PRESENT -

Councillor Humphrey Reynolds (Chairman); Councillor David Reeve (Vice-Chairman); Councillors Michael Arthur MBE, Tony Axelrod (as nominated substitute for Councillor Clive Smitheram), Lucie Dallen, Graham Dudley (as nominated substitute Councillor David Wood for this meeting agreed prior to his death), Rob Geleit (as nominated substitute for Councillor Vince Romagnuolo), Jan Mason, Tina Mountain, Martin Olney, Jean Steer MBE (as nominated substitute for Councillor Peter O'Donovan) and Tella Wormington

Absent: Councillor John Beckett, Councillor Peter O'Donovan, Councillor Vince Romagnuolo and Councillor Clive Smitheram

Officers present: Damian Roberts (Chief Operating Officer), Ruth Ormella (Head of Planning), Martin Holley (Planning Development Manager), John Robinson (Planning Officer), Danny Surowiak (Principal Solicitor) and Sandra Dessent (Democratic Services Officer)

4 DECLARATIONS OF INTEREST

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

5 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting of the Planning Committee held on 14 June 2018 were agreed as a true record and signed by the Chairman.

6 BRADFORD HOUSE 39A EAST STREET EPSOM SURREY KT17 1BL

Description

Demolition of existing office building (Use Class B1a) at Bradford House and erection of a mixed-use six storey (plus basement) building comprising 221.5sqm of office floorspace at ground floor level and a student halls of residence (Use Class Sui Generis) containing 99 student bedrooms. Associated landscaping and basement level parking and cycle parking. (Description amended and revised scheme drawings and associated documents received on 04.07.2018)

Decision

Planning permission is **PERMITTED** subject to the following:

Part A

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

- **A Travel Plan and Monitoring fee**

The Committee authorise the Head of Planning to grant planning permission subject to the conditions detailed below:

Part B

In the event that the section 106 Agreement referred to in Part A is not completed by 28 September 2018 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 Policy DM37 (Sustainable Transport for New Development) in relation to the promotion of sustainable travel patterns.

Conditions:

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

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2005

- (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.

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

- (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 and the planting of three trees in front of the building, 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) A report is to be submitted to the Local Planning Authority, within 6 months of the commencement of any use of any part of the building, to demonstrate that the renewable technologies (as detailed in the submitted Sustainability Statement) hereby approved have been fully implemented and are functioning.**

Reason: In order to promote sustainable construction in accordance with Policy CS6 of the Core Strategy 2007.

- (5) The student accommodation 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) Prior to the first occupation of the student accommodation, a plan for the management of student arrivals and departures at the start and end of term shall be submitted and approved in writing by the Local Planning Authority. This plan shall confirm that on weekdays and weekends, no students shall be permitted to load and unload from the four, designated, parking bays on-site without the prior arrangement of the site management. This plan shall also confirm that at weekends, no students shall be permitted to load and unload from the four designated parking bays without the prior arrangement of the site management. There is to be no parking outside of these designated bays for student loading/unloading.**

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users as required by policy CS16 of the Core Strategy 2007

- (7) Details of a waste management plan, incorporating provision for refuse storage and recycling facilities on the site, shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The refuse storage and recycling facilities shall be provided prior to the first occupation. The development shall be carried out strictly in accordance with the**

details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority .

Reason: In order that the development should take into account the need to minimise the dispersal of waste and facilitates the collection of recyclable waste in accordance with the provisions of Policy CS6 of the Epsom and Ewell Adopted Core Strategy 2007.

- (8) 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 control significant harm from land contamination to human beings, controlled waters, buildings and or/ecosystems as required by Policy DM7 of the Development Management Policies 2015.

- (9) The upper floors of Bradford House (and the ground floor area shown as student accommodation on Drawing No BH307-1/031/J) shall be used for student accommodation only and for no other purpose (including any other purpose within Use Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason: To ensure a satisfactory form of use of the premises as required by Policy DM10 of the Development Management Policies 2015.

- (10) Notwithstanding the available permitted development rights under Class N of the GPDO 2013, the ground floor at Bradford House (denoted as “Commercial Area” on Drawing No BH307-1/031/J) shall

be used for B1 (Office Use) only and for no other purpose (including any other purpose within Use Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason: To ensure a satisfactory form of use of the premises as required by Policy DM25 of the Development Management Policies Document 2015.

- (11) The development hereby approved shall not be first occupied unless and until the proposed vehicular / pedestrian / cycle / modified access to East Street has been constructed in accordance with the approved plans.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users as required by policy CS16 of the Core Strategy 2007

- (12) The development hereby approved shall not be first commenced until the proposed ramped vehicular access to the basement level from East Street has submitted a scheme detailing the location and operation of the access control mechanism to be submitted to and approved in writing by the Local Planning Authority and thereafter the access control with approved access visibility zones and access ramp shall be kept permanently clear of any obstruction.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users as required by policy CS16 of the Core Strategy 2007

- (13) The development hereby approved shall not be first occupied unless and until the existing accesses from the site to East Street as shown on the drawings have been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users as required by policy CS16 of the Core Strategy 2007

- (14) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in for a maximum of 7 cars and 1 disabled space and a minimum of 52 bicycles to be parked securely in accordance with the approved plans for vehicles / cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking / turning areas 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 as required by policy CS16 of the Core Strategy 2007

- (15) 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, will not occur between the hours of 0730-0900 and 1630-1800.

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

(h) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused - see condition one.

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 as required by policy CS16 of the Core Strategy 2007

- (16) The development hereby approved shall not be first occupied until the following facilities have been provided in accordance with the approved plans and approved in writing by the Local Planning Authority for:**

(a) The secure parking of bicycles within the development site,

(b) Facilities within the development site for cyclist to change into and out of cyclist equipment / shower,

(c) Facilities within the development site for cyclists to store cyclist equipment,

(d) Installation of a fast charge point, for electric vehicle charging

and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order to promote sustainable development in accordance with Policy CS6 of the Core Strategy 2007.

- (17) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

a) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+40%) allowance for climate change storm events, during all stages of the development (Pre, Post and during), associated discharge rates and storages volumes shall be provided using a maximum discharge rate of 1in1yr 2.6 litres/sec, 1 in 30yr 3.5 litres/sec and 1 in 100 year 4litres/sec utilising a blue roof system (as per the SuDS pro-forma or otherwise as agreed by the LPA).

b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).

c) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

d) Details of drainage management responsibilities and maintenance regimes for the drainage system.

e) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

- (18) 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. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

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

011/D Proposed Site OS and Site Block Plan

012/F Site Landscape Context Plan

031/J Basement and Ground Floor GA

032/F First and Second Floor GA

033/F Third and Fourth Floor GA

034/F Fifth Floor and Roof GA

086/C Proposed North View

085/C Proposed North West Bird's Eye View

084/C Proposed View Along East Street to New Building

083/C Proposed South East View from West Street

082/C Proposed South West View from East Street

081/C Proposed North East Bird's Eye View

072/E Rendered Elevations Proposed

071/E Proposed Elevations

051/F Proposed Section AA

052/F Proposed Section BB

053/F Proposed Section CC and DD

073/A Existing and Proposed Street Scene

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).

- (20) Prior to the commencement of the development, a drawing showing the proposed site levels of the application site and the finished floor levels of the proposed dwellings 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: Submission of a scheme prior to commencement will ensure that the development accords with the Development Management Policies Document 2015 Policy DM10. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

- (21)** The occupancy of the accommodation hereby permitted shall be limited to full time university/college students who are enrolled on an educational course within Epsom.

Reason: The development is designed for a type of accommodation that is considered to be sui generis and would not be satisfactory for other residential uses.

- (22)** All Demolition and or building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

- (23)** Student Management;

Before the development commences, a Student Management Plan 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. The Plan shall include the following:

- a) Details of how the student accommodation will operate.
- b) Measures that will be taken to reduce the incidences of anti-social behaviour.
- c) Measures that will be taken to reprimand students who behave in an antisocial way.
- d) Arrangements for the management of traffic/parking at the beginning and end of term.
- e) Daily arrangements to control access and egress of pedestrians, cyclists and vehicular traffic or measures to generally regulate the use of vehicles.
- f) Details of CCTV monitoring arrangements within the site (including monitoring of site entrances).

- g) **Details of wardening/security presence.**
- h) **Arrangements for the creation of a 24 hour contact telephone number so that residents can contact the halls of residence if they have any matters they wish to be brought to the university's attention.**
- i) **Increased signage in the locality - requesting that users of the street do not disrupt the peace of the neighbourhood.**
- j) **Details of what measures will be put in place to discourage those students, who may own a car, from parking on surrounding roads.**

Reason: To safeguard the amenities of the adjoining residential occupiers in accordance with Policy DM10 (Design Requirements for New Developments) of the LDF Development Management Policies Document (October 2015).

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.**
- (24) **The water efficiency standard required under condition 12 has been adopted by the local planning authority through the Development Management Policies 2015. This standard is the 'optional requirement' detailed in Building Regulations 2010, Part G Approved Document (AD) Buildings Regulations (2015), at Appendix A paragraph A1.**

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

using the 'fittings approach' where water fittings are installed as per the table at 2.1 in the AD or

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

- (25) **If you need any advice regarding Building Regulations please do not hesitate to contact Epsom & Ewell Borough Council Building Control on 01372 732000 or contactus@epsom-ewell.gov.uk.**

The Committee noted a verbal representation from the applicant's agent. 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.

7 REPORT ON RECENT PLANNING APPEAL DECISION

The Committee received a report with an update on recently decided appeals.

