

# Public Document Pack

Legal and Democratic Services



## PLANNING COMMITTEE

Thursday 13 December 2018 at 7.30 pm

Council Chamber - Epsom Town Hall

### PART ONE (OPEN TO THE PRESS AND PUBLIC)

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

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

Councillor Humphrey Reynolds (Chairman)  
Councillor 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 Mike Teasdale  
Councillor Tella Wormington

Yours sincerely

Chief Executive

For further information, please contact Sandra Dessent, tel: 01372 732121 or email: [sdessent@epsom-ewell.gov.uk](mailto: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 5 - 26)**

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 8 November 2018 (attached) and authorise the Chairman to sign them.

**3. LAND ADJOINING CEMETERY, DOWNS ROAD, EPSOM - PLANNING APPLICATION 18/00927/FUL (Pages 27 - 52)**

Proposed extension to the existing Cemetery. Planning permission to change the use from Agricultural Land to Cemetery.

**4. 6 THE GROVE, EPSOM KT17 4DQ - PLANNING APPLICATION 18/00647/FUL (Pages 53 - 68)**

Proposed two storey extension, 1<sup>st</sup> floor side extension and conversion of existing dwelling to provide 2 x 2 bed flats and 1 x 1 bed flat, including parking and landscaping.

**5. MARKET PLACE, HIGH STREET, EPSOM - PLANNING APPLICATION 18/00647/FUL (Pages 69 - 76)**

Relocation of statue from the Oaks Square to Epsom Marketplace.

**6. HORTON PARK GOLF AND COUNTRY CLUB, HOOK ROAD, EPSOM KT19 8QG - PLANNING APPLICATION 18/00640/FUL (Pages 77 - 90)**

Illumination of Adventure Gold facility and variation of condition 4 of planning permission reference 12/01094/FUL to allow evening use of facility.

**7. LAND AT MILL ROAD, EPSOM - PLANNING APPLICATION 18/00271/FUL (Pages 91 - 126)**

Development of a historically unused plot of land located adjacent to the railway, comprising of 28 x one and two bed apartments across four blocks and 3 x two bed properties.

**8. PREMIER INN, 1 THE PARADE EPSOM KT18 5BT - PLANNING APPLICATION 18/00995/REM (Pages 127 - 140)**

Variation of condition 22 (Approved drawings) to permit the reduction of the plant screen for the plant room at roof level.

**9. 57 SALISBURY ROAD, WORCESTER PARK KT4 7DE - PLANNING APPLICATION 17/01760/FUL (Pages 141 - 158)**

Redevelopment of the site for 13 apartments (6x1 bed, 6x2 bed , 1x3 bed) with car port, car parking, cycle store, bin store and associated external works

**10. DOWNS HOUSE, WALTON ROAD, EPSOM, KT18 5ND - PLANNING APPLICATION 18/00288/FUL (Pages 159 - 188)**

Racehorse training yard development.

**11. MONTHLY REPORT ON PLANNING APPEAL DECISIONS - DECEMBER COMMITTEE 2018 (Pages 189 - 190)**

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

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**Minutes of the Meeting of the PLANNING COMMITTEE held on 8 November 2018**

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**PRESENT -**

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

Absent: Councillor Lucie Dallen and Councillor Tella Wormington

Officers present: Ruth Ormella (Head of Planning), Tom Bagshaw (Planner), Claire Beesly (Assistant Solicitor), Virginia Johnson (Planner), John Robinson (Planning Officer), Jeremy Young (Tree Officer Place Development) and Sandra Dessent (Democratic Services Officer)

**21 DECLARATIONS OF INTEREST**

In the interest of openness and transparency, the following declaration was made:

Planning Application 18/00645/FUL - The RAC Club, Old Barn Road, Epsom KT18 5ND

Councillor Tina Mountain, Other Interest: Resides in a property adjacent to the application site. Did not take part in the debate or vote.

**22 MINUTES OF THE PREVIOUS MEETING**

The Minutes of the Meeting of the Planning Committee held on 4 October 2018 were agreed as a true record and agreed by the Chairman.

**23 ORDER OF MEETING**

With the agreement of the Committee the order of meeting was changed to agenda item 7, followed by 3, 4, 5, 6 8 and 9.

**24 TREE PRESERVATION ORDER 461 - 70 BRACKEN PATH, EPSOM KT18 7SZ**

***Description***

Objection to the implementation of a Tree Preservation Order on a Norway Spruce at 70 Bracken Path, Epsom – Tree Preservation Order No. 461.

**Decision**

Tree Preservation Order 461 is **CONFIRMED** without modification.

- 25** PLANNING APPLICATION 18/00481/REM - DEVELOPMENT SITE AT COURT LODGE, COURT LANE, EPSOM KT19 8JP

**Description**

Variation of Condition 13 (Approved Drawings) of planning permission 15/00492/FUL. Amendments to the extant scheme (at an advanced stage of construction) comprising internal layout amendments to Flat 9 and 10 and the addition of a bedroom to flat 1, on the ground floor.,

**Decision**

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

**Conditions:**

- (1) The development hereby permitted shall be commenced within 3 years from the 9 June 2016 the date of the originally approved application 15/00492/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 plans:

**1627\_44: 1627\_45A; 1627\_50C; 1627\_51A; 1627\_52A; 1627\_54; 1627\_60A; 1627\_61B; 1627\_62B; 1627\_63; 1627\_75; 1627\_45: (Tree Protection Plan)**

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

- (3) The development shall only be carried out in accordance with the external materials approved under application 16/00799/COND dated 07.11.2016.

**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) The development shall only be carried out in accordance with the hard and soft landscaping approved under application 16/01193/COND dated 05.07.2017.

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.

- (5) Prior to the commencement of any development works, including ground preparation and demolition, the tree protection measures as set out in the Tree Protection Plan (1627\_45 p1) dated June 2015 produced by David Archer Associates shall be implemented/erected and shall remain in place for the duration of the construction works. The protection barriers shall only be removed on the completion of all construction activity and with the written agreement of the local planning authority. All works shall be carried out in strict accordance with the approved details.

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

- (6) No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for a maximum of 13 cars and a minimum of 13 bicycles to be parked. The parking area shall be used and retained exclusively for its designated use.

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 development shall only be carried out in accordance with the Construction Transport Management Plan approved under application 16/00928/COND dated 20.01.2017.

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) The development shall only be carried out in accordance with the Sustainability Measures approved under application 16/00928/COND dated 20.01.2017.

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.

- (9) Prior to occupation of the new building, bat and bird boxes shall be installed in accordance with details submitted to and approved by the local planning authority. The boxes shall be retained thereafter.

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.

- (10) No construction work shall be carried out in such a manner as to be audible at the site boundary before 07.30 hours on Monday to Friday or after 18.30 hours on Monday to Friday; no construction work shall be audible at the site boundary before 08.00 and after 13.00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank Holidays or Public Holidays.

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

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

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

- (12) Any trees proposed to be felled as a result of the development hereby permitted shall be replaced by other trees in accordance with a scheme to be submitted to and approved by the local planning authority, and all tree planting in accordance with the approved scheme shall be completed within a period of twelve months from the date on which the development of the site is commenced or shall be carried out in the first planting season following completion of the development.

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.

- (13) The development shall only be carried out in accordance with the 1:20 scale details (Vertical section, window details) rainwater goods approved under application 16/00928/COND dated 20.01.2017.

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.



**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 38 of the National Planning Policy Framework 2018
- (2) EEBC has identified that the property is adjacent to an area of potentially contaminated land (03/00096 – Former infilled ground).

The area has a low potential to present risk in the form of ground gassing, but as a precautionary measure, it would be advisable to incorporate into the build very basic gas protection measures such as a gas membrane impermeable to methane and carbon dioxide, solid slab foundations and a granular blanket beneath the solid slab foundations to avoid the creation of a gas pathway for any potential ingress.

- (3) No burning of materials obtained by site clearance shall be carried out on the application site.
- (4) This form of development is considered liable for the Community Infrastructure Levy (CIL). CIL is a non-negotiable charge on new developments which involve the creation of 100 square metres or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100 square metres. The levy is a standardised, non-negotiable charge expressed as pounds per square metre, and are charged on the net additional floorspace generated by a development. You will receive more information regarding the CIL in due course. More information and the charging schedule are available online:

<https://www.epsom-ewell.gov.uk/residents/planning/planning-advice/community-infrastructure-levy-cil-guidance>

- 26 PLANNING APPLICATION 18/00722/LBA - THE CLOCK TOWER, 165-167 HIGH STREET, EPSOM KT19 8EW

***Description***

Epsom Clock tower brickwork restoration work to include securing loose brick, taking off any loose work and re-bedding incorporating stainless steel reinforcing bars as bed reinforcement where necessary. In addition the works will include the treatment of the asphalt roofing and minor repairs in several locations. Two number of dome windows in total will be replaced, one in each unit.

***Decision***

Restoration works are **PERMITTED**, subject to the following conditions:

**Conditions:**

- (1) The development hereby permitted shall be commenced within 3 years from the date of this decision.

**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:

**ECTBR – 001 Rev.A Epsom Clock Tower Front Elevation**

**ECTBR – 002 Rev.A Epsom Clock Tower Right Elevation**

**ECTBR – 003 Rev.A Epsom Clock Tower Back Elevation**

**ECTBR – 004 Rev.A Epsom Clock Tower Left Elevation**

**Site Plan**

**Design and Access Statement**

**Epsom Clock Tower Brickwork & Roof Defect Detailing Report**

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

- (3) Sample bricks shall be submitted for approval by the local planning authority which shall closely match those used on the original parts of the building.

**Reason:** To safeguard the special architectural and historic interest of the listed building in the interest of the character and appearance of the conservation area in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

**Reason for pre commencement:** In the interests of the avoidance that works would result in any harm to the Grade II listed building.

- (4) Prior to commencement of works a sample panel of brickwork must be prepared on site with bricks and pointing to match the original parts of the building to be approved by the local planning authority. The sample panel must be retained accessible until the completion of the works. Work must be carried out in accordance with that approved sample.

**Reason:** To safeguard the special architectural and historic interest of the listed building in the interest of the character and appearance of the conservation area in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

**Reason for pre commencement: In the interests of the avoidance that works would result in any harm to the Grade II listed building.**

- (5) Prior to commencement of roof works, detailed specifications with section drawings illustrating junctions with brickwork around the run off and flashing details shown in section shall be submitted for approval to the local planning authority before works commence.**

**Reason: To safeguard the special architectural and historic interest of the listed building In the interest of the character and appearance of the conservation area in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.**

**Reason for pre commencement: In the interests of the avoidance that works would result in any harm to the Grade II listed building.**

- (6) Prior to commencement of works a method statement for the repair and refurbishment of all iron windows shall be submitted to and approved by the local planning authority. No work shall be carried out other those in accordance with those approved specifications.**

**Reason: To safeguard the special architectural and historic interest of the listed building In the interest of the character and appearance of the conservation area in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.**

**Reason for pre commencement: In the interests of the avoidance that works would result in any harm to the Grade II listed building.**

- (7) Existing bricks, when removed must be set aside in a secure location and must be selected in agreement with the local planning authority to identify those suited for reuse or disposal.**

**Reason: To safeguard the special architectural and historic interest of the listed building In the interest of the character and appearance of the conservation area in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.**

**Informatives:**

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has**

been given every opportunity to submit an application which is likely to be considered favourably.

- (2) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

- 27 PLANNING APPLICATION 18/00832/REM - 101-111 HOLLYMOOR LANE, EPSOM KT19 9JZ

***Description***

Variation of Condition 2 (Approved drawings and documents) and removal of Condition 21 (Affordable Housing) of planning permission 15/01497/FUL.

***Decision***

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

**Conditions:**

- (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-XXAR-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-ZAAR-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 PlanningStatement\_20150528.pdf, 22205-col\_Services Survey.pdf, DS-MER00977-15-120 Rev B, FRA-MER00977-15-39 Rev B, GEA-MER00977-15-100 Part1, GEA-MER00977-15-100Part2, GEA-MER00977-15-100 Part3, Hollymoor Lane Energy Report R02-Afi.pdf, Hollymoor Lane Waste Minimisation statement, MER00977-002-001\_topo survey, MER00977-003-01\_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 with 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 commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be prepared by suitably qualified and accredited persons and submitted to the local planning authority for written approval.

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

- (17)** In the event that unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the local planning authority immediately. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and approved in



writing by the local planning authority. Development must accord with the approved details. Following completion of the remediation works, a verification report must be prepared by suitably qualified and accredited persons and submitted to the local planning authority for written approval.

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

- (18) 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 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.

- (22) 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.

- (23) 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.

- (24) The development shall only be carried out in accordance with the SuDS details approved under application 16/01364/COND dated 22/07/2017 of the Core Strategy (2007)

Reason: To ensure the drainage systems fully meets the requirements of the national SuDS technical standards in accordance with Policy CS5

- (25) 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, in accordance with Policy CS5 of the Core Strategy (2007)

- (26) 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.

- (27) 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.

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

**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 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) 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.

- (4) 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.
- (5) 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>
- (6) 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-andlicences/the-traffic-management-permit-scheme](http://www.surreycc.gov.uk/roads-andtransport/road-permits-andlicences/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-planningandcommunity-safety/flooding-advice](http://www.surreycc.gov.uk/people-andcommunity/emergency-planningandcommunity-safety/flooding-advice)

- (7) 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.
- (8) The applicant is advised to contact the Post Office Ltd with regard to any re-location of the existing box on Hollymoor Lane
- (9) 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.**

- 28 PLANNING APPLICATION 18/00645/FUL - THE RAC CLUB, OLD BARN ROAD, EPSOM KT18 5ND**

***Description***

Construction of a lined reservoir for golf course irrigation with landscaping and associated works, apparatus and engineering operations.