The outcomes of the following three appeals were noted:

- 8 Heathcote Road, Epsom KT18 5DX
- 12 Redwood Drive, Epsom KT19 8FL
- 23 Victory House, West Street, Epsom KT18 7RL

The meeting began at 7.30 pm and ended at 8.30 pm

COUNCILLOR HUMPHREY REYNOLDS (CHAIRMAN)

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Variation of Condition 2 (plans) of 17/00429/FUL (Construction of 88 residential dwellings with associated access, open space, car parking, landscaping and other works) to amend plot 36 to a 4 bed 8 person dwelling and amend boundaries to plots 36, 37 and 38

Ward:	Nonsuch Ward; New Development On NESCOT Agricultural Land Reigate Road Ewell Surrey
Contact:	John Robinson Planning Officer

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=PCU9P SGYKM600>

2 Summary

- 2.1 This application seeks amendments to the extant scheme comprising internal layout amendments to a dwelling and the reconfiguration of three plots.
- 2.2 The proposal would comply with residential policies contained in the Development Management Policies Document 2015.
- 2.3 **The application is therefore recommended for APPROVAL, subject to the variation of the extant S106 agreement and conditions**

3 Site description

- 3.1 The application site comprises a broadly rectangular site totalling 1.55 hectares forming the north-western corner of the previous Nescot animal husbandry site. The site is bounded immediately to the north by the Ewell Bypass (A24), and to the west by Reigate Road (A240). To the south is Roman Way and to the east is Collingridge Way which form part of the residential development permitted under 15/00098/FUL for the erection of 91 x 3, 4 and 5 bedroom houses that are currently part occupied and part under construction.

- 3.2 Planning permission (17/00429/FUL) for the construction of 88 residential dwellings with associated access, open space, car parking, landscaping and other works (as amended) was granted on 8 November 2017
- 3.3 The current dwelling mix comprises 7 x two bed 4 person (p) houses, 4 x three bed 5p houses, 19 x three bed 6p houses, 18 x one bed 2p apartments, 4 x two bed 3p apartments and 36 x two bed 4p apartments.

4 Proposal

- 4.1 This application seeks the variation of Variation of Condition 2 (Approved drawings) of the extant planning permission 17/00429/FUL in order to amend Plot 36 to a four bed 8 person dwelling and to amend the boundaries to Plots 36, 37 and 38
- 4.2 The applicant has sought to justify the variation of the condition by stating that the approved application anticipated an electrical substation behind Plot 38 which is no longer necessary. To incorporate the space the substation previously occupied into the scheme, Plot 36 has been redesigned to an 8 person dwelling and the boundaries of Plots 36, 37 and 38 have been adjusted accordingly.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 59 neighbouring properties, a site and press notice. As at the date of publication of the Agenda (28 August 2018) no letters of objection have been received. The 21-day consultation period ends on 31 August 2018 and an update on this will be provided ahead of the committee meeting.

6 Consultations

- 6.1 Highways: No objection

7 Relevant planning history

Application number	Decision date	Application detail	Decision
17/00429/FUL	08.11.2017	Construction of 88 residential dwellings with associated access, open space, car parking, landscaping and other works (as amended)	GRANTED
17/01407/COND	04.05.2018	Details pursuant to 17/00429/FUL (Construction of 88 residential dwellings with associated access, open space, car parking,	DISCHARGED

Application number	Decision date	Application detail	Decision
		landscaping and other works (as amended) to discharge condition 3(materials), 10 (travel plan), 20 (bin and cycle store details)	
17/01408/COND	14.02.2018	Details pursuant to 17/00429/FUL (Construction of 88 residential dwellings with associated access, open space, car parking, landscaping and other works (as amended) to discharge condition 9 (construction transport management) and 16 (surface water drainage)	DISCHARGED
17/01409/COND	20.03.2018	Details pursuant to 17/00429/FUL (Construction of 88 residential dwellings with associated access, open space, car parking, landscaping and other works (as amended) to discharge condition 12 (contamination) and 15 (piling details)	DISCHARGED
18/00066/REM	19.07.2018	Variation of Condition 2 (plans) of 17/00429/FUL (Construction of 88 residential dwellings with associated access, open space, car parking, landscaping and other works) to amend plot 36 to a 4 bed 8 person dwelling and amend boundaries to plots 36, 37 and 38	REFUSED

8 Planning Policy

National Policy Planning Framework (NPPF) 2018

Chapter 5: Delivering a sufficient supply of homes
Chapter 11 Making effective use of Land
Chapter 12 Achieving well-designed places

Core Strategy 2007

Policy CS1 Creating Sustainable Communities
Policy CS5 The Built Environment
Policy CS7 Housing Provision
Policy CS9 Affordable Housing

Policy CS12 Developer Contributions to Community Infrastructure
Policy CS16 Managing Transport and Travel

Development Management Policies Document 2015

Policy DM9 Townscape Character and Local Distinctiveness
Policy DM10 Design Requirements for New Developments
Policy DM12 Housing Standards
Policy DM 37 Parking Standards

Supplementary Planning Document Parking Standards for Residential Development 2015

9 Planning considerations

Visual Impact

9.1 The removal of the substation would result in the width of Plot No 36 being increased by approximately 4m, whilst the widths of Plots 37 and 38 would be marginally increased. The proposed amendments to the plot boundaries and the conversion of the welling on Plot 36 to an 8 person occupancy (and concomitant increase in the size of the dwelling would not materially affect the appearance or character of the overall development.

9.2 It would therefore comply with Policy DM9 and DM10

Residential Amenity

9.3 The proposed scheme would not give rise to any planning objections with regard to impact on residential amenity. It is accordingly concluded that the proposed development would comply with Policy DM10

Amenity space/ Internal space

9.4 The amended dwelling would have a minimum 10m rear garden depth and an area of 70m² in compliance with Policy DM12.

9.5 The dwelling would have a GIA of 184m² which would be in excess of the DCLG Technical housing standards – nationally prescribed space standard for a 4 bed 8p house (124m²) as referred to under Policy DM12.

Parking

9.6 The proposed dwelling would comply with the Council's Parking Standards for Residential Development - 2015 for a 4 bedroom house, with an indicated provision of 3 car parking spaces.

Section 106 Agreement

9.7 The applicant has previously signed a Section 106 Agreement in relation to the extant permission 17/00429/FUL.

- 9.8 A variation to the above agreement has been agreed to reflect the proposed variation in conditions.

Community Infrastructure Levy

- 9.9 The scheme would be CIL liable

10 Conclusion

- 10.1 In accordance with the statutory requirements, officers conclude that the amendments sought are individually and cumulatively acceptable, and would not result in the development being substantially different from the one which has been approved.

11 Recommendation

Part A

- 11.1 Subject to the variation of the extant legal agreement (only in respect of the approved drawings) being completed and signed, the Committee authorise the Head of Planning to grant planning permission subject to the conditions detailed below

Part B

- 11.2 In the event that the section 106 Agreement referred to in Part A is not completed by 1 November 2018, the Head of Planning be authorised to refuse the application for the following reason:
- 11.3 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 Policy CS5 of the Core strategy 2007

Condition(s):

- (1) **The development hereby permitted shall be commenced within 3 years from the 8 November 2017, the date of the originally approved application 17/00429/FUL that is subject to this application to variation.**

Reason: In order to comply with Section 91 of the Town and Country Planning Act, 1990. (As amended)

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

100 Rev V, 120 Rev H, 121 Rev G, 122 Rev H, 124 Rev A, 140 Rev A, 109 Rev G, 110 Rev G, 112 Rev H, 113 Rev G, 114 Rev F, 115 Rev E, 116 Rev H, HILL21195-11D, 126 Rev A

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 shall only be carried out in accordance with the external materials approved under application 17/01407/COND dated 4/05/2018.

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

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

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

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

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

- (6) The development hereby approved shall not be first occupied unless and until both the proposed vehicular / pedestrian accesses to Roman Way and 15m metres of the new access roads have been constructed and provided, with the access provided with visibility zones in accordance with the approved plans and thereafter the

access visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

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.

- (7) The Units 20, 21, 34, 35, 36, 37, and 38 shown on Drawing No 100 Rev V hereby approved shall not be first occupied unless and until the proposed dropped crossings to Roman Way have 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 Policy DM35 of the Development Management Policies 2015.

- (8) No units hereby approved shall be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking / turning areas shall be retained and maintained for their designated purposes.

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.

- (9) The development shall only be carried out in accordance with the Construction Transport Management Plan, approved under application 17/01408/COND dated 14/02/2018.

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 development shall only be carried out in accordance with the Travel Plan, approved under application 17/01407/COND dated 04/05/2018.

- (11) The residential unit 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.

- (12) The development shall only be carried out in accordance with the February 2018 ground investigation report approved under application 17/01409/COND dated 20/03/2018.

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) 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, verified and reported to the satisfaction of the Local Planning Authority.

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

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

Reason: 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.

- (15) The development shall only be carried out in accordance with the Piling and foundation details approved under application 17/01409/COND dated 20/03/2018

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

- (16) The development shall only be carried out in accordance with the surface water drainage scheme details approved under application 17/01408/COND dated 14/12/2018

Reason: To prevent an increased risk of flooding and to prevent pollution of the water environment in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (17) 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 the Sustainable Drainage System is designed to the technical standards in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (18) No above ground works in connection with the development hereby approved shall take place until a scheme for protecting the proposed dwelling(s) from noise from traffic on the adjacent road(s) has been submitted to and approved in writing by the local planning authority. The scheme shall specifically demonstrate the resulting internal noise levels in the living rooms and bedrooms of the proposed development are within the BS8233:2014 indoor ambient noise guidelines using a range of representative properties. The

development shall be carried out in accordance with the approved details before any permitted dwelling is occupied unless an alternative period is first agreed in writing by the local planning authority

Reason: To ensure the occupiers of the development are not unduly affected by noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015.