***Decision***

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

**Conditions:**

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

**Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.**

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

**Site Location Plan: RAC\_SLP\_09\_05.18**

**Site Sections: RAC\_SS\_08\_06.18**

**Irrigation Reservoir 6million gallons: RAC\_IRP\_10\_06.18 rev D**

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

- (3) Prior to the commencement of development (other than ground works and access construction), details, including siting, floor plans, elevations and external materials of the associated pump house shall be submitted to and approved in writing by the Borough Council. The development shall be carried out in accordance within 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.**

- (4) No fence(s) shall be installed until the details of the design, external appearance and decorative finish of all fences and any other means**

of enclosure shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the development first being brought into use 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.

- (5) The reservoir land forming and development, shall be carried out in strict accordance with the agreed recommendations for Tree Work and Tree Protection as detailed in the Arboricultural Assessment produced by SJA dated July 2018 reference SJA air 18095-01C

**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.

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

**Reason:** To ensure that the tree(s) receive the appropriate treatment and that the tree work is of a satisfactory standard to protect amenity in accordance with Policies CS1 and CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

- (7) 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) HGV deliveries and hours of operation

**(e) vehicle routing**

**(f) measures to prevent the deposit of materials on the highway**

**(g) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.**

**Reason: To ensure that the development does not prejudice 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.**

- (8) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works only shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.**

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

- (9) The development shall be implemented strictly in accordance with the mitigation and enhancement measures outlined in the Ecological Appraisal dated August 2018 (Report Reference - EDP1297\_r020b) and the recommendations and conclusions drawn in the 2012 Ecological Appraisal (Report Reference - EDP1297\_01g) dated September 2012.**

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

- (10) The development permitted by this planning permission shall only be carried out in accordance with the approved FRA produced by WSP dated June 2018 reference no. 7004190/MZ/EI.**

**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.**

- (11) No construction work shall be carried out in such a manner as to be audible at the site boundary before 08.00 hours or after 18:00 hours**

**Monday to Friday; no construction work shall be audible at the site boundary before 08:00 or after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank/Public Holidays.**

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

- (12) Details of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, shall be 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.**

- (13) The plant and machinery hereby approved shall not be used until it has been enclosed with sound insulation materials in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. The plant/machinery shall thereafter be maintained within the enclosure.**

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

**Informative:**

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

The Committee noted a verbal representation from the applicant. Letters of representation had been published on the Council's website and were available to the public and Members of the Committee in advance of the meeting.

- 29 PLANNING APPLICATION 18/00961/S106A - RYEBROOK STUDIOS, WOODCOTE SIDE, EPSOM KT18 7HD**



### **Description**

Amendment to the S106 agreement that accompanies planning permission 15/00992/FUL so as to enable the affordable housing units to be shared ownership units.

### **Decision**

Subject to a Deed of Variation being completed and signed by all parties, amending the affordable housing requirement from 2 no. affordable rented units to 2 no. shared ownership units is **PERMITTED**.

### **Informative:**

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

### **30 MONTHLY REPORT ON PLANNING APPEAL DECISIONS: 21 SEPTEMBER TO 25 OCTOBER 2018**

The appeal decisions from 21 September to 25 October were noted.

The meeting began at 7.30 pm and ended at 9.05 pm

COUNCILLOR HUMPHREY REYNOLDS (CHAIRMAN)

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## Land Adjoining Cemetery, Downs Road, Epsom

Proposed extension to the existing Cemetery. Planning permission to change the use from Agricultural Land to Cemetery.

<b>Ward:</b>	<b>College Ward;</b>
<b>Contact Officer:</b>	<b>Tom Bagshaw</b>

### 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=PFNIE OGYL1L00>

### 2 Summary

- 2.1 The proposal is an extension to the existing Cemetery. Planning permission is required to change the use from Agricultural Land to Cemetery. The application is referred to Planning Committee for determination as it has been made by the Borough and is a major application for which there is no delegation.

### 3 Site description

- 3.1 Epsom Cemetery is located on Green Belt Land. The cemetery is approximately 9.7 hectares in size and is sited in between Ashley Road and Downs Road.
- 3.2 The proposed cemetery extension is approximately 1.49 hectares in size and is located to the south of the existing cemetery. The existing use of the land is agricultural. It has predominantly as grazing land

### 4 Proposal

- 4.1 The proposal is to change the use of the land from Agricultural Grazing (Sui Generis) to Cemetery (Sui Generis). The proposal would include the creation of a further 1615 lawn burial plots. These Burial plots will be separated by denomination, this will be determined in an Equality Impact Assessment (EIA) after the grant of any planning permission.

- 4.2 The proposal would have carriageways around the site to enable staff to undertake the necessary maintenance and preparation of grave sites, and for the general public, visitors and guests along with an additional gated entrance to the site from downs road.

## **5 Comments from third parties**

- 5.1 The application was advertised by means of letters of notification to 11 neighbouring properties. To date (16.11.2018) 0 letters of objection have been received and 1 letter of support has been received

## **6 Consultations**

### **6.1 Statutory and Local Consultees**

- Surrey County Highways: No Objections. Recommended conditions should the application be approved.
- Natural England: No Comments
- Surrey Wildlife Trust: No Response Received
- Archaeological Officer: No Objections. Recommended conditions for further archaeological work
- Planning Policy: No Response Received
- Contaminated Land Officer: No objection

## 7 Relevant planning history

Application number	Decision date	Application detail	Decision
07/00890/COU	12.02.07	Proposed change of use from administrative offices and mess room (Sui Generis) to Osteopathic surgery and ancillary accommodation.	Approved
06/00754/LBA	11.12.06	Proposed enabling works to convert the lodge into a dwelling. Enabling works consist of new railings and a new access opening in the perimeter wall with new entrance gates removal of an internal wall, new window to kitchen and new parking to external parking space	Approved
05/00747/LBA	19.01.06	Proposed enabling works to facilitate the change of use of the Cemetery Lodge to residential use. Enabling works consist of new railings and a new access opening in the perimeter wall with new entrance gates	Approved
05/00749/COU	09.12.05	Proposed change of use from cemetery offices and mess room (Sui Generis) to residential use (C3)	Approved
95/00783/LBA 65/00759/DMD	08.02.96	Demolition of existing wc facility & erection of new wc block.	Unknown
94/00713/DMD	09.02.95	Land adjoining the cemetery, Downs Road - Change of use from grazing land to cemetery	Unknown

## 8 Planning Policy

### National Policy Planning Framework (NPPF) 2018

#### Promoting sustainable transport

Paragraph 108

Paragraph 109

#### Achieving well-designed places

Paragraph 127

Paragraph 130

Paragraph 131

#### Protecting Green Belt land

Paragraph 133

Paragraph 134

Paragraph 141

Paragraph 143

Paragraph 144

Paragraph 145

Paragraph 146

Paragraph 147

#### Meeting the challenge of climate change, flooding and coastal change

Paragraph 155

Paragraph 163

Conserving and enhancing the natural environment

Paragraph 170

Paragraph 171

Paragraph 174

Paragraph 175

Paragraph 177

Paragraph 178

Paragraph 180

Paragraph 182

Paragraph 183

Conserving and enhancing the historic environment

Paragraph 189

**Core Strategy 2007**

Policy CS1 – General Policy

Policy CS2 – Green Belt

Policy CS3 - Biodiversity

Policy CS4 - Open Spaces

Policy CS5 - The Built Environment

Policy CS6 - Sustainability in New Developments

Policy CS13 - Community Facilities

Policy CS16 - Managing Transport and Travel

**Development Management Policies Submission Document 2015**

Policy DM1 - Extent of the Green Belt

Policy DM4 - Biodiversity and New Development

Policy DM5 - Trees and Landscape

Policy DM6 - Open Space Provision

Policy DM8 - Heritage Assets

Policy DM10 - Design Requirements for New Developments

Policy DM34 - New Social Infrastructure

Policy DM35 - Transport and New Development

**9 Planning considerations**

**Principle**

9.1 The revised National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are expected to be applied. As above, the Government attaches great importance to Green Belts and paragraph 133 of the NPPF sets out that openness and permanence are the essential characteristics of Green Belts.

9.2 Paragraph 134 of the NPPF sets out the five purposes that Green Belt serves. These are provided below:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 9.3 Paragraph 141 of the NPPF sets out that once Green Belts have been defined, Local Planning Authorities should plan positively to enhance their beneficial use, such as looking for opportunities to (inter alia) provide for outdoor sport and recreation and retain and enhance landscapes.
- 9.4 The construction of new buildings in the Green Belt is regarded as inappropriate development, in line with paragraph 145 of the NPPF. Exceptions to this include (inter alia) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 9.5 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that valued landscapes should be protected and enhanced.
- 9.6 Policy DM1 (Extent of the Green Belt) of the Development Management Policies Document (2015) sets out that the Green Belt will be maintained along the boundaries of the existing built-up area and extending to the outer Borough boundary as defined in the Epsom and Ewell Borough-wide Local Plan 2000 and as defined in the successor Site Allocations Development Plan Document. Supporting paragraph 2.3 of the Development Management Policies Document (2015) sets out that the main purpose of the Green Belt is to prevent urban sprawl and the coalescence of neighbouring settlements by keeping land permanently open.
- 9.7 The proposed development is for the change of use of existing Agricultural Grazing Land (Class: Sui Generis Agriculture) to the use as a Cemetery (Class: Sui Generis).
- 9.8 Policies CS13 and DM34 state that applications for new or extensions to social infrastructure and community facilities will be encouraged on the basis that it addresses a deficiency in current provision and will meet the identified needs of the borough.
- 9.9 The applicant has supplied justification of the identified need for additional cemetery space in the covering letter and design and access statement. They state *"The existing cemetery is due to run out of space for lawn burials by 2018"*. They go on to state that the proposal is anticipated to host 20-25 lawn burials in the first year leading up to 120 a year between years 7-10 of the life of the proposal identifying the demand.
- 9.10 The proposed land use is already established by the existing cemetery and is considered to be an acceptable use within the context of the green belt subject to it not inappropriately affecting its openness.



9.11 The Town and Country Planning (Consultation) (England) Direction 2009 sets out that “Green Belt development” means development which consists of or includes inappropriate development on land allocated as Green Belt, which consists of or includes:

- The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- Any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

9.12 Should the scheme be approved and the assessment of the proposal on the openness of the Green Belt considers the scheme to have a significant impact upon the openness of the green belt, the scheme would be required to be referred to the secretary of State.

## 10 Design

10.1 Chapter 12 of the NPPF refers to design. Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive and accessible.

10.2 Paragraph 130 of the NPPF sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

10.3 Paragraph 131 of the NPPF stipulates that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

10.4 Policy CS5 (Conserving and Enhancing the Quality of the Built Environment) of the Core Strategy (2007) sets out that the Council protect and seek to enhance the Borough’s heritage assets including historic buildings, conservation areas, archaeological remains, ancient monuments, parks and gardens of historic interest, and other areas of special character. High quality design and inclusive design will be required for all developments. Development should:

- create attractive, functional and safe public and private environments;
  - reinforce local distinctiveness and complement the attractive characteristics of the Borough; and
  - make efficient use of land and have regard to the need to develop land in a comprehensive way.
- 10.5 Policy DM10 (Design Requirements for New Development (Including House Extensions) of the Development Management Policies Document states that development proposals will be required to incorporate principles of good design. Development proposals should (inter alia) be adaptable and sustainability designed, subject to aesthetic considerations and incorporate the principles of safe design to reduce the risk of fear of crime.
- 10.6 The proposal is designed in 3 blocks of burial areas with additional plots located at the northern periphery of the site on the boundary with the existing cemetery. The blocks would be navigated with a grid like carriageway network which would connect through to the existing cemetery. The proposal incorporates a new gated entrance onto Downs Road.
- 10.7 The proposal includes a landscaping plan that would result in a net increase in trees and shrubbery around the site particularly on the south eastern boundary of the site.
- 10.8 Hedging around the site is to be maintained and the cemetery would not have a significant visual presence from outside the site.
- 10.9 Ornamental planting beds with accompanying seating areas for the use of guests would be included within the proposal.
- 10.10 The design of the proposed cemetery extension would match that of the previous extension which it adjoins and is therefore considered to be in keeping with the existing cemetery and would not have any adverse impacts upon the character or appearance of the surrounding area.

## **11 Transport**

### Transport

- 11.1 Paragraph 108 of the NPPF sets out that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;  
and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 11.2 Paragraph 109 states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 11.3 The opening hours for the cemetery are from 9:00am until 7:00pm in the summer and reducing opening hours until the earliest closing times of 4:00pm in the middle of winter. As such, it is generally light outside during operating hours of the cemetery.
- 11.4 Swept path analysis has been utilised to ensure that a Hearse would be able to navigate the development proposal unencumbered.
- 11.5 The carriageways would be approximately 5 metres (16ft) in width. This would be adequate separation distance to allow for vehicles to pass each other whilst moving around the site.