- (19) No above ground works in connection with the development hereby approved shall take place until a scheme to enhance the biodiversity interest of the site has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with a timetable to be agreed in writing by the local planning authority and thereafter maintained.**

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

- (20) The development shall only be carried out in accordance with the bin and cycle store details approved under application 17/01407/COND dated 04/05/2018**

Reason: In the interests of residential and visual amenity in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 and DM12 of the Development Management Policies 2015.

- (21) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown on Drawing Number HILL21195-03B (Tree Protection Plan) and as set out in the Arboricultural Method Statement ref HILL21195aia-amsB have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.**

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.

- (22) The development shall not be occupied until full details of hard landscape works have been submitted and approved in writing by the local planning authority and the agreed works carried out as approved and thereafter maintained. These details shall include means of enclosure, car park surfaces, the children's play area including play equipment, details of vehicle and pedestrian access and circulation areas.**

Reason: To ensure the provision, establishment and maintenance of an appropriate hard landscaping 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.

- (23) The development shall not be occupied until details of all external lighting to be installed is submitted to and approved in writing by the local planning authority and the agreed works carried out as approved and thereafter maintained.

Reason: In order to safeguard the amenities of the occupiers of the development and visual amenity in accordance with Policy CS5 of the Core Strategy (2007) and Policies DSM9 and DM10 of the Developments Management Policies 2015.

Informative(s):

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 38 of the National Planning Policy Framework 2018
- (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) The road layout shown on the application drawings does not conform with Surrey Design and is not eligible for adoption.
- (4) When access is required to be 'completed' before any other operations, the Highway Authority may agree that surface course material and in some cases edge restraint may be deferred until construction of the development is complete, provided all reasonable care is taken to protect public safety.
- (5) 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.
www.surreycc.gov.uk/roads-and-transport/road-permits-andlicences/vehiclecrossovers-or-dropped-kerbs
- (6) 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.

- (7) 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.
- (8) The developer is advised that a standard fee may be charged for input to, and future monitoring of, any Travel Plan.
- (9) The water efficiency standard required under condition 11 has been adopted by the local planning authority through the Development Management Policies 2015. This standard is the 'optional requirement' detailed in Building Regulations 2010, Part G Approved Document (AD Buildings Regulations (2015), at Appendix A paragraph A1.

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

- (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.
- (10) 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.epson-well.gov.uk/residents/planning/planningadvice/communityinfrastructure-levy-cil-guidancelevy-cil-guidance>
- (11) 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.

Variation of Condition 16 (Remediation Scheme) of planning permission 15/01497/FUL to permit the verification report to be completed pre-occupation rather than pre-commencement.

Ward:	Court Ward; Hollymoor Lane Development Site Hollymoor Lane Epsom Surrey
Contact:	John Robinson Planning Officer

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=PCSABMGY08I00>

2 Summary

- 2.1 This application seeks the variation of Condition 16 (Remediation Scheme) of the extant planning permission 15/01497/FUL to allow the verification report pertaining to contaminated land to be carried out post-construction and pre-occupation, rather than pre-commencement.
- 2.2 The variation of the condition would not result in the development posing unacceptable risks to workers, neighbours and other offsite receptors, contrary to Policy DM17 of Development Management Policies Document 2015.
- 2.3 **The application is therefore recommended for APPROVAL subject to conditions**

3 Site description

- 3.1 The application site (0.49 hectares) sits on the corner of Hollymoor Lane and Sefton Road and formerly comprised partly open land and a number of semi-derelict shops with empty flats. At the south of the site, there was a slightly raised grassed area which previously contained a public house. The application site is situated to the west of Dorset Square and is within a mainly residential area. To the south of the site is the Longmead Centre. There is currently an open area to the rear of the existing building that is used for unauthorised parking by nearby residents.

- 3.2 Planning permission (15/01497/FUL) for the demolition of all existing structures and the erection of new buildings providing 1x 2 bed flat – wheelchair accessible, 20 x 2 bed flats, 3 x 3 bed houses, 4 x 4 bed houses, 2 x 5 bed houses and a replacement retail convenience store (Class A1), was granted on 17 March 2016.
- 3.3 The scheme is currently at an advanced stage of construction, and nearing completion.

4 Proposal

- 4.1 The application seeks the variation of Condition 16 (Remediation Scheme). The original condition was worded as follows:

(16) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared by suitably qualified and accredited persons, and shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that, after remediation, as a minimum, the site should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be prepared by suitably qualified and accredited persons and submitted to the local planning authority for written approval.

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

- 4.2 The proposed amended wording is set out below (changes highlighted in red text):
- (16) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and**

historical environment must be prepared by suitably qualified and accredited persons, and shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that, after remediation, as a minimum, the site should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990. The approved remediation scheme must be carried out in accordance with its terms prior to the **commencement occupation** of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be prepared by suitably qualified and accredited persons **and prior to the occupation of development** 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.

- 4.3 The applicants submit that the wording used in the original approved application (15/01497/FUL) described the condition as a pre-commencement condition. However, they state that the information required to discharge it can only be provided at the end of the construction period as it refers to the chemical certification/ analysis of the final top soil dressing provided in the new gardens and green areas.
- 4.4 They propose that once the development has been completed they would then complete the soil remediation and landscaping works and present one verification report to the Contaminated Land Officer covering soil remediation approval. Once the verification report has been approved, the condition could be discharged.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 24 neighbouring properties. As at the date of publication of the Agenda (28 August 2018) no letters of objection have been received. The 21-day consultation period ends on 31 August 2018 and an update on this will be provided ahead of the committee meeting.

6 Consultations

6.1 Contaminated Land Officer: No objection

7 Relevant planning history

Application number	Decision date	Application detail	Decision
15/01497/FUL	17.03.2016	Demolition of all existing structures and erection of new buildings providing 1x2 bed flats, 20x2 bed flats, 3x3 bed houses, 4x4 bed houses, 2x5 bed houses and replacement retail convenience store (Class A1).	GRANTED
16/01224/COND	13.06.2018	Details pursuant to 15/01497/FUL (Demolition of all existing structures and erection of new buildings providing 1x2-bed WHC flat, 20x2-bed flats, 3x3-bed houses, 4x4-bed houses, 2x5-bed houses and replacement retail convenience store (class A1)) to discharge Condition 15 (ground contamination investigation) ,18 (site survey of ground conditions), 19 (verification report) and 20 (monitoring and maintenance) (Description amended 07.06.2018).	DISCHARGED
16/01282/COND	17.01.2017	Details pursuant to 15/01497/FUL (Demolition of all existing structures and erection of new buildings providing 1x2 bed flats, 20x2 bed flats, 3x3 bed houses, 4x4 bed houses, 2x5 bed houses and replacement retail convenience store (Class A1). to discharge conditions 12 (construction management scheme) and 13 (highway safety measures)	DISCHARGED

Application number	Decision date	Application detail	Decision
16/01339/COND	30.01.2017	Details pursuant to 15/01497/FUL (Demolition of all existing structures and erection of new buildings providing 1x2-bed WHC flat, 20x2-bed flats, 3x3-bed houses, 4x4-bed houses, 2x5-bed houses and replacement retail convenience store (class A1) to discharge condition 28 Travel Plan)	DISCHARGED
16/01346/MMA	05.04.2017	Minor Material Amendment to 15/01497/FUL (Demolition of all existing structures and erection of new buildings providing 1x2-bed WHC flat, 20x2-bed flats, 3x3-bed houses, 4x4-bed houses, 2x5-bed houses and replacement retail convenience store (class A1) to remove easement way between 3 and 4 bed dwellings, other minor layout changes and various minor fenestration, roofing and elevation amendments	GRANTED
16/01364/COND	22.02.2017	Details pursuant to 15/01497/FUL (Demolition of all existing structures and erection of new buildings providing 1x2-bed WHC flat, 20x2-bed flats, 3x3-bed houses, 4x4-bed houses, 2x5-bed houses and replacement retail convenience store (class A1) to discharge conditions 23 (highway details) and 25 (drainage details)	
16/01642/COND	05.04.2017	Details pursuant to 15/01497/FUL (Demolition of all existing structures and erection of new buildings providing 1x2 bed flats, 20x2 bed flats, 3x3 bed houses, 4x4 bed houses, 2x5 bed houses and replacement retail convenience store (Class A1)) .to discharge Condition 5 (Materials)	DISCHARGED

8 Planning Policy

National Policy Planning Framework (NPPF) 2018

Chapter 15: Conserving and enhancing the natural environment

Core Strategy 2007

Policy CS6 Sustainability in New Developments

Development Management Policies Document November 2015

Policy DM17 Contaminated Land

9 Planning considerations

Impact on Amenity

- 9.1 The E&E Contaminated Land Officer has stated no objection to the proposed variation of condition and it is therefore considered that the proposed variation would not result in the development posing an unacceptable risk to workers, neighbours or any other offsite receptors.
- 9.2 The variation in condition will allow the development to progress and is considered to be acceptable.

10 Conclusion

- 10.1 In accordance with the statutory requirements, officers conclude that the variation sought is acceptable, and would not result in the development being substantially different from the one which has been approved.