#### Access

- 11.6 A new vehicular access on Downs Road is proposed to access the cemetery extension.
- 11.7 The section of the road used to access the site is relatively straight and horizontal. This creates generous sight lines. The speed limit along this Road is 40MPH.
- 11.8 Visibility splays of 2.4 metres (8ft) by 120 metres (394ft) will be provided in either direction to allow adequate distance for drivers to see and react to oncoming traffic.
- 11.9 The entrance gates would be set back from the road by 10 metres (33ft) so that cars can fully leave Downs Road whilst they wait for the gates to be operated. This access will be a minimum of 4.75 metres (16ft) in width to allow two vehicles to pass each other.
- 11.10 Pedestrian footpaths of 1.8 metres (6ft) in width would be provided at either side of the proposed entrance.

#### Trip Generation and Parking

- 11.11 The proposal will be expected at its peak to host a maximum of 4 cemetery burials a week on average. Each burial is expected to have an average of 25 vehicles including a hearse, which is the same as the trip generation incurred by existing funerals

- 11.12 The existing internal road network and parking areas are sufficient to cope with the current demand and traffic flow at peak times. Significant areas are available on-site for car parking and at funeral times, Cemetery Staff are available on-site to direct mourners on where to park. It is not considered likely that any vehicles would spill out onto Downs Road as part of this application.
- 11.13 Over the course of an average day this number of vehicle movements is not considered to result in a significant impact upon the highway network.
- 11.14 There are bus links from Ashley Road to the Cemetery bus stop which provides links to the 460 (Crawley to Epsom) and 480 (Preston to Epsom) buses.
- 11.15 Existing footways in the locality provides a very good footway network to local areas as well as all local services, facilities and public transport nodes.
- 11.16 The existing cemetery accommodates 3 cemetery staff a day and 2/3 support staff twice a week. Three dedicated spaces for staff have been provided on the proposed cemetery extension.
- 11.17 Peak traffic periods include: Fathers Day; Mothers Day; Easter and Christmas periods.
- 11.18 The Internal Cemetery Loop Road has been designed with adequate width to allow for ad-hoc parking during peak times.
- 11.19 During times where larger than usual numbers of guests are expected (such as Traveller funerals) the cemetery staff are obligated to liaise with Surrey Police Service to manage the associated traffic issues.
- 11.20 Spoil generated would be collected at the same time as the existing cemetery to avoid creating unnecessary additional trips. At present spoils are collected 15 times a year (slightly over once a month).

#### Transport Conclusion

- 11.21 The proposal has been designed with transport in mind. It takes account of vehicle widths and visibility splays so that cars can enter and leave the site safely. The site has been set up so that it has flexibility in terms of peak parking capacity during busy times of year and there are dedicated staff to manage exceptionally busy events. The proposal is therefore considered to be acceptable in terms of its highways impacts.

## 12 Contaminated Land

### Contaminated land

- 12.1 According to historical mapping, the existing and proposed cemetery extension has been occupied by fields and surrounded by mainly agricultural land since mapping began.
- 12.2 The proposed cemetery extension is underlain by a Chalk Formation which is a Principal Aquifer and the proposed extension is in a groundwater source protection zone 2. This zone has been developed for a public abstraction.
- 12.3 The source-pathway-receptor linkage assessment indicated that there is a predominant risk that could potentially arise from burial leachate impacting groundwater within the aquifer and potentially migrating towards the public supply wells.
- 12.4 A combined Tier 2 and Tier 3 quantitative groundwater risk assessment has been conducted in order to derive risk to the Chalk Principal Aquifer from burial leachate from the existing cemetery and the proposed cemetery extension.
- 12.5 Tier 2 modelling for the cemetery extension indicated that burial leachate concentrations of Ammonium and Lead exceeded the relevant target values. Ammonium, Lead and Iron contaminants of concern were taken forward for further Tier 3 quantitative modelling.
- 12.6 The Tier 3 Model it was confirmed that there is an insignificant risk to the Chalk Principal Aquifer assuming the maximum burial rate is 120 burials per year.
- 12.7 Epsom & Ewell Borough Council's Contaminated Land Officer raised no objections and did not request any conditions.

### Contaminated land Conclusion

- 12.8 The proposed and existing cemetery plans comply with the Environmental Permitting Regulations. As such, there is predicted to be no unacceptable risk to groundwater contamination and the proposal is therefore acceptable in this regard.

### **13 Sustainable Development**

#### Sustainable development

- 13.1 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF sets out that there are three overarching objectives to achieving sustainable development, which includes an environmental objective. Development should contribute to protecting and enhancing the natural, built and historic environment, making effective use of land and helping to improve biodiversity.
- 13.2 Policy CS1 of the Core Strategy (2007) expects 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 environment and should achieve high quality sustainable environments for future generations.
- 13.3 The proposed cemetery extension will be located on a vacant and unused piece of land. The most recent use was for grazing of horses however this use has since become redundant.
- 13.4 The proposal would increase the sustainability of Epsom cemetery as it is reaching its capacity. The cemetery extension will increase the size of the cemetery ensuring that there is a sustainable capacity for burials for approximately 10 years.
- 13.5 The proposal would result in a natural mesotrophic habitat being replaced by a man made cemetery. The proposals include the planting of a variety of trees, shrubbery and herbaceous plants and as such, would not be considered to result in an unacceptable loss of greenery and plant species will be selected to ensure that the biodiversity value of the site is not unacceptably diminished.

#### Sustainable development conclusion

- 13.6 In summary, the proposed cemetery extension is considered to achieve sustainable development by retaining biodiversity within the site and bringing back into use land that has since gone unused. The site will increase the size of the size of the cemetery to ensure there is a sustainable capacity for approximately 25 years.

### **14 Ecology**

#### Ecology

- 14.1 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality.

- 14.2 Paragraph 175 of the NPPF sets out that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 14.3 Policy CS3 (Biodiversity and Nature Conservation Areas) of the Core Strategy (2007) sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of National and Local biodiversity action plans in terms of species and habitat. Development that would harm Grade 3 Sites of Nature Conservation Interests (SNCIs) will not be permitted unless suitable measures are put in place and it has been demonstrated that the benefits of a development would outweigh the harm caused.
- 14.4 A preliminary ecology assessment was submitted accompanying the application

'Fauna'

- 14.5 The nature of the development and habitats on the site that would be affected are not considered to be suitable to contain bat roosts.
- 14.6 The nearest pond thought to be capable of being a suitable habitat for Great crested newts is situated over 1 kilometre from the site and as such the site would not be thought to contain any newts.
- 14.7 The previous use of this site was for the grazing of horses. As such, the possibility of reptiles such as Grass Snakes or Adders is considered to be negligible.
- 14.8 Epsom & Ewell Borough Council's Planning Officer and Ecology Officer both gained access to the site and there were no signs of a Badger Set or Badger activity on the site.
- 14.9 Epsom & Ewell Borough Council's Ecology Officer found no evidence of ground nesting birds on site. The hedges surrounding the site are potential nesting sites for birds. If any clearance of hedgerows is going to occur this would need to occur outside of the main breeding period (March to August) or under the supervision of a suitably qualified ecologist. This would be required as a condition should the application be approved.
- 14.10 The site is not considered to be a suitable habitat for Dormice. The hedge along the southern boundary of the site is suitable for Dormice, this however is situated on the adjacent site not the development site.

'Flora'

- 14.11 There are a number of habitats that are protected, due to being a habitat of principal importance as designated under the Natural Environment and Rural Communities Act 2007.

- 14.12 One of these due to the site's location is lowland calcareous grassland. there are a number of grassland types that can be included as calcareous grassland. These are the National Vegetation classification grasslands, CG1 to CG7.
- 14.13 Epsom & Ewell Borough Council's ecology officer concluded after a site inspection that the existing habitat on site would be assessed as mesotrophic grassland MG1. This grassland type is not included as a priority habitat.

#### Ecology Conclusion

- 14.14 The development can proceed without any further survey or mitigation with regard to biodiversity law. However Epsom & Ewell Borough Council Development Management Policy DM4 states 'Whether or not there are any species or habitats that enjoy statutory protection, every opportunity should be taken to secure net benefit to the Borough's biodiversity. As such, plant species to be included in the planting scheme will be selected to have a high ecological value. Details of the plant species will be required as a condition to be discharged.

### **15 Archaeology**

#### Archaeology

- 15.1 Chapter 16 of the NPPF refers to the conservation and enhancement of the historic environment. Paragraph 189 states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 15.2 Policy CS5 (Conserving and Enhancing the Quality of the Built Environment) of the Core Strategy (2007) sets out that the Council will protect and seek to enhance the Borough's heritage assets including (inter alia) archaeological remains. The settings of these assets will be protected and enhanced.
- 15.3 Policy DM8 (Heritage Assets) of the Development and Management Policies seeks to resist the loss of Heritage Assets and instead promote the opportunity to conserve and enhance these. Specifically, on any major development site of 0.4ha or greater, applicants are required to undertake prior assessment of the possible archaeological significance of a site and the implications of the proposals.
- 15.4 An archaeological assessment was undertaken to assess whether or not the site may contain any historical remains that may be worth preserving. The archaeological assessment undertaken was desk based and did not include a site visit or any excavation of the site.



- 15.5 The archaeological assessment determined that site has been largely undisturbed since the early 1800's.
- 15.6 Evidence of Romano-British activity has been evidenced within the search radius of the site. Remains have included pottery and coins dating back to the 3<sup>rd</sup> and 4<sup>th</sup> centuries AD. Pottery has been found between 950 and 860 metres from the site. Roman coins have been found 920 metres from the site (Claudius II, 268-270AD) and as close as 250 metres from the site (Constantine I, 306-337AD).
- 15.7 The proximity of historical remains discovered near the site suggest that there is a moderate to good potential of historic remains being present on the site.
- 15.8 It is considered that if there are any historic remains existing they are expected to survive at or below the interface between topsoil and undisturbed sub surface soil.
- 15.9 The construction of the roads and the digging of graves would be considered to destroy most archaeological deposits that might remain.

#### Archaeology Conclusion

- 15.10 The archaeological assessment by Surrey County Archaeological Unit and the consultation response from Surrey County Council Heritage Conservation Team both confirm that the site has a good potential to host historical remains. They conclude that a field investigation should be undertaken in order to assess and clarify the archaeological potential of the site identified in the desk based archaeological assessment.
- 15.11 Evaluation prior to the determination of such an application is strongly recommended by the National Planning Policy Framework (para 189) and Local Plan policy DM8.
- 15.12 However, due to the nature of the development and the fact that it will become occupied slowly over a number of years there is scope to accommodate the investigation and preservation of historical assets '*in situ*' and as such, archaeological assessments do not need to be made in advance of the grant of the planning permission.
- 15.13 It is determined that the most practical and efficient method of further work would be an archaeological trial trench evaluation. A written scheme of investigation would be required to be submitted and approved by the planning authority prior to any below ground works.

## **16 Trees and Landscaping**

- 16.1 Chapter 15 of the NPPF concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.
- 16.2 Paragraph 175 of the NPPF sets out that development resulting in the loss or deterioration or irreplaceable habitats such as ancient woodland and ancient or veteran trees should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 16.3 Policy DM5 (Trees and Landscape) of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia):
- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and
  - Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.
- 16.4 Where trees, hedgerows or other landscape features are removed, appropriate replacement planting will normally be required. Consideration should be given to the use of native species as well as the adaptability to the likely effects of climate change.
- 16.5 There are no trees under the Protection of Tree Preservation Orders (TPO's) on the site of the proposed development site.
- 16.6 There are various trees protected by TPO's along the boundary of site in Epsom Cemetery. These include: Rowan; x2 Cherry; x2 Mountain Ash; Lawson Cypress; Double Pink Cherry and x3 Hawthorn.
- 16.7 A condition would be added to the proposal to ensure that no burial plots are excavated within the root protection areas of any TPO's on land adjacent to the development site.

### Landscaping

- 16.8 The application includes a planting plan for trees and shrubbery to be incorporated in the proposed development.
- 16.9 The planting plan includes a variety of species of Tree. A comprehensive list of species and numbers of each species can be found below

Name	Quantity
Acer Campestre	7
Betula Nigra	3
Betula Pendula	12
Carpinus Betulus	2
Crataegus Monogyna	12
Liquidambar Stryciflua 'Stella'	8
Platanus Orientalis 'Minaret'	6
Pyrus Calleryana 'Redspire'	4
Sorbus Aucuparia	10
Total	64

16.10 The proposal represents a significant net increase in trees and shrubs on the site. The majority of the trees would be located at the south eastern boundary of the site with the remaining new trees would placed strategically to mark corners and junctions around the site.

16.11 The additional trees as well as the addition of approximately 550 shrubs and 160 herbaceous plants is considered to significantly soften the visual impact of the proposed road and car park on the 'greenness' of the site.

16.12 Epsom and Ewell borough Council's Trees and Landscaping Officer has confirmed there are no objections to the scheme subject to the inclusion of a condition ensuring the planting scheme is implemented within appropriate time scales.

#### Trees and Landscaping Conclusion

16.13 The proposed development includes the net increase of trees and shrubbery and the landscaping plan is considered to be acceptable. This would offset the proposed loss of green space resulting from the introduction of carriage ways around the site.

16.14 The root protection areas of trees under the protection of TPO's in adjacent land will be protected by the inclusion of conditions.

16.15 The proposed development is therefore considered to be acceptable in terms of trees and landscaping

## 17 Green Belt

### Impacts to the Green Belt

- 17.1 Policy CS2 (Green Belt) of the Core Strategy (2007) seeks to ensure that the Green Belt continues to serve its key functions and maintain its existing general extent. Strict control will be exercised over inappropriate development, as defined by Government policy.
- 17.2 Paragraph 143 of the NPPF states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'
- 17.3 A Visual Impact Assessment accompanies the proposal to determine the 'appropriateness' of the development within the green belt setting.
- 17.4 The proposal would include the erection of a new gate at the entrance to the development and no other buildings/structures would be erected within the development site.
- 17.5 The site represents an extension to the existing cemetery which is considered to be a Green Belt compliant use and would be in accordance with Policy 146 of the NPPF.

### Visual Impacts

- 17.6 A visual Impact assessment has been made in conjunction with the proposal to assess the likely impacts of the scheme on the openness of the Green Belt.
- 17.7 Table 5 of the visual impact assessment includes as summary of all anticipated visual effects, it determines that the maximum possible impact upon the openness of the Green Belt will be during the construction stage.
- 17.8 The table summarises the impacts on views and states that there would be a 'Low Adverse' visual impact upon Clear Heights (neighbour), Epsom Cemetery, Downs Road and Public Right of Way 31 (PRoW 31). This would reduce to negligible before or by 15 years after completion of the development. The assessment determined that there would be no visual impacts beyond these 4 areas.
- 17.9 The site would retain strong mature vegetated boundaries that are consistent with the existing streetscene and surrounding landscapes limiting the visual impacts of the proposal open the setting and openness of the Green Belt to an acceptable level.

Green Belt Conclusion

17.10 The proposal would not be of an inappropriate use for the Green Belt and the long term impacts of the proposal are considered to have a negligible visual impact from the surrounding area. The proposal would not result in any unacceptable impacts upon the setting or appearance of the Green Belt and would be acceptable in this regard. On the basis of the assessment of all of the information before the LPA, it is concluded that the harm would not result in any significant impacts to the openness of the Greenbelt.

17.11 The scheme therefore would not require referral to the Secretary of State.

## **18 Flooding**

Flood Risk

18.1 Chapter 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. Paragraph 155 stipulates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraph 163 sets out that when determining any planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

18.2 Policy CS6 (Sustainability in New Developments) of the Core Strategy (2007) sets out that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development – both new build and conversion. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development (inter alia):

- has no adverse effects on water quality, and helps reduce potential water consumption for example by the use of water conservation and recycling measures and by minimising off-site water discharge by using methods such as sustainable urban drainage; and
- avoids increasing the risk of, or from, flooding.

18.3 The site is located in a flood risk zone 1 (Low probability – NPPF Flood Zone Classifications).

18.4 Therefore the neither the sequential test nor the exceptions test need to be applied.

- 18.5 The development site is considered to be classed as 'Less Vulnerable' (Lowest level of flood risk) within the development compatibility table sections.
- 18.6 The proposed development is not considered to result in the creation of hard surfaces that would result in a significant amount of ground water surface runoff.
- 18.7 The proposed cemetery extension is therefore considered to be acceptable in terms of flood risk.
- 18.8 The applicant has provided a details of the Sustainable Urban Drainage System (SUDS) and a detailed implementation strategy. These are considered to be acceptable and their implementation would be required by condition

#### Flood Risk Conclusion

- 18.9 The nature of the proposal and its location within a Flood Zone 1 would result in little to no flood risk and is therefore considered to be acceptable in this regard.

### **19 Community infrastructure Levy**

- 19.1 The proposed application would not be CIL liable as it would not result in the creation of over 100 square metres of internal floorspace nor would it result in the creation of any additional residential dwellings

### **20 Conclusions**

- 20.1 The proposed development is considered to be acceptable in regards to all the assessment criteria and would meet an identified need for burial space within the borough as the existing cemetery runs out of burial plots by the end of 2018. The applicant has made the case that there is a demonstrable need for the cemetery extension. Further, technical investigations have confirmed that the site is suitable for the use in terms of environmental factors of contamination, ecology and biodiversity, archaeology, trees and landscaping
- 20.2 The proposal has been designed to have regard for access, and so as to not increase impacts on the local highway network. A number of conditions are recommended so that the proposal is acceptable and achieves the requirements of the planning policy framework.
- 20.3 Detailed assessment of the proposal in relation to its scale, nature or location in relation to the openness of the greenbelt has been undertaken and having reviewed the landscape assessment, proposed landscaping scheme and the development as a whole it is concluded that the proposal would not result in significant harm.

## **21 Recommendation**

21.1 Approval subject to the following conditions:

### **Conditions:**

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

**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in strict accordance with the approved drawings:

**D7049.001E Materplan**

**D7049.002D Site Layout – Sheet 1**

**D7049.003D Site Layout – Sheet 2**

**D7049.004A Boundary Treatments**

**D7049.005B Detailed Planting Plan Sheet 1 of 2**

**D7049.006A Detailed Planting Plan Sheet 2 of 2**

**D7049.007 Tree Pit Detail**

**Transport Statement**

**Flood Risk Assessment**

**Archaeological Assessment**

**Desk Study Phase 1**

**Desk Study phase 2**

**Location Plan**

**Design and Access statement**

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

- (3) Prior to the commencement of development, details and samples of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**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) No engineering or below ground works shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority. Any follow up action shall be taken in accordance with the agreed scheme.

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

- (5) Details of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, shall be submitted to and approved in writing by the local planning authority in consultation with the council's ecology officer. 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.

- (6) 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) HGV deliveries and hours of operation
  - (e) vehicle routing
  - (f) measures to prevent the deposit of materials on the highway
  - (g) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

**Reason:** To ensure that the development does not prejudice 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.

- (7) No construction work shall be carried out in such a manner as to be audible at the site boundary before 08.00 hours or after 18:00 hours Monday to Friday; no construction work shall be audible at the site



**boundary before 08:00 or after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank/Public Holidays.**

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

- (8) No development shall take place until an Arboricultural Method Statement and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details.**

**Reason: To ensure that the tree(s) receive the appropriate treatment and that the tree work is of a satisfactory standard to protect amenity in accordance with Policies CS1 and CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.**

- (9) No excavation for graves shall take place within the root protection area of trees (as defined in British Standard 5837) retained on the site or adjacent land.**

**Reason: To ensure that the tree(s) receive the appropriate treatment and that the tree work is of a satisfactory standard to protect amenity in accordance with Policies CS1 and CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.**

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

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

- (11) Notwithstanding the submitted plan '0100 Rev 2', the Land Adjoining Cemetery shall not be utilised until the proposed bell mouth access has been constructed with tactile paving and dropped kerbs at the pedestrian access points and vehicle visibility of 120m in both directions from a point 2.4m back along the access from the nearside kerb line, in accordance with a revised scheme to be submitted and approved in writing by the Local Planning Authority. There shall be**

no obstruction to the vehicle visibility zone above 0.6m high above the ground.

Reason: The above condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and DM 35 Transport and New Development of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (12) The development hereby permitted shall be carried out in accordance with the Drainage Strategy (EPG-8896-RP-DS -01) provided by The Environmental Protection Group [06.08.18]. The approved development shall be implemented in accordance with the approved strategy prior to the first use/or occupation of the cemetery and thereafter retained in that condition.

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

- (13) For any clearing of hedgerows this would need to occur outside of the main avian breeding period (March to August) or under the supervision of a suitably qualified ecologist.

Reason: to ensure that no undue harm is caused to the breeding cycle of nesting birds that use the site as a nesting site.

**Informatives:**

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
- (2) 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 3 months in advance of the intended start date, depending on the scale of the works proposed

**and the classification of the road. Please  
see:<http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>.**

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## **6 The Grove, Epsom, Surrey, KT17 4DQ,**

Proposed two storey rear extension, 1st floor side extension, and conversion of existing dwelling to provide 4 No. 2 bed flats and 1 No. 1 bed flat, including parking and landscaping

<b>Ward:</b>	<b>TOWN</b>
<b>Contact Officer:</b>	<b>Karen Haizelden</b>

### **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=PCQKGJGYKLL00>

### **2 Summary**

- 2.1 The proposal is for a two storey rear extension, 1st floor side extension, and conversion of existing dwelling to provide 4 No. 2 bed flats and 1 No. 1 bed flat, including parking and landscaping

### **3 Site description**

- 3.1 The site is located on the edge of and to the east of Epsom Town Centre, in what is a primarily residential area, comprising a range of dwelling types and housing styles. The Grove itself is a cul-de-sac, the southern end of which (including the application site) falls within the Church Street Conservation Area. The property is also subject to an Article 4 Direction.
- 3.2 The application site extends to circa 0.2 hectares, and comprises a large detached two-storey house set within a generous plot forming a large domestic garden to the front and rear. The property itself is a traditional 1930s style two storey house with brick walls and clay tiled roof with mock Tudor herring bone brick detailing to the front elevation. The house has been left vacant for a number of years and there is evidence of damp on the ground floor and rot in floorboards on the first floor. The rear garden area contains a number of mature trees which are located towards the edge of the site. These trees are protected by a tree preservation order.

- 3.3 The housing in the local area varies in style and type. The entrance to The Grove is via Grove Road which comprises large detached and semi-detached houses and villas, most of which are of a typical domestic scale. Once within The Grove the character becomes more mixed. On the southern side there are again mainly large detached houses which typically extend across their full plot widths.
- 3.4 Adjoining Grove House to the north is 7 The Grove which is detached pre-war two storey house located within a large plot.
- 3.5 To the other side of the application site are two modern three storey blocks of sheltered flats which are called Badger Court and Badger Lodge. Badger Court is the larger of the two and closes the vistas of the cul-de-sac when viewed from its entrance. This is deep, high and wide block built using a light sandy coloured facing brick.

#### **4 Proposal**

- 4.1 The proposal is for a two storey rear extension, 1st floor side extension, and conversion of existing dwelling to provide 4 No. 2 bed flats and 1 No. 1 bed flat, including parking and landscaping.
- 4.2 The existing property is a six bedroomed property spread over two levels.
- 4.3 The proposed extensions to the property will be two storey to the side and rear with a loft conversion to the existing loft space and the insertion of two dormer windows to the rear and two roof lights to the front.
- 4.4 The extension to the side will project 1m from the existing side wall and extend for 10.7m along the length of the property. To the rear the extension will project 4m from the existing rear building wall. Both side and rear extensions will be two storey and join to form a new roof design. The eaves height of the extension would be 5m and will match that of the main dwelling, whilst the proposed ridge would be 8m.
- 4.5 The roof will maintain the existing appearance the front and sides where the pitch and tiles will be the same as the existing. There will be two roof lights to the front elevation. There will be a flat roof section to the main roof to facilitate this appearance, with the existing main ridge will not be exceeded. To the rear, the roof above the two storey rear extension will join the main roof with two roof dormers projecting towards the rear gardens of 2.7m metres in width, 2m metres in depth and 1.5 metres in height to the top of the flat roof.
- 4.6 There will be new windows inserted to the side elevations at ground floor and first floor level. The first floor windows on the right hand elevation facing onto 7 The Grove are shown to be obscure glazed with the top fan light only opening above 1.7m above floor level.

- 4.7 To the front of the property the existing front garden will accommodate 6 car parking spaces. These spaces will be located in pairs around the garden with trees and shrub planting.

## 5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 106 neighbouring properties. To date (20.11.2018) 40 letters of objection have been received. These are counted as one letter from one address. Should two people from same address write different letters, these are counted as one letter and in addition, if the same person has written more than one letter, this is counted as one letter.

The main themes common to all objections are:

- The adverse impact on the heritage assets and this Conservation Area of the Borough
- The increase of cars, increase parking adverse impact upon the Highway
- The environmental impact loss of green space, protection of existing ecological environment particularly for the badgers
- Design not in keeping with the Conservation Area, roof lights were not allowed elsewhere in Grove Road.
- The tarmac surface is unacceptable and the sea of car parking unattractive and not in keeping with the area.

## 6 Consultations

- 6.1 **Design and Conservation Officer -** The proposal site is within the Church Street conservation area and it is roughly triangular in shape, with a narrow south-western frontage edging The Grove and an extensive, softly landscaped 'back land' area. A Grade II listed building exists to the south-east of the site. However it is located at some distance and due to the presence of intervening built form and trees, it is little affected by the proposal. The new development is thus reviewed in terms of its impact on the significance of the surrounding designated area.
- 6.2 The importance of sustaining and enhancing the significance of designated heritage assets is emphasised throughout Section 16 of the NPPF (2018) and paragraphs 193 & 194 require great weight to be given to their conservation.
- 6.3 From the conservation perspective, it is rarely considered appropriate to significantly alter the principal elevation of a building within a designated area, as distinctive architectural qualities are likely to be obscured and the building's special contribution to local character diminished. However in this case, the existing building lacks architectural or historic interest and it is set well back on the site. It is partially screened by shrubbery and in consequence, has limited presence in the streetscape of The Grove.