11 Recommendation

- 11.1 It is recommended that planning permission be granted subject to the to the conditions detailed below

Condition(s):

- (1) **The development hereby permitted shall be commenced within 3 years from the 17 March 2016, the date of the originally approved application 15/01497/FUL that is subject to this application to variation.**

Reason: In order to comply with Section 91 of the Town and Country Planning Act, 1990. (As amended)

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

12472-SPR-XX-AR-05-03-3_2, 12472-SPR-XX-AR-15-01-3_6, 12472-SPR-XX-AR-15-02-3_6, 12472-SPR-XX-AR-15-03-3_6, 12472-SPR-XX-AR-15-04-3_6, 12472-SPR-ZA-AR-20-01-3_4, 12472-SPR-XX-AR-20-02-3_4, 12472-SPR-XX-AR-20-03-3_4, 12472-SPR-ZA-AR-30-01-3_8,

12472-SPR-ZB-AR-30-02-3_8, 12472-SPR-ZC-AR-30-03-3_7, 12472-SPR-ZA-AR-40-05-3_3, 12472-SPR-ZA-AR-48-07-3_1, 12472-SPR-ZA-AR-48-12-3_2, 12472-SPR-L-90-01-3-2, 12472-SPR-L-90-02-3-2, 12472-SPR-L-90-03-3-2, 12472-SPR-L-90-04-3-2, 12472-SPR-L-90-05-3-2, 12472-SPR-L-90-06-3-2, 12472-SPR-L-90-07-3-2, 12472-SPR-L-90-08-3-2, 12472-SPR-L-90-09-3-2, 12472-SPR-L-90-11-3-2, 12472-SPR-L-90-12-3-2, 12472-SPR-L-95-03-3-2, 12472-SPR-L-90-01-5_3, 12472-SPR-L-90-03-4-5, 2015_06_04 - Daylight and Sunlight report, 12472_DASStatement_20150717_low.pdf, 12472_PS_00-1_1 Planning Statement_20150528.pdf, 22205-col_Services Survey.pdf, Affordable Housing Statement, DS-MER00977-15-120 Rev B, FRA-MER00977-15-39 Rev B, GEA-MER00977-15-100 Part1, GEA-MER00977-15-100 Part2, GEA-MER00977-15-100 Part3, Hollymoor Lane Energy Report R02-Afi.pdf, Hollymoor Lane Waste Minimisation statement, MER00977-002-001_topo survey, MER00977-003-001_Drainage_Water, MER00977-301-001 Rev A Drainage Strategy, Daytime Bat Survey, RT-MME-118791-01 prelim ecological assessment, Bat Emergence survey RT-MME-119363, RT-MME-118791-03, TS-19265 - Full, UHL-EMS-POL-0004 Waste Management Policy Iss05.pdf.

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

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

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

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

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

- (5) The development shall only be carried out in accordance with the external materials approved under application 16/01642/COND dated 5/04/2017.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with

Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

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

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

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

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

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

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

- (9) **The retail premises hereby approved as part of the development shall be used for Class A1 and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), (or in any**

provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

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

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

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

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

- (12) The development shall only be carried out in accordance with the Construction Transport Management Plan approved under application 16/01282/COND dated 17/01/2017.

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

- (13) The development shall only be carried out in accordance with the scheme for the bulk movement of earthworks and/or materials to and from the development site approved under application 16/01282/COND dated 17/01/2017.

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

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

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

- (15) The development shall only be carried out in accordance with the ground contamination investigation and risk assessment approved under application 16/01224/COND dated 13/06/2018.

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

- (16) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared by suitably qualified and accredited persons, and shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that, after remediation, as a minimum, the site should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990. The approved remediation scheme must be carried out in accordance with its terms prior to the **occupation** of the development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be prepared by suitably qualified and accredited persons **and prior to the**

occupation of development submitted to the local planning authority for written approval.

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

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

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

- (18) The development shall only be carried out in accordance with the site survey (filled ground or gas) approved under application 16/01224/COND dated 13/06/2018.

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

- (19) The development shall only be carried out in accordance with the approved schemes prepared under condition 18 and approved under application 16/01224/COND dated 13/06/2018.

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

receptors, in accordance with Policy DM17 of the Development Management Policies 2015.

- (20) The development shall only be carried out in accordance with the monitoring and maintenance scheme approved under application 16/01224/COND dated 13/06/2018.

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

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

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

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

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

- (23) The development shall only be carried out in accordance with the details regarding the delivery vehicle layby, relocation of the existing bus stop including shelter, the relocation/provision of street lighting and the provision of new footway works approved under application 16/01364/COND dated 22/07/2017.

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

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

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

- (25) The development shall only be carried out in accordance with the SuDS details approved under application 16/01364/COND dated 22/07/2017.
- (26) Prior to occupation, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Drainage System has been constructed in accordance with the agreed scheme.

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

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

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

- (28) The Travel Plan shall be implemented at the first occupation of the development in accordance with the details approved under application 16/01339/COND dated 30/01/2017.

Informative(s):

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 38 of the National Planning Policy Framework 2018
- (2) This form of development is considered liable for the Community Infrastructure Levy (CIL). CIL is a non-negotiable charge on new developments which involve the creation of 100 square metres or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100 square metres. The levy is a standardised, non-negotiable charge expressed as pounds per

square metre, and are charged on the net additional floorspace generated by a development. You will receive more information regarding the CIL in due course. More information and the charging schedule are available online <http://www.epsomewell.gov.uk/NR/exeres/74864EB7-F2ED-4928-AF5A-72188CBA0E14,frameless.htm?NRMODE=Published>

- (3) If you need any advice regarding Building Regulations please do not hesitate to contact Epsom & Ewell Borough Council Building Control on 01372 732000 or contactus@epsom-ewell.gov.uk
- (4) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
- (5) The water efficiency standard required under condition 3 has been adopted by the local planning authority through the Development Management Policies 2015. This standard is the 'optional requirement' detailed in Building Regulations 2010, Part G Approved Document (AD) Buildings Regulations (2015), at Appendix A paragraph A1. The applicant is advised that this standard can be achieved through either:
 - using the 'fittings approach' where water fittings are installed as per the table at 2.1 in the AD or
 - using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
- (6) For the avoidance of doubt, the term 'affordable housing' means subsidised housing at below market prices or rents intended for those households who cannot afford housing at market rates. It is usually managed by a registered social landlord.
- (7) No burning of materials obtained by site clearance shall be carried out on the application site.
- (8) The applicant is advised to contact Epsom and Ewell Borough Council at an early stage to discuss naming and numbering of the development on 01372 732000. For further information see <http://www.epsom-ewell.gov.uk/NR/exeres/C41A118E-B550-4CEF-9FA4-5C2BE9869E,frameless.htm?NRMODE=Published>
- (9) The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and potentially a section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a

permit and an application will need to be submitted to the County Council's Street Works Team up to three months in advance of the intended start date depending on the scale of the works proposed and the classification of the road. Please see:

www.surreycc.gov.uk/roads-andtransport/road-permits-and-licences/the-traffic-management-permit-scheme

The applicant is also advised that consent may be required under Section 23 of the Land Drainage Act 1991. Please see:

www.surreycc.gov.uk/people-andcommunity/emergency-planning-and-community-safety/flooding-advice

- (10) The developer is advised that as part of the detailed design of the highway works required by the above planning condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment. The Highway Authority will also require that any redundant dropped kerbs will be raised and any verge or footway crossing reinstated to conform with the existing adjoining surfaces at the developers expense.
- (11) The applicant is advised to contact the Post Office Ltd with regard to any re-location of the existing box on Hollymoor Lane
- (12) Attention is drawn to Section 20 of the Surrey Act 1985 which requires that when a building is erected or extended, proper provision shall be made for the fire brigade to have means of access to the buildings and any neighbouring building.

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Non-Determination Planning Appeal 91 Chessington Road West Ewell Surrey KT19 9UU

Demolition of existing dwelling and erection of 9 properties (3 X 2 bedroom and 6 X 3 bedroom) with associated works

Ward:	West Ewell Ward
Contact:	John Robinson Planning Officer

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=OX2ZJ3GYHZG00>

2 Summary

- 2.1 This report is a result of an appeal which has been submitted against non-determination of planning application ref: 17/00976/FUL
- 2.2 This means that Epsom and Ewell Borough Council is not the determining authority, rather the Planning Inspectorate will consider the application, and our assessment of it and determine it.
- 2.3 The Officer's assessment of the application is set out below. The report makes a recommendation upon which Officers are seeking the views of Members: either to support the Officers assessment and advise the Planning Inspector that we would have been of a mind to refuse this application, or alternatively, consider the proposal and advise that we would have been of a mind to grant permission subject to conditions.

3 Background

- 3.1 Planning application 17/00976/FUL was validated on 4 October 2017 and sought full permission for the *Demolition of existing dwelling and erection of 9 properties (3 X 2 bedroom and 6 X 3 bedroom) with associated works*

- 3.2 The determination date of the application was 29 November 2017 and the decision (refusal) was issued on the 4 April 2018. An appeal for non-determination of the application was lodged with the Planning Inspectorate on the 28th March 2018. Although the Council issued a decision notice for refusal, as the appeal had already been lodged, the planning inspectorate will not take consideration of this. Councillors are therefore asked to read the officer report and state whether they would've agreed with the officer's decision. The member's indication of what decision they would have made, had the application not been appealed, will be sent to the Planning Inspectorate.
- 3.3 **The Officer's delegated report is attached as Annex 1 and the Decision notice as Annex 2.**
- 3.4 The views of the Committee are invited as part of the appeal procedure. The Planning Inspectorate will determine the appeal.