- 6.4 Although the building will be subdivided into flats, the existing (locally appropriate) residential use continues. While the substantial remodelling results in some intensification of the present level of development, the enlarged building continues to sit comfortably on the spacious site and extensive, softly landscaped areas remain. Due to the secluded setting, the proposal will have little effect on the locally distinctive qualities of the Church Street conservation area and there is no objection in terms of Policy DM8.
- 6.5 **Council's Tree Officer-** No objection, subject to tree protection conditions.
- 6.6 **Surrey County Council Highways** - The County Highway Authority has considered the wider impact of the proposed development and considers that it would not have a material impact on the safety and operation of the adjoining public highway.
- 6.7 **Council's Countryside Officer (Ecologist)-** I am aware of the site and have carried out an informal site visit for the previous application, where evidence of badger activity was found.
- 6.8 Due to the small scale of the development, the level of effect on the ecological value is low and the current plans are adequate to mitigate these effects

## 7 Relevant planning history

Reference number	Proposal	Decision	Decision date
16/00331/FLH	Conversion of garage into a habitable room. Part two-storey/part single-storey rear extension.	Application Permitted	22 July 2016
17/00893/FUL	Demolition of existing dwelling and redevelopment to provide a single three storey block comprising 11x 2 bed flats and 2 x 3 bed flats including landscaping and basement parking area	Application Withdrawn	13 December 2017



## 8 Planning Policy

### National Policy Planning Framework (NPPF) 2018

Chapter 5:	Delivering a Sufficient Housing Supply
Chapter 11:	Making Effective Use of Land
Chapter 15:	Conserving and Enhancing the Natural Environment

### Core Strategy 2007

CS1 Sustainable Development  
CS3 Biodiversity  
CS5 Built environment and Heritage Assets  
CS6 Sustainability in new developments  
CS7 Housing Provision  
CS8 Broad location of housing development  
CS9 Affordable Housing  
CS16 Managing transport and travel

### Development Management Policies Submission Document November 2014

DM4 Biodiversity and new development  
DM5 Trees and landscape  
DM8 Heritage Assets  
DM9 Townscape character and local distinctiveness  
DM10 Design requirements for new developments  
DM11 Housing design  
DM12 Housing standards  
DM13 Building heights  
DM19 Development and Flood Risk  
DM21 Meeting Local Housing Need  
DM22 Housing mix  
DM35 Transport and new development  
DM36 Sustainable Transport for new development  
DM37 Parking standards

### Supplementary Planning Guidance 2003

Revised Sustainable Design Supplementary Planning Document (2016)  
Revised Developer Contributions Supplementary Planning Document (2014)  
Parking Standards for Residential Development Supplementary Planning Document (2015)

## 9 Planning considerations

### Principle of development

- 9.1 The redevelopment of this property within an already developed residential area is an appropriate and sustainable location for increasing the amount of residential development at the site subject to other material considerations and local planning policy

### Impact on Conservation Area and Visual Amenity.

- 9.2 Policy DM8 states that we will resist the loss of our Heritage Assets and every opportunity to conserve and enhance them should be taken by new development. Policies DM9 and DM10 encourage high quality development and planning permission will be granted for proposals, which make a positive contribution to the borough's visual character and appearance.
- 9.3 The applicant property is situated within the Church Street Conservation Area. As can be seen from the Design and Conservation's Officer's comments above, the setting of the property is enclosed by mature trees and shrubbery, and views to and from the property can be seen from the conservation area.
- 9.4 The proposed redevelopment of the application site would result in intensification of the residential development and sub divide this existing family property.
- 9.5 The hip-roofed design would be of 1930s traditional style, with the street elevation articulated with a gable-ended pitched roofs to projecting bays. Overall the building would relate acceptably to the prevailing style and appearance of buildings in the immediate road and wider area.
- 9.6 The front of the property will accommodate 6 parking spaces. These spaces will be located in pairs around the front garden with a mixture of shrub and tree planting in between the areas of hardstanding. The front garden is laid out in an intensive design to accommodate the six parking spaces. However, given the reasonable set-backs from the site boundaries, the ratio of built form to natural landscaping within the front garden area would be acceptable.
- 9.7 It is concluded that the proposed scheme would not have a harmful impact on the street scene, or the character and appearance of the wider area and would therefore accord with Policy DM9 and DM10.

Neighbouring Amenity

- 9.8 The side and rear extensions to the property will be within the existing building lines of the existing property. To the rear the extension will project 4m back from the existing rear wall. Currently there is an existing two storey feature to this rear elevation this will be subsumed with the new design. The whole of the applicant property is set to the rear of the neighbouring property number 7 The Grove. There is a detached single storey garage building to this property boundary, this will be retained for bicycle storage. The two storey rear extension will be approximately 6m from the property boundary to this side. The positioning of the existing property and the new extension would not impact upon the outlook angle from the nearest windows of the adjoining properties.
- 9.9 The flank elevation of the proposed scheme would face the rear garden of number 7 The Grove. At a distance of approximately 6m this is acceptable. As a result this would not lead to an unacceptable loss of outlook and sense of enclosure for these occupiers, or result in a loss of light due to the site's orientation.
- 9.10 At upper floor levels, secondary flank bedroom windows and bathroom windows will be obscure glazed, secured by condition, and would not give rise to material overlooking or loss of privacy. There is also intervening vegetation/trees between the respective flank boundaries.
- 9.11 The rear facing upper floor windows and balconies would face the rear parking area and gardens of flats located in Grove Avenue the road to the rear of The Grove. There will be a distance of 28m to the rear property boundary. This would be an acceptable distance to ensure that no loss of privacy, overlooking or visual intrusion would occur.
- 9.12 To the other side, the new two storey side extension will face onto the access road to Badgers Court. There will be no impact to residential properties on this side of the site.
- 9.13 It is therefore concluded that the proposed scheme would not have a materially harmful impact on neighbour amenity in terms of overlooking, loss of privacy, daylight or being overbearing in their outlook, in accordance with Policy DM10

Housing Space Standards

- 9.14 The Nationally Described Space Standards, introduced by DCLG in March 2015, sets clear internal minimum space standards for new dwellings. The space standards are intended to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures while policy DM10 of the Development Management Policies Document states that in order to ensure that the housing delivered is of high quality and the most appropriate type, the Council will expect proposals for new residential development to accord with the principles of good design. Policy DM12 states that the Council will expect proposals to include the provision of appropriate amenity space and play space provision.
- 9.15 The application proposes four 2 bedroom units, one 1 bedroom units. As demonstrated by the table below, the proposed units meet the minimum standards.

Living Area	Proposed Gross Internal Area m <sup>2</sup>	National Space Standards Floor Area m <sup>2</sup>
Flat 1 (2bed/4 bedspace)	80	74
Flat 2 (2bed/4 bedspace)	81	74
Flat 3 (2bed/4 bedspace)	76	74
Flat 4 (2bed/4 bedspace)	81	74
Flat 5 (1bed/2 bedspace)	81	61

Amenity Space

- 9.16 Policy Guidance 13 of the Residential Design SPD states that a minimum of 10 sqm of private outdoor space should be provided for a new flat and an extra 1 sqm should be provided for each additional occupant. In addition, 50 sqm of communal amenity space should be provided with any private amenity space that can't be provided added to the communal amenity space.
- 9.17 This proposal will have approximately 800m<sup>2</sup> of rear garden private amenity space. This makes the proposal acceptable in this respect.
- 9.18 Policy DM12 refers to housing standards and requires amenity space to be private, functional, safe and bio-diverse, easily accessible from living areas, oriented to take account of sunlight and shading, of sufficient size to meet the needs of the likely number of occupiers and provide for the needs of families with young children.
- 9.19 It is proposed all flats will have access to the rear communal amenity space of the existing back garden area.
- 9.20 The space provided for all of the flats, in terms of both quality and function, is considered to meet the overall standard set out in DM12.

Housing Need

- 9.21 National planning policy requires that local planning authorities make adequate provision for meeting all types of housing need, including affordable housing and the needs of different groups in the community; such as, but not limited to families with children, older people, people with disabilities and service families. We believe that meeting the housing needs of these different groups is important not only because it positively contributes to the diversity of our Borough helping to make our communities sustainable but also because of the contribution that these different groups can make to our local economy. The proposed scheme would provide one and two bedroom accommodation identified in demand in the Borough.

Sustainable Construction

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

Car Parking and Access

- 9.23 6 allocated parking spaces are proposed which would comply with the Council's adopted parking standards which require 1 and 2 bedroom flats outside of the Town Centre to have 1 space per unit, and 3 bedroom flats to have 1.5 spaces. The development is in a sustainable location, within proximity of a local bus route and the parking provision is therefore acceptable.
- 9.24 Refuse storage would be provided in the front garden/ forecourt, adjacent to the parking area to the opposite side of the boundary with 7 The Grove.
- 9.25 The cycle parking will be housed in the existing detached garage structure of the property to the side of the main dwelling easily accessible.
- 9.26 The County Highways Authority has no objection to the proposal.
- 9.27 The proposed scheme would therefore comply with Policy DM37.

Ecology /Biodiversity

- 9.28 The ratio of built area to site area on the application site is acceptable, and there would not be a material diminution of the grassed area to the rear. Accordingly, there would not be an adverse impact on ecology/biodiversity contrary to Policy DM4 which requires that every opportunity should be taken to secure net benefit to the Borough's biodiversity.
- 9.29 The application is supported by a Preliminary Ecological Appraisal and Roost Assessment dated 1 December 2017 which concludes the following:

- Both bats and badgers are currently present on the site. Provision will be made for these species during the development and suitable habitats guaranteed during construction and after the development is occupied.
  - It is recommended that a condition requiring the installation of bat and bird boxes, as well as badger protection measures be imposed, in order to enhance the value of the site for local wildlife, with a net gain for biodiversity as encouraged by Policy DM4.
- 9.30 Officers have considered the submitted report and concur with its conclusion that the proposed floodlights would not have a materially harmful impact on the habitat or movement of bats or require the issuing of European Protected Species Mitigation (EPSM) Licence.
- 9.31 The development would not harm the long term conservation status of the species. The proposed scheme would therefore comply with Policy DM4.

#### Trees Landscaping

- 9.32 The proposed scheme would retain the protected trees on the site and the construction will not impede the root protection zone. There will be removal and clearance of the frontage. However, no significant trees will be affected. The removal of these existing shrubs will be offset by the inclusion of additional tree and shrub planting within the application site.
- 9.33 Details of hard and soft landscaping will be secured by an appropriate condition
- 9.34 In this respect, the proposal would accord with Policy DM5 – Trees and Landscape

#### Community Infrastructure Levy

- 9.35 The development would be CIL liable.

### **10 Conclusion**

- 10.1 The proposal meets planning policy objectives and gives the opportunity to redevelop this residential site with a higher density residential scheme. Accordingly the application is recommended for approval.

### **11 Recommendation**

- 11.1 APPROVE subject to conditions.

#### **Conditions:**

- (1) The development hereby permitted shall be commenced within 3 years from the date of this decision.**

**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:

**20160-126-01 Rev A Existing Plans -27/05/2016**

**18/022/02 Rev A Proposed Elevation - May 2018**

**18/022/01 Rev C Proposed Site Layout Plan - Nov 2018**

**18/022/03 Rev 0 Proposed Floor Plans - June 2018**

**18/022/04 Rev 0 Proposed Attic Flat - July 2018**

**Reason:** For avoidance of doubt and in the interests of proper planning to comply with Policy CS5 of the Core Strategy (2007)

- (3) The materials and finishes of the external walls and roof of the development hereby permitted shall match in colour and texture to those of the existing building and shall thereafter be retained as such.

**Reason:** To ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) 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 rooflight window(s) hereby approved shall be of a 'conservation style' and shall not project beyond the plane of the roof.

**Reason:** To safeguard the special architectural and historic interest of the character and appearance of the conservation area in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

- (6) A landscape management plan covering a period of no less than 5 years, including long term design objectives, management responsibilities, maintenance and inspection schedules for all

landscape areas shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any completed phase of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or in the opinion of the local planning authority become seriously damaged or diseased, 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 that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

- (7) No development shall take place until details of all new or replacement external chimneys, flues, extract ducts, vents, grilles and meter housings have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details. All new external flues, pipework and grilles shall be cast metal and finished in appropriate materials.

**Reason:** In the interest of the character and appearance of the Church Street Conservation Area in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

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

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



- (9) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown on the Arboricultural Method Statement 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.

- (10) No equipment, machinery or materials shall be brought onto the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees as shown on the submitted plans, beyond the outer edge of the overhang of their branches in accordance with British Standard 5837: 2012 - Trees in Relation to Construction (or later revision), has been submitted to and approved in writing by the local planning authority, and the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

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

- (11) Before any occupation of the development hereby permitted, the window at first floor level on the side elevations shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing of a patterned type only which shall thereafter be retained as such. Obscure glazed windows should be obscured to minimum of level 3 of the Pilkington Scale. The use of any type of film or material affixed to clear glass is not acceptable for the purposes of this Condition.

Reason: To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the Development Management Policies 2015.

- (12) The car parking accommodation shown upon the approved drawings shall be provided with a permeable, hard bound, dust free surface,

adequately drained before the development to which it relates is occupied and thereafter it shall be kept free from obstruction at all times for use by the occupier of the development and shall not thereafter be used for any purposes other than the parking of vehicles for the occupiers of the development and visitors to it.

**Reason:** To ensure the provision of adequate off-street parking accommodation and to avoid the congestion of surrounding roads by parked vehicles in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the Development Management Policies 2015.

- (13) The development hereby approved shall be carried out in accordance with the protection, mitigation and enhancement measures detailed in the ecological assessment, to include badgers, birds and bats on the site and plan of implementation details to be agreed with the Local Planning Authority prior to the first occupation of the development and/or in accordance with the approved timetable detailed in the ecological assessment and plan. The approved measures shall thereafter be maintained

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

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

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

**Informatives:**

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

- (2) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

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](mailto:contactus@epsom-ewell.gov.uk).

- (3) No part of the development including foundations or guttering, shall encroach upon the adjoining property.
- (4) The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
- o carry out work to an existing party wall;
  - o build on the boundary with a neighbouring property;
  - o in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".

- (5) 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 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see

**<http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice)**

## Market Place High Street Epsom Surrey

Relocation of statue from The Oaks Square to Epsom Marketplace.

<b>Ward:</b>	<b>Town Ward;</b>
<b>Contact:</b>	<b>John Robinson Planning Officer</b>

### 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=PEOXS DGYKWJ00>

### 2 Summary

- 2.1 The applicant seeks permission to relocate the statue known as "Evocation of Speed" from its present temporary location in The Oaks Square, within the Epsom Square development, to the Epsom Marketplace.
- 2.2 The statue would be located in the heart of Epsom and would provide further enhancement to the Marketplace which is presently being renovated as part of the wider Plan E scheme to improve congestion in the town centre and to improve the town's appearance.

#### 2.3 The application is recommended for **APPROVAL**

### 3 Site description

- 3.1 The Marketplace is located in the heart of Epsom and is bounded to the north and east by the High Street, to the west by West Street, and to the south by the Ashley Centre and various retail outlets and restaurants. The Marketplace which is under the ownership of Surrey County Council, is pedestrianised and provides a home to street traders, weekly street markets, farmers markets and cultural events. However vehicles are able to enter if required, (for example to set up the weekly market).
- 3.2 The site falls within the Epsom Town Centre Conservation Area and is designated Highway Land.

#### **4 Proposal**

- 4.1 The application seeks permission for the relocation of the statue known as “Evocation of Speed” from its present temporary location in Oak Square, within the Epsom Square development, to the Epsom Marketplace.
- 4.2 The statue would be located in the north western corner of the marketplace, close to the High Street/West Street/South Street junction. It would be setback around 1.2m from the High Street edge of the Marketplace and around 12m from the front elevation of the Grade II listed “Assembly Rooms” which accommodates a public house.
- 4.3 The statue which portrays two speeding jockeys, would measure 2.2m (w) x 2.6m (h). It would stand on a stainless steel clad plinth measuring 3.6m x 1.83m.

#### **5 Comments from third parties**

- 5.1 The application was advertised by a site notice, press notice and letters of notification to 7 neighbouring properties. To date 07.11.2018, no letters of objection have been received.

#### **6 Consultations**

- 6.1 Highways: No objection
- 6.2 Conservation Officer: No objection.

#### **7 Relevant planning history**

- 7.1 None relevant

#### **8 Planning Policy**

##### National Policy Planning Framework (NPPF) 2018

Chapter 16, para 185: Conserving and enhancing the historic environment

##### Core Strategy 2007

Policy CS5	The Built environment
Policy CS14	Epsom Town Centre

##### Development Management Policies Document 2015

Policy DM8	Heritage Assets
Policy DM9	Townscape Character and Local Distinctiveness

##### Plan E (Epsom Town Centre Area Action Plan 2011)

Policy E9	Public Realm
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Policy E17

Opportunity Sites

## 9 Planning considerations

### Design and Impact on a Heritage Asset

- 9.1 Paragraph 185 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.
  - The desirability of new development making a positive contribution to local character and distinctiveness.
  - Opportunities to draw on the contribution made by the historic environment to the character of a place.
- 9.2 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.
- 9.3 Policy CS5 also states that the settings of heritage assets such as historic buildings, conservation areas, archaeological remains, ancient monuments, parks and gardens of historic interest will require higher standards of design to protect and enhance these assets.
- 9.4 Policy DM8 seeks to resist the loss of Heritage Assets and instead promote the opportunity to conserve and enhance these assets.
- 9.5 Policy E9 of Plan E states that the Council will work with partners to ensure a high quality, well designed and well connected public realm, to improve the character, appearance and overall attractiveness of the Town Centre. Proposals for new development will, where appropriate deliver (inter alia):
- Public art at prominent locations throughout the Town Centre
- 9.6 Chapter 4, paragraph 4.56 (Improving the attractiveness of existing public spaces) of Plan E states that there are a number of public spaces in the town centre which are focal points for activity, these include the Market Place, and that improvements proposed for this area include space for delivering public art.

- 9.7 The Marketplace is identified as an Opportunity Site in Plan E and Policy E17 states that proposals for the redevelopment of these sites will be permitted, provided that future development proposals demonstrate that their scale, massing, layout and design will positively enhance Epsom Town Centre's distinctive character and appearance, with particular regard to heritage conservation, the townscape and roofscape and biodiversity enhancement.
- 9.8 The relocation of the statue would lead to a positive enhancement of the Marketplace and is a more suitable location than The Oaks Square, which is primarily used as an access route between Epsom station and the High Street, with a relatively low footfall. The relocation of the statue would also help to highlight Epsom's racing heritage in a more prominent location. The location of the statue opposite the listed "Assembly Rooms" would both complement and enhance the setting of the heritage asset, and would not have a materially harmful impact on character and appearance of the wider conservation area in accordance with Policy DM8, DM9, E9 and E17.

## **10 Conclusion**

- 10.1 The proposal would lead to the statue enjoying a wider audience and would strengthen the cultural and historic link between Epsom Downs, The Derby and Epsom Town. It would also visually enhance the Marketplace and the wider area.

## **11 Recommendation**

- 11.1 The application is recommended for APPROVAL subject to the following conditions:

### **Conditions:**

- (1) **The development hereby permitted shall be commenced within 3 years from the date of this decision.**

**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:**

**EOS-P-001 Rev A**

**EOS-EL-001 Rev A**

**EOS-EL-002 Rev A**

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

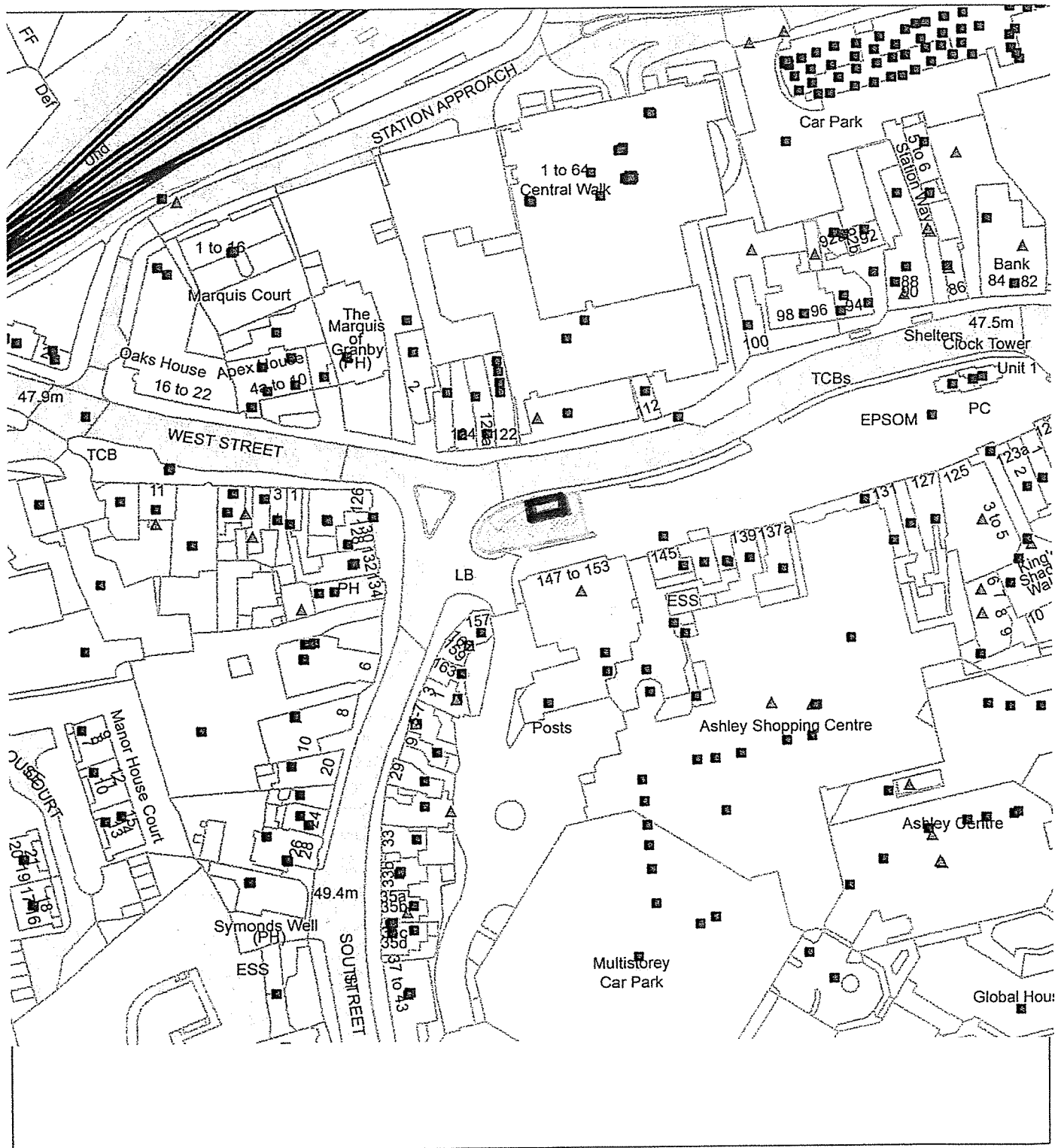


**Informatives:**

- (1) Notwithstanding any permission granted under the Planning Acts, the proposed statue should not be erected within the limits of the highway without the express written approval of the Highway Authority by first telephoning 0300 200 1003 or emailing [contactcentre@surreycc.gov.uk](mailto:contactcentre@surreycc.gov.uk).**
- (2) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority by first telephoning 0300 200 1003 or emailing [contactcentre@surreycc.gov.uk](mailto:contactcentre@surreycc.gov.uk). It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.**

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18/00835/FUL



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Date 04 December 2018	
Comments	
SLA Number 771	

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## **Horton Park Golf and Country Club Hook Road Epsom KT19 8QG**

Illumination of Adventure Golf Facility and variation of condition 3 of planning permission reference 12/01094/FUL to allow evening use of facility.

<b>Ward:</b>	<b>Ruxley Ward;</b>
<b>Contact Officer:</b>	<b>John Robinson</b>

### **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=PCOE M1GYKL500>

### **2 Summary**

- 2.1 This application seeks permission for the illumination of the existing "adventure" golf course and to change the hours of operation to allow evening use of the facility.
- 2.2 The application is submitted to committee as the Council is the freeholder of the application site.

### **3 Site description**

- 3.1 The wider application site comprises Horton Park Golf Club (around 50ha in extent) located on the northern eastern edge of the Horton Country Park. The application site itself is 0.3ha in extent, and comprises land adjacent to Chessington Road and the north-western edge of the existing car park. The site is screened by earth bunds with an outer bund that runs parallel to Chessington Road providing significant screening.
- 3.2 The course comprises 18 holes, each being laid on a concrete bed covered in "astroturf" with connecting paths to each. There is a cave with waterfall structure which is the principal feature of the course, 3.1m high from ground level, 14m wide and 4m deep. There is an additional rock structure, water features, dwarf walls, up lighting, boundary fencing (1.2m in height), seating area, retaining wall and bridge structures.
- 3.3 It forms part of the Metropolitan Green Belt and lies within the designated Horton Country Park Local Nature Reserve.

#### 4 Proposal

- 4.1 The applicant seeks permission to install down-lighting to the “adventure” golf facility in order to allow the use of the “adventure” golf during the darker evenings after sunset. In order to permit this evening use, the variation of planning condition 3 of permission 12/01094/FUL is also sought in order to permit the use of the “adventure” golf beyond sunset.

- 4.2 The extant condition 3 :

*3. The premises shall not be used for the purposes hereby permitted outside daylight hours.*

*Reason: To restrict the proposed use to daily periods which are acceptable having regard to the proposed location and to ensure that they proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties as required by Policy DC1 of the Epsom and Ewell District Wide Local Plan (May 2000)’*

is proposed to be amended as follows:

**The premises shall not be used for the purposes hereby permitted outside of the hours of 9am to 10.30pm.**

Reason: To restrict the proposed use to periods which are acceptable having regard to the proposed location and to ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties.

- 4.3 In support of their proposal the applicants submit the following:

- The golfing industry faces a challenging economic environment with rising costs and increased internal and external competition. The industry also needs to stay up-to-date and move with the times and customer demands. The proposed illumination is a further investment in the facility to keep the golf club economically viable and competitive.
- The proposed illumination would not present any material harm to the occupants of the nearest properties.
- The current evening use of the “adventure” golf, up to 9.20pm during the summer months, has not caused any material noise or disturbance to the occupants of the nearest dwellings. The proposed lighting and evening use of the facility up to 10.30pm would not present any material harm.
- The proposed illumination represents further investment in the facility and the local area. It would support the local economy and help to ensure that the existing business remains viable. The proposal would also result in social benefits, allowing young people to play golf after school and allowing families to use the facility together in the evenings.

- 4.4 The proposed lighting would be provided by 14 lamps measuring 4m high. Three lights would be installed on the northern boundary adjacent to the existing streetlights and a further four would be installed on the eastern boundary with the car park adjacent to the locations of existing car park lighting. Six lights would be installed on the south-western side, set back by a few metres from the wide path marking the boundary of the adjacent hole within the main golf.

**5 Comments from third parties**

- 5.1 The application was advertised by means of letters of notification to 37 neighbouring properties. To date (12.11.2018) no letters of objection have been received.

**6 Consultations**

- 6.1 Environmental Health: No objections
- 6.2 Highways: No objections. Condition to be imposed on any permission granted.