4 Options

- 4.1 Members are invited to indicate that had no appeals been made, they would have refused the planning application on the following grounds:
1. *Due to its design, siting, bulk and scale, plots 4 & 5 of the proposed development would have a harmful impact on the privacy and outlook of and would appear overbearing to the neighbouring occupants at No. 89 Chessington Road contrary to Policy CS5 of the Core Strategy (2007) and Policies DM10 and DM16 of the Development Management Policies (2015).*
 2. *Insufficient information has been submitted with the application to demonstrate that the proposal would not be harmful to bats with the result that the proposal would fail to comply with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies (2015).*
 3. *The close proximity of the proposed buildings (particularly at Plots 4 and 5) to the large Ash and Sycamore, is likely to have an adverse impact on the living conditions of the occupants of the proposed houses, 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. Furthermore, due to the separation distance retained between Plots 3 and 9, the development would 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).*

4. *The application proposal would have an unacceptable layout with parking spaces adjacent to Plot 1, which would cause significant harm to the amenities of the potential occupants of the proposed dwelling by reason of noise and disturbance, contrary to CS5 of the Core Strategy (2007) and Policies DM5, DM10 and DM12 of the Development Management Policies (2015).*
5. *Due to the proposed layout, the front windows of the proposed dwellings sited at Plot 7, Plot 8 and Plot 9 would be located in close proximity to rear gardens and to a lesser extent habitable windows of the dwellings at Plot 1, Plot 2 and Plot 3, which would cause overlooking. This would harm the privacy of the potential future occupants with the result that the proposal would fail to comply with Policies DM10 and DM12 of the Development Management Policies (2015).*

5 Recommendation

- 5.1 It is recommended that the above reasons for refusal be noted and agreed as the Council's position in defending this appeal.

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Planning report

Application number: 17/00976/FUL

Application location: 91 Chessington Road, West Ewell, Surrey, KT19 9UU

Proposal: Demolition of existing dwelling and erection of 9 properties (3 X 2 bedroom and 6 X 3 bedroom) with associated works.

Planning history

Reference number	Proposal	Decision	Decision date
17/00668/PREAPP	Demolition of existing dwelling and erection of 9 properties (3 X 2 bedroom and 6 X 3 bedroom) with associated works.	Withdrawn as invalid	N/A

Comments from third parties

We consulted 45 nearby neighbours. By 29 December 2017, one letter of representation has been received objecting to the proposal on the following grounds:

- We have concerns regarding the two houses at the back close to the boundary which would look into No.87.
- Loss of privacy
- Screening should be erected to protect privacy
- Drainage
- Loss of outlook
- Lack of Parking

Consultations

County Highway Authority: Please see below

Tree Officer: The Tree Officer has viewed the application and has considerable concerns regarding how close the proposed dwellings would be to nearby trees and the affect that this would have on the living conditions of future occupants. Concerns were also raised with regard to the limited amount of landscaping proposed.

Ecology Officer: “I have had a look at the ecological survey. This recommends further surveying in the form of a bat survey. The initial bat survey required is a preliminary bat roost assessment which can take place now, however if any further surveys are recommended these would not be able to be carried out until spring 2018”.

Planning Policy: “The proposal would fail to Comply with Core Strategy Policy CS9 (affordable Housing) and Policy DM24 of the Development management Policies Document (loss of employment).

Planning policy

Key policy documents

National Planning Policy Framework – March 2012
Ewell Village Conservation Appraisal
Core Strategy 2007
Development Management Policies Document 2015
Parking standards-residential development 2015
EEBC Environmental Character Study 2008

Key policies

CS1 - General policy
CS3 - Biodiversity and nature conservation
CS5 - The built environment
CS6 - Sustainability in new developments
CS8 - Broad location of housing development
CS9 - Affordable housing and housing need
CS16 - Transport and travel
DM4 - Biodiversity and new development
DM5 - Trees and landscape
DM8 - Heritage assets
DM9 - Townscape character/distinctiveness
DM10 - Design for new developments
DM11 - Housing density
DM12 - Housing standards
DM13 - Building heights
DM16 - Backland development
DM19 – Development and Flood Risk

DM22 - Housing mix
DM35 - Transport and new development
DM37 - Parking standards

Site description, planning considerations and conclusion

Site description

The application site consists of a detached bungalow with a gable roof set back from the road by a small front garden. The property has two side facing dormer windows and a large single storey side/rear extension. The site is mostly hard surfaced at the side and rear and is currently used for storage for the parking of vehicles, however this use is unlawful.

The application site is situated on the southern side of Chessington Road. The area is residential in character and comprises of a mixture of single storey and two storey detached and semi-detached dwellings. The site is located in Character Area: 13 of the EEBC Environmental Character Study which lists Chessington Road as a prominent street. The study identifies the built form in this character area to be predominantly semi detached, built in the 1930s and 1950s with strongly defined building lines and medium sized plot sizes. The study identifies the key characteristics to protect or enhance to be the overall scale of built form, green space setting around fringes; uniformity of 30s and 50s properties, setting, original details and materials of the Victorian/Edwardian properties; and plot boundaries.

A recreation ground is situated directly to the west of the application site a large hedgerow runs along this boundary partially obscuring views of the recreational ground. To the east of the site lies 89 Chessington Road is a two storey detached dwelling with a hipped roof. No 89 has a two storey side extension with an integral garage.

Planning considerations

Principle of development

The overarching principle for the strategy of Epsom and Ewell is to achieve sustainable development. Core Strategy (2007) Policy CS1 states that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development. Changes should protect and enhance the natural and built environments of the borough. It is not considered that the proposal meets the requirements of this policy because it would lead to adverse impacts on the environmental quality of the site through damage to trees and it would have an adverse visual impact on the area's established character.

CS8 – broad location of housing development – reuse of suitable previously developed land to a certain extent such as the front portion of the site. To be considered in conjunction with DM16.

The proposals would result in redevelopment of a site, which is partly previously developed land (the front portion where the existing bungalow sits) and partly

backland development, currently a garden serving the existing unit of accommodation. A denser development of the front portion of the site for residential purposes would be in accordance with the Local Plan subject to other policy considerations such as DM11– Housing Density. Consideration of the rear section of the site would require an assessment in terms of policy DM16.

As previously noted the majority of the existing garden has been lost and is being used unlawfully for the storage of motor vehicles. This use has continued since 2009.

Policy DM16 refers to backland development and states that there is a presumption against loss of rear domestic gardens, due to the need to maintain local character, amenity space, green infrastructure and biodiversity. In exceptional cases, modest redevelopment on backland sites may be considered acceptable, subject to demonstration that there would be no significant adverse impact on a number of criteria; garden land, impact on neighbours, vehicular access, mass and scale of development and flora and fauna.

Delivering a wide choice of high quality homes

Paragraph 53 of the NPPF states that local planning authorities should consider setting out policies to resist inappropriate development of residential gardens where development would cause harm to the local area.

Policy DM11 requires new housing development to make the most efficient use of sites within the existing urban area and must show how density would contribute towards maintaining the visual character and appearance of the wider townscape and lead to no net loss of biodiversity. This policy seeks development to not exceed 40 dph in most cases. The proposals would deliver a density of 36 dph. The proposal would therefore comply with Policy DM11.

Visual appearance and character of the area.

Policy DM9 of the Development Management Policies Document 2015 states that we will seek enhancement of the townscape and planning permission will be granted for proposals, which make a positive contribution to the visual character and appearance of an area.

The proposal would not respect, maintain or enhance the character or local distinctiveness of this area. The layout does not respect the characteristic frontage development and plot widths and depths of the dwellings proposed are smaller than the existing neighbouring properties. However, the application site is not in a conservation area and plot sizes differ in the surrounding area.

It is therefore considered by Planning Officers that it would not be justified to refuse planning permission on this ground.

Policy DM10 sets out that development proposals will be required to incorporate principles of good design, the most essential element identified as contributing to the character and local distinctiveness of a street, which should be respected,

maintained or enhanced. As such the prevailing typology, scale, layout, height, form and massing should be respected.

Policy DM16 states that in exceptional cases, modest redevelopment on backland sites may be considered acceptable. Any such development would need to demonstrate that there will be no significant adverse impact on:

1. Garden land – Rear garden land which contributes either individually or as part of a larger swathe of green infrastructure to the amenity of residents or provides wildlife habitats must be retained;
2. Impact on neighbours – The privacy of existing homes and gardens must be maintained and unacceptable light spillage avoided;
3. Vehicular access or car parking – These must not have an adverse impact on neighbours in terms of visual impact, noise or light. Access roads between dwellings and unnecessarily long access roads will not normally be acceptable;
4. Mass and scale of development – Development on backland sites must be more intimate in scale and lower than frontage properties to avoid any overbearing impact on existing dwellings and associated gardens;
5. Trees, shrubs and wildlife habitats – features important to character, appearance or wildlife must be retained or re-provided.

The proposed dwellings would be two storey in height with hipped roofs which would appear similar to the neighbouring dwellings in the road. While the properties would be slightly different in design to some neighbouring dwellings, properties in the area to differ in design and appearance with the result that the proposal would not harm the appearance of the street or the character of the area.

The proposal would not result in a loss of garden land which contributes either individually or as part of a larger swathe of green infrastructure with the result that the proposal would comply with criterion 1 of Policy DM16.

Impact on neighbouring amenity

Concerns were raised by neighbouring occupants that the proposal would result in a loss of privacy and outlook of neighbouring occupants.

Policy DM10 requires development to have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.

The distances between the proposed dwellings at the rear of the application site generally increase in depth along the rear boundary. The proposed rear windows of plot 4 would be sited 16.3m from the rear boundary of No.14 Hollymoor Lane and 30.3m from the built form of No.14, while the proposed rear windows of Plot 9 would

be sited approximately 33m from the rear boundary with No.26 Hollymoor Lane and 52m from the built form of No.26.

The separation distance retained combined with the significant planting which exists along the rear boundary would ensure that the proposed dwellings would not harm the privacy of the neighbouring occupants along Hollymoor Lane.

Plot 1 would be situated approximately 3m from the shared boundary with No.89 Chessington Road. Due to the separation distance retained Plot 1 would not harm the privacy, light, or outlook of neighbouring occupants at No.89 Chessington Road.

However, the proposed rear plots would be in close proximity to the rear garden of No.89 and due to their size and scale would adversely affect the outlook of the neighbouring occupants.

Plot 4 and Plot 5 would be sited approximately 1.8m from the shared boundary with No.89 Chessington Road. It is noted that it is proposed to erect a 1.8m high fence with a 0.45m high trellis on top along the boundary with No.89. While this might protect the privacy of the neighbouring occupants from views from the ground floor windows it would not protect the privacy of neighbouring occupants from views at first floor level. The proposal would therefore harm the privacy and amenities of neighbouring occupants at No.89.

Criterion 2 of Policy DM16 states that the privacy of existing homes and gardens must be maintained and unacceptable light spillage avoided. Vehicular access and car parking must not have an adverse impact in terms of visual amenity, noise or light. Access roads between dwellings will not normally be acceptable.

It is proposed to run an access road past the shared boundary with No.89. It is noted that the application site currently has vehicular movements as a business. However, it is like that vehicular movements would increase for the number of residential units proposed and would have a greater impact on the neighbouring occupants as they would often be outside “working hours”. It is therefore considered that the proposal would cause undue noise and disturbance to neighbouring occupants.

Criterion of Policy DM16 states that “Development on backland sites must be more intimate in scale and lower than frontage properties to avoid any overbearing impact on existing dwellings and associated gardens”.

The proposed development would fail to be more intimate in scale and lower than the frontage properties and due to its scale and design would have a harmful impact on the neighbouring occupants.

The proposal would therefore cause significant harm to the amenities of neighbouring occupants of No.89 Chessington Road. The proposed would fail to comply with Policy DM16 of the Development Management Policies Document.

Amenity for Future Occupiers

Policy DM 12 states that “The Council will only grant planning permission for new dwellings that provide adequate internal space and appropriate external private and/or communal amenity space to meet the needs generated by the development. Development must comply with the space standards set out in the Council’s Design Quality SPD.

Amenity space for all new dwellings should be:

- (i) private, usable, functional, safe and bio-diverse;
- (ii) easily accessible from living areas;
- (iii) orientated to take account of the need for sunlight and shading;
- (iv) of a sufficient size to meet the needs of the likely number of occupiers; and
- (v) provide for the needs of families with young children where the accommodation is likely to be occupied by such”.

The table below summarises the proposed internal floor areas and private amenity spaces of the proposed dwellings in comparison to required standards;

Unit No	No. of bedrooms	No. of bed spaces	Required space standard (sqm)	Proposed floor space (sqm)	Required private amenity space (sqm)	Proposed amenity space (sqm)
Plot 1	2	4	70	76	40	38
Plot 2	2	4	70	76	40	41.8
Plot 3	2	4	70	76	40	70.8
Plot 4	3	5	93	93	70	98.84
Plot 5	3	5	93	93	70	81.45
Plot 6	3	5	93	93	70	72.4
Plot 7	3	5	93	93	70	68.16
Plot 8	3	5	93	93	70	70.8
Plot 9	3	5	93	93	70	72.32

Policy DM12 in Development Management Policies (2015) refers to housing standards and states that all housing developments are required to comply with external and internal space standards. The proposed dwellings would have internal areas, which comply with the minimum standards.

It is noted that the majority of the proposal complies with the space standards in terms of size. However Policy DM12 states that amenity space must be private, usable, functional, safe and bio-diverse.

The rear gardens of Plots 1, 2 and 3 would be sited in close proximity to the front windows of the rear dwellings, plots 7, 8 & 9 in particular, with the result that the amenity space of these dwellings would not be private.

Furthermore, the rear gardens of plots 4 and 5 would be too close to neighbouring trees with the result that the rear gardens would gain insufficient natural daylight to these areas.

The proposed layout with parking spaces adjacent to plot 1 would result in vehicles often travelling past Plot 1 which result in a significant amount of noise and disturbance to the future occupants of Plot 1

The proposal would therefore cause significant harm to the amenities of d the future occupants of some of the proposed dwellings. The proposed would fail to comply with Policy DM12 of the Development Management Policies Document.

Impact on Highway Safety

Concerns were raised that the proposal would result in a loss of parking.

The Council has recently adopted local parking standards - Parking Standards for Residential Development Supplementary Planning Document (December 2015). These standards require 4+ bedroom houses to have 3 spaces per unit. The minimum dimensions of these spaces must be 2.4m by 4.8m. The majority of the proposal would accord with these parking standards.

Notwithstanding the above, the application site is located in a highly sustainable location within walking distance to a number of shops and services. The County Highway Authority has assessed the parking arrangement and raised no concerns with regard to parking provision.

The County Highway Authority has also undertaken an assessment in terms of the likely net additional traffic generation and access arrangements and have raised the following concerns:

There is no space within the curtilage of the site to turn a refuse vehicle or delivery vehicle of any kind. Please ask applicant to revise the drawings to accommodate a refuse vehicle turning manoeuvre.

Amended drawings have been received which allow the proposal to accommodate refuse tuning manoeuvres. Following the amendments the Highways department requested a number of conditions be imposed on any granted of planning permission.

No objection is therefore raised in this instance.

Trees and Landscaping

The Council's Tree Officer has assessed the application and has made the following comments "My objection to this housing development proposal concerns the

adverse impact it will have on significant trees on the site. The trees outlined below will be at risk of damage from root severance, or compaction during construction. Additionally certain plots are so close to existing trees that they will overly dominate the houses and gardens. There is no growing space and there will be constant demands from occupiers for felling or harmful pruning.

Plots 3 and 9. Neither of these building plots are considered viable. There is an extensive tree screen along the boundary of the adjoining Chessington Road Recreation Ground. The tree screen is of young-early middle aged Hornbeam trees. Hornbeams of larger stem increment are around 340mm stem diameter measured at 1.5m above ground level. This means they have a root protection area radius of 4m. Unfortunately on the inappropriately scaled tree protection plan this shows the Hornbeam trees set back from the boundary when in fact they grow right up to it. With a root protection area extending almost half the way across the proposed building of plots 3 and 9 this means there is no scope for foundation construction, service installation (including drains) and other ancillary construction works - without potential damage to the trees.

Furthermore, the stem increment of these trees has been checked by the trees general close spacing. This means the trees are larger and more dominant than the stem size alone would have you believe. The Hornbeams form a very significant tree belt in the landscape of the open space, with a high level of landscape amenity. However, the notable size and mass of the trees mean they will make the living environment for residents of these plots uninviting and unusable. There will be a constant overshadowing of the gardens, branches will continually grow to encroach on the buildings and will need to be constantly pruned back. Shade, Leaf fall and associated detritus will be a constant source of annoyance to future occupants. All of this will create undesirable living condition resulting in a strong and persistent pressure from resident to remove the trees. The proposal seeks to reduce the trees height and prune them back further. Height reduction will reduce the trees landscape amenity and further reduction on the south-east side will create further canopy asymmetry. This tree work proposal is considered unacceptable.

Plots 4 and 5

The proposed layout will also poorly integrate with existing desirable trees situated in the rear garden of 89 Chessington Road. A large Ash and Sycamore tree located in the rear corner of that garden will severely impact the utility of plots 4 and to a lesser extent plot 5. With insufficient spatial separation and unfavourable building alignment there will be a heavy shadow cast over the rear garden from these trees and significant nuisance from biological consequences such as leaf and twig debris. Again undesirable living conditions are envisaged that will bring pressure to remove or adversely prune the trees. Plot 4 is not considered viable because of the existing tree constraints.

Landscaping and the protected tree

Internally the layout provides little scope for landscaping. There appears to be no designated footway to the rear houses and the central sector is dominated by a car park. There needs to be less hardscape elements and more provision of space for

soft landscaping and tree planting. The protected tree noted by Jon Harper was an Ash Leaved Maple (T1 of TPO 321). Permission was given to fell the tree by the Council in 2001. This was not undertaken and the tree collapsed several years later”.

Internally the layout provides little scope for landscaping. There appears to be no designated footway to the rear houses and the central sector is dominated by a car park. There needs to be less hardscape elements and more provision of space for soft landscaping and tree planting. The protected tree noted by Jon Harper was an Ash Leaved Maple (T1 of TPO 321). Permission was given to fell the tree by the Council in 2001. This was not undertaken and the tree collapsed several years later”.

It is considered that the proposal fail to comply with Policy DM5 of the Development management Policy Document (2015)

Ecology

Policy CS3 of the Core Strategy states that the biodiversity of Epsom and Ewell will be conserved and enhanced. Policy DM4 of the Development Management Policies Document 2015 states that development affecting nature conservation sites and habitats of local importance will only be permitted if the development would enhance the nature conservation potential.