**7 Relevant planning history**

<b>Application number</b>	<b>Decision date</b>	<b>Application detail</b>	<b>Decision</b>
12/01094/FUL	30.04.2013	Development of 18 hole adventure golf course involving remodelling of existing bunds and provision of new landscape features including cave with waterfall structure, rock structure, dwarf walls, external seating area and new planting.	GRANTED
13/00129/COND	26.09.2014	Details pursuant to planning permission 12/01094/FUL (Development of 18 hole adventure golf course involving remodelling of existing bunds and provision of new landscape features including cave with waterfall structure, rock structure, dwarf walls, external seating area and new planting.) for Condition 6 (method of construction), 7 (Travel Plan), 9 (contaminated land assessment).	DISCHARGED
14/00114/FUL	09.09.2014	Variation of Condition 4 of 12/01094/FUL (Development of 18 hole adventure golf course involving remodelling of existing bunds and provision of new landscape features including cave with waterfall structure, rock structure, dwarf walls, external seating area and new planting) to include revised layout as built together with associated landscaping details to discharge Condition 2 of 12/01094/FUL.	GRANTED
15/01261/FUL	17.02.2016	Erection of children's play area structure.	GRANTED



16/00749/FUL	12.10.2016	Driving bay extension and new conservatory to club house	GRANTED
17/00880/FUL	19.12.2017	Erection of kitchen extension to club house and new yard enclosure	GRANTED

## 8 Planning Policy

### National Policy Planning Framework (NPPF) 2018

Chapter 13 para 145 Green Belt

### Core Strategy 2007

Policy CS2 Green Belt  
Policy CS5 Conserving and Enhancing the Quality of the Built Environment  
Policy CS16 Managing Transport and Travel

### Development Management Policies Document November 2015

Policy DM4 Biodiversity  
Policy DM5 Trees and Landscape  
Policy DM1 Extent of Green Belt  
Policy DM10 Design Requirements for New Development (Including House Extensions)  
Policy DM35 Transport and New Development

## 9 Planning considerations

### Principle of Development

- 9.1 The National Planning Policy Framework (NPPF) was revised in July 2018 and sets out the government's planning policies for England and how these are expected to be applied. Paragraph 133 of the NPPF sets out that openness and permanence are the essential characteristics of Green Belts.
- 9.2 The construction of new buildings in the Green Belt is regarded as inappropriate development, in line with paragraph 145 of the NPPF. Exceptions to this include (inter alia) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 9.3 Policy CS2 (Green Belt) of the Core Strategy (2007) seeks to ensure that the Green Belt continues to serve its key functions and maintain its existing general extent. Strict control will be exercised over inappropriate development, as defined by Government policy.

- 9.4 Policy DM1 (Extent of the Green Belt) of the Development Management Policies Document (2015) sets out that the Green Belt will be maintained along the boundaries of the existing built-up area and extending to the outer Borough boundary as defined in the Epsom and Ewell Borough-wide Local Plan 2000 and as defined in the successor Site Allocations Development Plan Document. Supporting paragraph 2.3 of the Development Management Policies Document (2015) sets out that the main purpose of the Green Belt is to prevent urban sprawl and the coalescence of neighbouring settlements by keeping land permanently open.
- 9.5 This application seeks the erection of flood lighting columns to illuminate the golf course. The proposed scheme would facilitate outdoor sport and recreation and the proposed fourteen, 4m high lighting columns would preserve the openness of the Green Belt. The proposal would therefore comply with paragraph 145 of the NPPF.

Layout Design and Scale

- 9.6 The lighting columns would be visually discreet and would not have a detrimental impact on the immediate and wider environment

Residential Amenity

- 9.7 The nearest residential properties are situated along Chessington Road at approximately 60m distant from the nearest north-eastern edge of the application site. These properties are separated from the application site by a central reservation which contains a linear band of planting and an additional hedgerow adjacent to the site within the highway lands. The eastern side of the application site is screened by an earth bank and landscaping features. There is further hedge planting along the western side of Chessington Road. The eastern side of Chessington Road is interspersed with tree planting. Dwellings along this road have large front gardens, some bounded by hedges.
- 9.8 There is street lighting along both the eastern and western sides of Chessington Road. The streetlighting on the eastern side of the road would present a small amount of illumination to the western facing rooms of the dwellings along this road. The golf club car park is fully floodlit, with the lights on until the early hours of the morning.
- 9.9 The lighting columns would be 4m high down-lighters designed to illuminate the area required without light spread. Due to the limited height of the columns, the light sources would only be visible close to the site looking up into the source, with views from a distance unable to obtain a sufficient angle to view the light-source.

- 9.10 The submitted lighting information demonstrates that on average there would be around 10 Lux illumination on the Adventure Golf course with the maximum level being 28 Lux directly under some of the lighting columns but reducing rapidly away from the column's base. Due to the directional nature of the proposed lighting columns, the proposed lighting would be contained on the golf course and lux levels would fall to 1 Lux on the boundary of the site. By comparison, the following uses typically produce these lux levels:

- Quiet Residential Street – 2 – 3.0 lux
- Small Car Park – 5 lux
- Medium Car Park – 10 lux
- Large Car Park – 20 lux
- Town Centre – 30 lux
- Lorry Loading Bay – 50 lux
- Tennis Court – 200 lux

Candela is essentially a measurement of light coming from a lit surface to an observer's location. For example, on a motorway, the reflected light from the road surface is measured at the driver's location. The highest motorway lighting class is (M1) and would produce 2.0 candela per square metre. To produce this level on a motorway one needs in the region of 30,000 lumen from the light source. For the proposed scheme approximately 3,540 lumens would be used on the lighting to produce the lux figures shown on the submitted plans. The use of 3,540 lumens would produce considerably less than 300 candela.

- 9.11 Officers therefore consider that the impact of the proposal outside of the site would be negligible.
- 9.12 The golf club operates the floodlit driving range until late in the evening, beyond 10.30pm. The clubhouse is also operated beyond this time with functions taking place until late into the night. The floodlit car park is also operational until the early hours of the morning. All of these uses have taken place without recorded complaints from the occupants of the nearest properties.
- 9.13 It is therefore concluded that the proposed floodlighting and increased operating hours of the golf facility would not have a materially harmful impact on neighbour amenity in terms of light pollution or noise and disturbance in accordance with Policy DM10.

Biodiversity

- 9.14 Paragraph 175 of the NPPF states that “In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats
- 9.15 All species of bat are fully protected under The Conservation of Habitats and Species Regulations 2010 (as amended) through their inclusion on Schedule 2
- 9.16 A European Protected Species Mitigation (EPSM) Licence issued by the relevant statutory authority (e.g. Natural England) will be required for works likely to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficiency/success to be monitored.
- 9.17 The application is supported by a review by the applicant’s ecologist of the proposed lighting and its impact on the potential bat activity.
- 9.18 The applicants ecologists review concludes the following:
- The proposed scheme will result in a localised increase in lux levels in the immediate vicinity of the adventure golf course in a locality that is already subject to light spill from street lights, golf driving range and the golf course car park.
  - Bat species that do not avoid artificial lighting (for example pipistrelle species, noctule) could forage within and around the adventure golf course and these species may even be attracted to the existing lights where they are associated with an abundance of prey species.
  - At the adventure golf course there will be no reduction in the quality of habitat for the bats following the installation of proposed lighting design and consequently no adverse effects on the activity of any bat species.
  - In the wider context, light sensitive bat species may regularly utilise the extensive unlit habitats across the golf course. The extensive connected habitats between fairways have high potential value for a range of bat species. The minor change in light spill as a result of the proposed lighting scheme will not have any effect on any of the bat species that feed and commute over the wider golf course.

- 9.19 Officers have considered the submitted report and concur with its conclusion that the proposed floodlights would not have an materially harmful impact on the habitat or movement of bats or require the issuing of European Protected Species Mitigation (EPSM) Licence
- 9.20 Officers consider that the proposed development would meet the licensing criteria (the '3 legal tests') of Natural England to make sure that:
- the activity is for a certain purpose, for example it's in the public interest to enhance the facilities at the golf course
  - there's no satisfactory alternative that will cause less harm to the species
  - the activity doesn't harm the long-term conservation status of the species
- 9.21 The proposed scheme would therefore comply with Policy DM4.

Community Infrastructure Levy

- 9.22 The proposed development would not be CIL liable.

**10 Conclusion**

- 10.1 The proposed illumination would not present any material harm to the occupants of the nearest properties. The current evening use of the "adventure" golf, up to 9.20pm during the summer months, has not caused any material noise or disturbance to the occupants of the nearest dwellings, and therefore the proposed lighting and evening use of the facility up to 10.30pm would not present any material harm.
- 10.2 The proposed scheme would facilitate outdoor sport and recreation and the proposed fourteen, 4m high lighting columns would preserve the openness of the Green Belt.
- 10.3 The proposed scheme would not affect a bat roost or result in a level of disturbance which might impair their ability to hibernate or migrate and therefore would not result in an unacceptable impact on threatened species.
- 10.4 The proposal would therefore comply with National and Local Planning Policy requirements

**11 Recommendation**

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

**Conditions:**

- (1) The development hereby permitted shall be commenced within 3 years from the date of this decision.**

**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:

**Lighting Column Drawing 3D43167-01**

**Proposed lighting Layout Plan dated 14.03.2017**

**Outdoor Lighting Report 13335-1-A Dated 14.03.2017**

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

- (3) The illumination of the Adventure Golf Facility should not exceed luminance levels of 300 candelas per square metre.

**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.

- (4) The premises shall not be used for the purposes hereby permitted outside of the hours of 9am to 10.30pm.

**Reason:** To restrict the proposed use to periods which are acceptable having regard to the proposed location and to ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties, in accordance with Policy DM10 of the Development Management Policies 2015.

- (5) The development shall only be carried out in accordance with the landscape scheme approved under application 14/00114/FUL dated 09.09.2014

**Reason:** To ensure the provision and maintenance of landscaping in the interests of visual amenity as required in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM5 of the Development Management Policies 2015.

- (6) No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for cars/cycles to be parked. The parking area shall be maintained exclusively for its designated use.

**Reason:** The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy 2007

- (7) The development shall be carried out in accordance with the Method of Construction Statement approved under application 13/00129/COND dated 26.09.2014

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

- (8) The applicant shall implement the travel plan approved under application 13/00129/COND dated 26.09.2018, on completion of the Adventure Golf Course, and for each subsequent occupation of the development thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority

Reason: To ensure sustainable travel modes in accordance with Policy CS16 of the Core Strategy 2007

- (9) No tannoys, loud hailers, public address systems or amplified sound shall be operated on the site at any time.

Reason: In order to ensure a satisfactory development in the interests of the neighbouring amenities of the locality as required by policy DM10 of the Development Management Policies 2015.

- (10) The site shall be remediated in accordance with the approved measures and verification report submitted and approved by the Local Planning Authority under application 13/00129/COND dated 26.09.2018

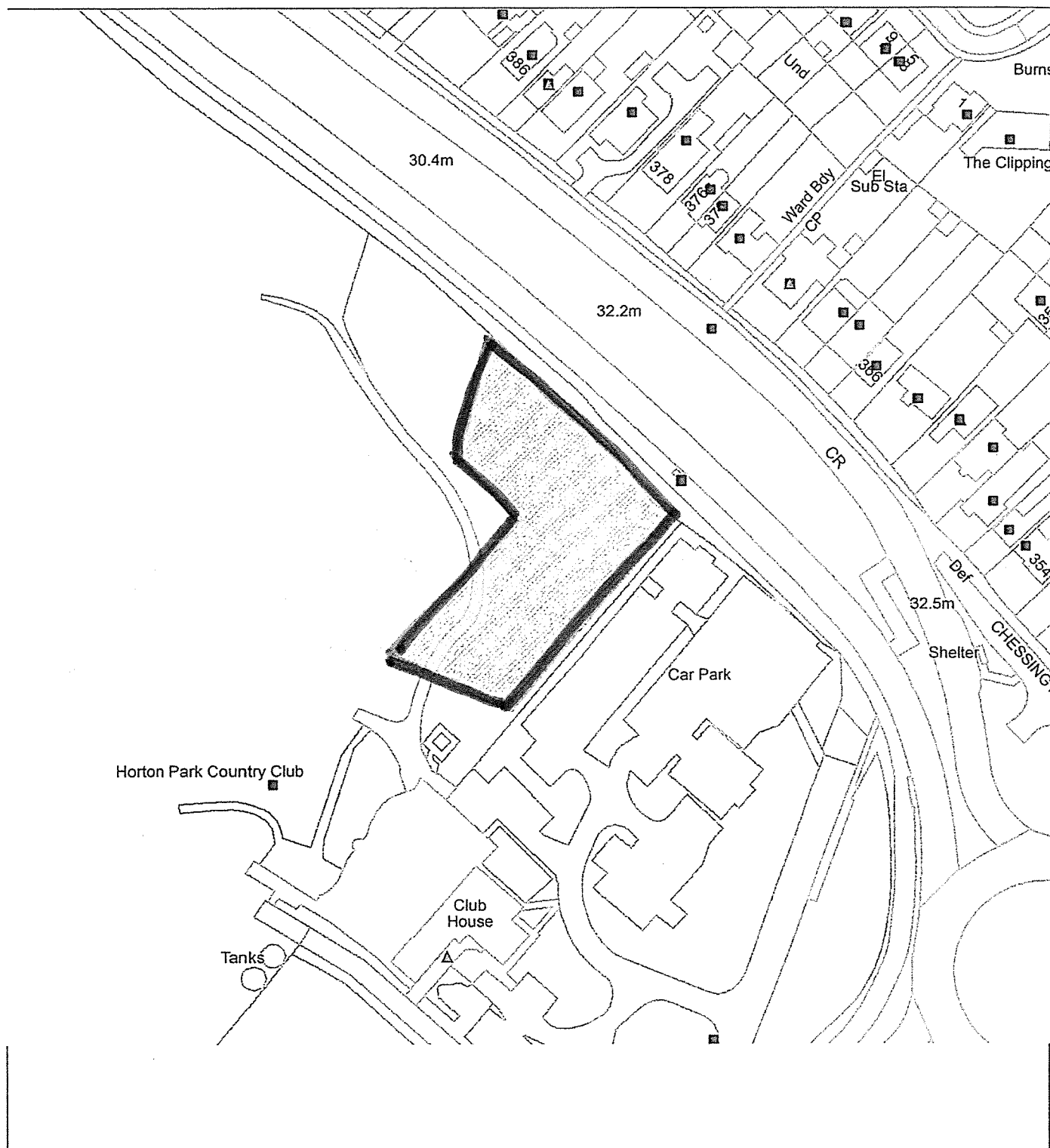
Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and or/ecosystems as required by Policy DM17 of the Development Management Policies 2015.