A Preliminary Ecological Appraisal dated July 2017 has been submitted with the application which the Council's Ecology Officer has been consulted on.

This recommends further surveying in the form of a bat survey. The initial bat survey required is a preliminary bat roost assessment which can take place now, however if any further surveys are recommended these would not be able to be carried out until spring 2018.

However, no such assessment has been received, without this information it is considered that the proposal would fail to comply with Policy CS3 of the Core Strategy and Policy DM4 of the Development Management Policies Document 2015

Community Infrastructure Levy (CIL)

The development will be CIL liable at a rate of £125/m².

Sustainable Construction

Policy CS6 requires development to be provided in a sustainable environment and to reduce or have a neutral impact upon pollution and climate change.

It is considered that this can be controlled by a suitably worded planning condition if the proposal is considered to be acceptable.

Affordable Housing

Policy CS9 of the Core Strategy 2007 states the Council has a target that overall, 35% of new dwellings should be affordable. This equates to the provision of 950 new affordable homes over the period 2007 to 2022.

New housing developments should include a mix of dwelling types, sizes and tenures which help meet identified local housing needs and contribute to the development of mixed and sustainable communities.

The Council's Planning Policy has given the following advice regarding the scheme:

The key planning policy issue is that the applicant has failed to comply with Core Strategy Policy CS9 – which seeks to secure the necessary affordable housing contribution from new housing developments. In this case the policy would normally seek to secure at least 20% of the development as affordable provision, which could be in the form of on-site provision or a financial contribution. The key point to emphasise is that the Borough Council's policy approach provides applicants with an opportunity to negotiate the scale of contribution dependent upon financial viability – through an open-book assessment. We have maintained this approach and can evidentially demonstrate that it has been successful, and critically has not made the development of small sites unviable. As the applicant has failed to meet the requirements of Policy CS9 the Borough Council may decide to refuse this application – on that basis and because affordable housing need across the Borough is acute.

I note that the applicant makes the claim that the Government's Written Ministerial Statement (WMS) in some way over-rides local planning policy. This is not the case. While the WMS has been proven to be an expression of national planning policy, local planning policy remains a material consideration in the determination of applications where local evidence demonstrates that there is a case for it to be weighed against national planning policy. The Borough Council has clearly stated this position in a Statement originally released during December 2016. The key points are as follows:

1. There is compelling evidence that affordability continues to be an acute issue for Epsom & Ewell. This is compounded by the Borough's distinctive low turn-over of affordable housing provision.
2. Due to the current nature of the Borough's housing land supply situation the affordable housing contribution from small sites will remain important to meeting need for at least the next five years – this is key local distinction to Epsom & Ewell.
3. We can clearly evidence the valuable contribution made by small-sites in meeting our acute affordable needs – the absence of that contribution will have an adverse impact on our short-medium term ability to respond to need.

4. There is no evidence that our policy approach has in any way prevented small sites from coming forward or deterred developers in bringing forward new housing; and
5. There is no evidence that Policy CS9 has had an adverse impact upon SME builders and their ability to bring forward small sites. Indeed, our policy approach provides developers with a transparent mechanism to demonstrate the viability of new proposals.

The Council has due regard to the WMS and the associated changes to national planning practice guidance. Nevertheless, we need to comply with both the Government's policy delivering development on previously land and continue to deliver affordable units (to meet the identified local need) as required under NPPF Paragraph 50.

This can only be achieved by continuing to apply Core Strategy Policy CS9 as part of the planning application decision making process. Where applicants consider that the requirement is disproportionate, we will request that the relevant information setting out scheme viability is submitted for independent assessment as set out in our Developer Contributions SPD. All relevant evidence will then be considered on a case by case basis and be used to assess the weight to be attached to local and national policies and guidance. The provision within CS9 has not been exercised by the applicant and a viability assessment has not been submitted.

The applicant has not signed the necessary S106 agreement in relation to an affordable housing. As such, the proposal is contrary to Policy CS9 of the Core Strategy 2007".

Taking into account the viability of the development proposed and other planning objectives, the Council will negotiate to achieve the provision of affordable housing as set out below:

Residential developments of between five and fourteen dwellings gross (or on sites between 0.15ha and 0.49ha - irrespective of the number of dwellings proposed) should include at least 20% of dwellings as affordable".

The application proposal provides no affordable housing provision. The applicant states that affordable housing is not required because the proposal would be less than 10 units.

However, there is compelling evidence that affordability continues to be an acute issue for Epsom & Ewell. This is compounded by the Borough's distinctive low turn-over of affordable housing provision.

Furthermore due to the current nature of the Borough's housing land supply situation the affordable housing contribution from small sites will remain important to meeting need for at least the next five years – this is key local distinction to Epsom & Ewell.

The local authority can clearly evidence the valuable contribution made by small-sites in meeting our acute affordable needs – the absence of that contribution will have an adverse impact on our short-medium term ability to respond to need.

Furthermore there is no evidence that this policy approach has in any way prevented small sites from coming forward or deterred developers in bringing forward new housing; and

There is no evidence that Policy CS9 has had an adverse impact upon SME builders and their ability to bring forward small sites. Indeed, our policy approach provides developers with a transparent mechanism to demonstrate the viability of new proposals.

The Council has due regard to the WMS and the associated changes to national planning practice guidance. Nevertheless, there is need to comply with both the Government's policy delivering development on previously land and continue to deliver affordable units (to meet the identified local need) as required under NPPF Paragraph 50.

This can only be achieved by continuing to apply Core Strategy Policy CS9 as part of the planning application decision making process. Where applicants consider that the requirement is disproportionate, we will request that the relevant information setting out scheme viability is submitted for independent assessment as set out in our Developer Contributions SPD. All relevant evidence will then be considered on a case by case basis and be used to assess the weight to be attached to local and national policies and guidance. The provision within CS9 has not be exercised by the applicant and a viability assessment has not been submitted.

It is therefore considered that the proposal would fail to comply with Policy CS9 and the Revised Developer Contributions SPG (2014).

Flooding and Drainage

Concerns were raised by neighbouring occupants that the proposal would result in an increase in flooding.

Policy DM19 of the Development Management Policies Document 2015 states “In order to manage flood risk, we will take a sequential approach to the allocation of sites in a Site Allocations Policy Document and when determining planning applications.

The application site is not within a flood zone and is noted that the majority of the site is currently hard surfaced.

It is therefore considered that the proposal would comply with Policy CS9 of the Core Strategy and Policy DM19 Development Management Policies Document 2015.

Loss of employment Land

It is noted that the application appears to currently in use for the storage of vehicles. The owner of the site has confirmed that the use started in 2009 and that therefore it is currently unlawful. Normally, if a proposal resulted in a loss of employment land it would be required to market the site for in excess of 18 months. However, in this instance as the use of the site is currently unlawful and the proposal would result in a net benefit for housing in the borough it is not considered that it would be justified to recommend that the application be refused on this ground.

Conclusion

Due to its design, siting, bulk and scale, plots 4 & 5 of the proposed development would have a harmful impact on the privacy and outlook of and would appear overbearing to the neighbouring occupants at No. 89 Chessington Road.

Insufficient information has been submitted with the application to demonstrate that the proposal would not be harmful to bats with the result that the proposal would fail to comply with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies (2015).

The close proximity of the proposed buildings (particularly at Plots 4 and 5) to the large Ash and Sycamore, is likely to have an adverse impact on the living conditions of the occupants of the proposed houses.

The application proposal would have an unacceptable layout with parking spaces adjacent to Plot 1, which would cause significant harm to the amenities of the potential occupants of the proposed dwelling due to noise and disturbance. Lastly, the front windows of the proposed dwellings sited at Plot 7, Plot 8 and Plot 9 would be located in close proximity to rear gardens and to lesser extent habitable windows of the dwellings at Plot 1, Plot 2 and Plot 3, which would cause overlooking. This would harm the privacy of the potential future occupants of these dwellings.

Recommendation: REFUSE

- 1 Due to its design, siting, bulk and scale, plots 4 & 5 of the proposed development would have a harmful impact on the privacy and outlook of and would appear overbearing to the neighbouring occupants at No. 89 Chessington Road contrary to Policy CS5 of the Core Strategy (2007) and Policies DM10 and DM16 of the Development Management Policies (2015).
- 2 Policy CS9 of the Core Strategy (2007) requires the provision of 20% affordable units for residential developments of between five and fourteen dwellings gross (or on sites between 0.15ha and 0.49ha - irrespective of the number of dwellings proposed). The proposal would provide no affordable housing with the result that the proposal would fail to comply with Policy CS9 of the Core Strategy (2007) and the Policy CS9 and the Revised Developer Contributions SPD (2014).

- 3 Insufficient information has been submitted with the application to demonstrate that the proposal would not be harmful to bats with the result that the proposal would fail to comply with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies (2015).
- 4 The close proximity of the proposed buildings (particularly at Plots 4 and 5) to the large Ash and Sycamore, is likely to have an adverse impact on the living conditions of the occupants of the proposed houses, 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. Furthermore, due to the separation distance retained between Plots 3 and 9, the development would 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).
- 5 The application proposal would have an unacceptable layout with parking spaces adjacent to Plot 1, which would cause significant harm to the amenities of the potential occupants of the proposed dwelling by reason of noise and disturbance, contrary to CS5 of the Core Strategy (2007) and Policies DM5, DM10 and DM12 of the Development Management Policies (2015).
- 6 Due to the proposed layout, the front windows of the proposed dwellings sited at Plot 7, Plot 8 and Plot 9 would be located in close proximity to rear gardens and to a lesser extent habitable windows of the dwellings at Plot 1, Plot 2 and Plot 3, which would cause overlooking. This would harm the privacy of the potential future occupants with the result that the proposal would fail to comply with Policies DM10 and DM12 of the Development Management Policies (2015).

Informatives

- 1 You are advised that the following policies and/or proposals in the development are relevant to this decision:

National Planning Policy Framework – March 2012
Core Strategy 2007
Development Management Policies Document
Parking standards-residevelopment 2015
Revised developer contributions 2015
Sustainable design 2012
Single plot/resi infill dev 2003

Key policies

CS1 - General policy
CS3 - Biodiversity and nature conservation
CS5 - The built environment
CS6 - Sustainability in new developments

CS8 - Broad location of housing development
CS9 - Affordable housing and housing needs
CS12 - Developer contributions
CS16 - Transport and travel
DM4 - Biodiversity and new development
DM5 - Trees and landscape
DM8 - Heritage assets
DM9 - Townscape character/distinctiveness
DM10 - Design for new developments
DM11 - Housing density
DM12 - Housing standards
DM13 - Building heights
DM16 - Backland development
DM19 - Development and flood risk
DM22 - Housing mix
DM24 - Employment uses outside existing area
DM35 - Transport and new development
DM37 - Parking standards

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**Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure)
(England) Order 2015**

Proposal: Demolition of existing dwelling and erection of 9 properties (3 X 2 bedroom and 6 X 3 bedroom) with associated works

Location: 91 Chessington Road, West Ewell, Surrey, KT19 9UU, .

Application Number: 17/00976/FUL

Epsom & Ewell Borough Council has considered your application and **REFUSES** permission for the proposed development for the following reason(s):

- 1 Due to its design, siting, bulk and scale, plots 4 & 5 of the proposed development would have a harmful impact on the privacy and outlook of and would appear overbearing to the neighbouring occupants at No. 89 Chessington Road contrary to Policy CS5 of the Core Strategy (2007) and Policies DM10 and DM16 of the Development Management Policies (2015).
- 2 Policy CS9 of the Core Strategy (2007) requires the provision of 20% affordable units for residential developments of between five and fourteen dwellings gross (or on sites between 0.15ha and 0.49ha - irrespective of the number of dwellings proposed). The proposal would provide no affordable housing with the result that the proposal would fail to comply with Policy CS9 of the Core Strategy (2007) and the Policy CS9 and the Revised Developer Contributions SPD (2014).
- 3 Insufficient information has been submitted with the application to demonstrate that the proposal would not be harmful to bats with the result that the proposal would fail to comply with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies (2015).
- 4 The close proximity of the proposed buildings (particularly at Plots 4 and 5) to the large Ash and Sycamore, is likely to have an adverse impact on the living conditions of the occupants of the proposed houses, 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. Furthermore, due to the separation distance retained

between Plots 3 and 9, the development would 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).

- 5 The application proposal would have an unacceptable layout with parking spaces adjacent to Plot 1, which would cause significant harm to the amenities of the potential occupants of the proposed dwelling by reason of noise and disturbance, contrary to CS5 of the Core Strategy (2007) and Policies DM5, DM10 and DM12 of the Development Management Policies (2015).
- 6 Due to the proposed layout, the front windows of the proposed dwellings sited at Plot 7, Plot 8 and Plot 9 would be located in close proximity to rear gardens and to a lesser extent habitable windows of the dwellings at Plot 1, Plot 2 and Plot 3, which would cause overlooking. This would harm the privacy of the potential future occupants with the result that the proposal would fail to comply with Policies DM10 and DM12 of the Development Management Policies (2015).

Informatives

- 1 You are advised that the following policies and/or proposals in the development are relevant to this decision:

National Planning Policy Framework - March 2012
 Core Strategy 2007
 Development Management Policies Document
 Parking standards-resi development 2015
 Revised developer contributions 2015
 Sustainable design 2012
 Single plot/resi infill dev 2003

Key policies

CS1 - General policy
 CS3 - Biodiversity and nature conservation
 CS5 - The built environment
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 CS8 - Broad location of housing development
 CS9 - Affordable housing and housing needs
 CS12 - Developer contributions
 CS16 - Transport and travel
 DM4 - Biodiversity and new development
 DM5 - Trees and landscape
 DM8 - Heritage assets
 DM9 - Townscape character/distinctiveness
 DM10 - Design for new developments
 DM11 - Housing density
 DM12 - Housing standards
 DM13 - Building heights
 DM16 - Backland development
 DM19 - Development and flood risk
 DM22 - Housing mix
 DM24 - Employment uses outside existing area

Dated: 4 April 2018

Signed:



Head of Place Development

Your attention is drawn to the following notes:

Appeals to the Secretary of State

If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development, or to grant it subject to conditions, then you may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 within the following timescales:

Householder applications

If you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Full applications

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Enforcement applications (land already the subject of an enforcement notice)

A planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

Enforcement applications (land which has an enforcement notice served)

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice whichever period expires earlier.

Appeals must be made using a form which you can get from the Secretary of State online at <https://www.gov.uk/planning-inspectorate> or by writing to Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (tel: 0303 444 5000).

The Secretary of State can allow a longer period for the giving of a notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order, and to any directions given under a development order.

Purchase Notices

If either the local planning authority or the Secretary of State refuse permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provision of the Town and Country Planning Act 1990.

Agenda Item 5
Annex 2

Report on Recent Planning Appeal Decisions

Head of Service/contact: Ruth Ormella Head of Planning

Annexes/Appendices (attached): None

REPORT SUMMARY

This report provides Members with an update on recently decided appeals and identifies any notable decisions.

Attached are summaries of three recent appeals:

- 23 Victory House, West Street, Epsom KT18 7RL
- 107 Dorking Road, Epsom KT18 7JZ (Appeals A & B)
- 15a Castle Parade, Ewell By-Pass, Ewell KT17 2PR
- 2 Millers Copse, Epsom KT18 6HF
- 13 Chesterfield Road, Epsom KT19 9QR

RECOMMENDATION:

That the attached appeal summaries are noted.

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Monthly Report on Planning Appeal Decisions

Report by: Martin Holley, Planning Development Manager/Ruth Ormella, Head of Planning

The planning department has received the following 5 appeal decisions from the 1 July up to the 20 August:

Site Address	Planning Reference Numbers	Description of Development	Decision
23 Victory House, West Street, Epsom KT18 7RL	17/00398/FUL APP/P3610/W/17/3189356	Construction of 1x one bedroom and 1x two bedroom flat within the roof space, with new dormers.	Dismissed 2 nd July
107 Dorking Road, Epsom, Surrey KT18 7JZ	17/01109/FUL APP/P3610/W/18/3192824	Appeal A: Construction of a 1-bed bungalow under a pitched roof.	Dismissed 17 th July
107 Dorking Road, Epsom, Surrey KT18 7JZ	17/01508/FUL APP/P3610/W/18/3199477	Appeal B: Construction of a 1-bed bungalow under a pitched Roof with a balcony for existing occupiers.	Dismissed 17 th July
15a Castle Parade, Ewell By-Pass, Ewell KT17 2PR	17/00863/FUL APP/P3610/W/18/3193643	Erection of a mansard roof	Dismissed 18 th July
2 Millers Copse, Epsom, KT18 6HF	17/01427/FLH APP/P3610/D/18/3203818	Erection of rear first floor addition, rear dormer and raised ridge.	Allowed 15 th August
13 Chesterfield Road, Epsom, KT19 9QR	17/01843/FLH APP/P3610/D/18/3203988	Demolition of existing garage and erection of a two storey detached annex building with two new bedrooms and associated living accommodation.	Dismissed 15 th August

Summary of Appeal Decisions:

23 Victory House:

The inspector supported the council in refusing the application for the proposed flats inadequate private amenity space and substandard internal area. The inspector also

supported the council by agreeing that the proposed roof extension would harm the setting of the listed building and the significance of the conservation area.

107 Dorking Road Appeal A:

The inspector supported the council in refusing the application for the proposed 1 bed bungalow as the proposal would not provide enough private amenity space for the existing occupiers of the flat at 107 Dorking Road and would provide inadequate private amenity space for the proposed new dwelling.

107 Dorking Road Appeal B:

The inspector supported the council in refusing the application for the proposed 1 bed bungalow as the proposal would not provide enough private amenity space for the existing occupiers of the flat at 107 Dorking Road and the proposed close boarded fence on the grass verge would adversely affect the character and appearance of the area, eroding the suburban feel.

15a Castle Parade:

The inspector supported the council in refusing the application for the mansard roof, agreeing that it would rise well above the parapet and the pediment and would, in relation to the rest of the parade, appear overly dominant and out of place, particularly due to its relationship with the pediment above.

2 Millers Copse:

The inspector has disagreed with the council that the 1.2 metre raised ridge and rear first floor addition would be detrimental to the character and appearance of the local area stating that existing roof form lacks aesthetic value there is a variation in spread, disposition, levels and landscape within the locality.

13 Chesterfield Road:

The inspector supported the council in refusing the application on the grounds of design, on the basis that it would be out of character with the surrounding area and host dwelling. The inspector also agreed with the Council that the significant mass of built form would be unduly imposing and intrusive from the neighbours' rear garden with a significant gable end and upper level window creating a sense of intrusion upon important garden space.