**Informative:**

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

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## Land At Mill Road, Epsom, Surrey

Development of a historically unused plot of land located adjacent to the railway, comprising of 28 x one and two bed apartments across four blocks and 3 x two bed properties.

<b>Ward:</b>	<b>College Ward;</b>
<b>Contact Officer:</b>	<b>Tom Bagshaw</b>

### 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=P987XJGY0DE00>

### 2 Summary

- 2.1 This application seeks permission for the development of a historically unused plot of land located adjacent to the railway. It will comprise of 28x one and two bed apartments across four blocks and 3x two bed properties. The proposal includes landscaping, associated parking, refuse and cycle stores.
- 2.2 It is considered that appropriate evidence has been provided to demonstrate that any potential harm to the ecology and the character of the area and any other harm, has been clearly outweighed by the justification detailed in the report below.

### 3 Site description

- 3.1 The site comprises 0.39 hectares of land on the north-west side of Mill Road, Epsom. The site is bounded by Mill Road. To the rear is a substantial and steep railway embankment.
- 3.2 Mill Road is in an established residential location comprising blocks of three storey purpose built 1960's flats and predominantly two storey residential houses with pitched roofs. The site is not located within a conservation area and does not consist of any listed buildings. The site features 3 trees with TPO's and features a wildlife sanctuary in the North East corner of the site.
- 3.3 The site is situated 220 metres from the Epsom Town Centre boundary.

#### **4 Proposal**

- 4.1 The proposal is for the redevelopment of a vacant area of land to provide residential homes. It will comprise of 28x one and two bed apartments across four blocks and 3x two bed properties. The proposal includes landscaping, associated parking, refuse and cycle stores.
- 4.2 Block A located in the centre of the site would be a 4 storey block consisting of 10 flats. It would be 18.5 metres in width, 16 metres in depth, and 9 metres in height to the eaves and 11.5 metres in height to the ridge.
- 4.3 Blocks B and B.1 located to the north and south of Block A would be a 3 storey blocks consisting of 6 flats. It would be 18 metres in width, 9.8 metres in depth, 6.5 metres in height to the eaves and 8.5 metres in height to the ridge.
- 4.4 Block C located at the southern end of the site would be a 3 storey block consisting of 6 flats. It would be 24 metres in width, 7.8 metres in depth, 6.5 metres in height to the eaves and 8.5 metres in height to the ridge.
- 4.5 Block D located at the northern most end of the site would be a 3 storey pair of semi-detached houses. It would be 10.5 metres in width, 8.5 metres in depth, 6.5 metres in height to the eaves and 8.5 metres in height to the ridge.
- 4.6 Block E located at the southern most end of the site would be a 3 storey detached house. It would be 9.5 metres in width, 9.5 metres in depth, 5.5 metres in height to the eaves and 7.8 metres in height to the ridge.
- 4.7 The proposal includes 34 car parking spaces.
- 4.8 This site was granted planning permission for "Proposed student accommodation (77 units) contained within 9 buildings (units over three levels) and associated parking, bicycle spaces and landscaping." under application reference: 14/01784/FUL, on the 05.11.2015.

#### **5 Comments from third parties**

- 5.1 The application was advertised by means of letters of notification to neighbouring properties. To date (22.11.2018) 49 letters of objection have been received regarding:
  - Loss of outlook
  - Loss of light
  - Overlooking
  - Incongruent design
  - Over development
  - Lack of car parking
  - Increase pressure for on street car parking
  - Height and massing
  - Impact to wildlife / moving of mature trees

**6 Consultations**

- 6.1 Surrey County Council Highways: No objection, subject to conditions.
- 6.2 Archaeological Officer: Has stated no objection and stated no conditions are required as the archaeological consideration required under the NPPF and Local Plan policy has previously been exercised under planning applications 14/01784/FUL and 2016/836/COND.
- 6.3 Environment Agency: No objection, subject to conditions.
- 6.4 Contaminated Land Officer: No objection, subject to conditions.
- 6.5 SUDS: No objection, subject to conditions.
- 6.6 Arboriculture Officer: No objection, subject to conditions.
- 6.7 Environmental Health Officer: No Comments, contaminated land comments considered to be acceptable.
- 6.8 Natural England: No Comments to make.

## 7 Relevant planning history

Application number	Decision date	Application detail	Decision
17/00079/REM	20.11.2017	Variation of Condition 16 (Contaminated Land) of planning permission 14/01784/FUL to allow the remediation works presently required to be undertaken pre-development , to be undertaken pre-occupation of the approved scheme.	REFUSE
16/01674/REM	13.04.2017	Variation of Condition 11 (The development shall be used for residential student accommodation only and for no other purpose) of planning permission 14/01784/FUL to allow the occupation of 49 units by students and/or other persons, as Houses of Multiple Occupation (HMOs)(Description amended 29.03.2017)	REFUSE
16/00919/NMA	19.10.2016	Non material minor amendment to planning permission 14/01784/FUL to allow the addition of 'club' detail tile banding to existing tiles and repositioning of existing consented roof lights.	PERMIT
16/00752/REM	03.11.2016	Variation of Condition 11 (The development shall be used for residential student accommodation only and for no other purpose) of planning permission 14/01784/FUL to allow the occupation of 49 units by students and/or other persons, as Houses of Multiple Occupation (HMOs).(Amended layout received 24.10.2016 and description amended 26.10.2016)	REFUSE
15/00553/OUT	23.11.2015	Outline planning application for proposed student accommodation with all matters reserved.	REFUSE
14/01784/FUL	28.08.2015	Proposed student accommodation (77 units) contained within 9 buildings (units over three levels) and associated parking, bicycle spaces and landscaping.	PERMIT
12/00448/FUL	18.04.2013	Residential development of 10 No. dwellings	REFUSE

## 8 Planning Policy

### **National Policy Planning Framework (NPPF) 2018**

#### Achieving sustainable development

Paragraphs 8 – 12 and 14

#### Delivering a sufficient supply of homes

Paragraphs 59- 61, 64, 68 and 75

#### Promoting sustainable transport

Paragraphs 108 and 109

#### Achieving well-designed places

Paragraphs 127, 130 and 131

#### Protecting Green Belt land

Paragraphs 133, 134, 141 and 143-147

Meeting the challenge of climate change, flooding and coastal change

Paragraphs 155 and 163

Conserving and enhancing the natural environment

Paragraph 170, 171, 174, 175, 177, 178, 180, 182 and 183

Conserving and enhancing the historic environment

Paragraph 189

**Core Strategy 2007**

Policy CS1 - Creating Sustainable Communities

Policy CS3

Policy CS5 - The Built Environment

Policy CS6 - Sustainability in New Developments

Policy CS7 - Housing Need

Policy CS8 - Housing Delivery

Policy CS9 - Affordable Housing

Policy CS16 - Managing Transport and Travel

**Development Management Policies Submission Document November 2014**

Policy DM4

Policy DM5 - Trees and Landscape

Policy DM9 - Townscape Character and Local Distinctiveness

Policy DM10 - Design Requirements for New Developments

Policy DM11 - Housing Density

Policy DM12 - Housing Standards

Policy DM19 - Development & Flood Risk

Policy DM21 - Meeting Local Housing Needs

Policy DM22 - Housing Mix

Policy DM35 - Transport and New Development

Policy DM36 - Sustainable Transport for New Development

Policy DM37 - Parking Standards

**Nationally Described Space Standard - March 2015**

**Householder Design Guidance 2004**

**9 Planning considerations**

Principle

- 9.1 The NPPF paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.2 Paragraph 68 - small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:
- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;
  - b) use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward;
  - c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and
  - d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.
- 9.3 The New NPPF reinforces the government's aspirations to significantly increase housing delivery. A key mechanism introduced by the new NPPF is the standard method for calculating objectively assessed housing need. Using the standard method the Borough's objectively assessed housing requirement is 579 new homes per annum. Housing delivery within the borough is now assessed against this requirement. The boroughs previous housing target, as set out in the core strategy Policy CS7 was 181 homes per annum.



- 9.4 Policy DM11 - Housing Density states that in principle, proposals for new housing that make the most efficient use of sites within the borough's urban area will be supported in principle.
- 9.5 OS records indicate that Land at Mill Road has previously been undeveloped since mapping records began. The site is located on brownfield land in a reasonably sustainable location, within walking distance to a bus stop, and the Epsom railway station.
- 9.6 In application 14/01784/FUL [dated 05.11.2015] the site was granted planning permission for the erection of 77 student accommodation units. As such it is considered that the principle of the site for residential development potential has been established.
- 9.7 The redevelopment of this site for a residential scheme is therefore appropriate in principle, subject to compliance with other relevant development plan policies.

## **10 Design**

- 10.1 The NPPF promotes attractive environments by creating well-designed buildings in terms of appropriate massing, bulk, materials and details, and in doing so, raising the profile of the borough in a positive way.
- 10.2 Chapter 12 of the NPPF refers to design. Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive and accessible.
- 10.3 Paragraph 130 of the NPPF sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 10.4 Paragraph 131 of the NPPF stipulates that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 10.5 DM10 (Design Requirements for New Developments) identifies the most essential elements which contribute toward the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced, and includes the following:

- Prevailing development typology, including house type, sizes, and occupancy;
  - Prevailing density of the surrounding area;
  - Scale, layout, height, form, massing;
  - Plot width and format which includes spaces between buildings;
  - Building line build up, set back, and front boundary; and
  - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 10.6 Policy DM10 (Design Requirements for New Development (Including House Extensions) of the Development Management Policies Document states that development proposals will be required to incorporate principles of good design. Development proposals should (inter alia) be adaptable and sustainability designed, subject to aesthetic considerations and incorporate the principles of safe design to reduce the risk of fear of crime.
- 10.7 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.
- 10.8 The site is located in a residential area with varying property types. To the south of the site on Mill Road there are 3 storey 70-80s flats, whilst further north the opposite side of the road consists of mock Tudor semi-detached dwellinghouses with some Victorian properties along Bridge Road.
- 10.9 The proposed development would be a maximum of 4 stories in height (11.5 metres). Although this exceeds the precedent set by the flats to the south of the site, it is not considered to be an unacceptable deviation from the character of the area and due to the fact that the 4th floor is integrated into the roof the eaves heights would not be too dissimilar to that of the existing flats which have flat roofs.
- 10.10 The height of the buildings are staggered with the tallest 4 storey building (Block A) being located in the centre and the number of floors declining as the development spreads to the north eastern and south western ends of the site (Blocks, B, B.1 and C are 3 stories and Blocks D and E are 2 stories).

- 10.11 The development is broken up into 6 blocks. The separation distances between blocks are generous as they are designed to accommodate amenity space for the ground floor properties. The breaking up of the blocks reduces the bulk and massing of the development and makes it appear less dense.
- 10.12 The car parking areas separate the blocks throughout the development. These include car parking bays that will be laid in 'grasscrete' to soften the appearance of the hardstanding and the parking areas are bordered by shrub hedges. The landscaping softens the scheme, however a detailed landscaping plan will be required to be submitted to the council as a condition to be discharged to ensure that the landscaping achieves the highest possible standard of design.
- 10.13 The fenestration of the development has been designed to appear suburban in its nature and utilises dual paned windows along the front elevation. The windows have brick lintels with a slight arch and the sills of most windows above ground floor level have an area to hang flower boxes which soften the appearance of the elevations. The rear elevations of blocks A, B, B.1 and C have balconies supported by columns. Blocks D and E are separate dwelling houses, these properties have been given generous garden space to separate the dwellings from the flatted development as to reduce the contrast in architectural design.
- 10.14 It is recognised that a high standard of materials would be crucial to achieving a high standard of design in this project and as such the type and appearance of externally facing materials will be required as a condition to be discharged by the council.

#### Design Conclusion

- 10.15 The height and massing although higher than the immediately surrounding properties has been designed in a way that would not appear out of character with the immediately surrounding area. The eaves heights are not massively dissimilar to those of the flats to the south and the staggered heights accompanied with the breaking up of the building blocks significantly reduce the developments bulk.
- 10.16 The landscaping has been design to soften the development by retain trees and utilising shrubbery, lawn and materials such as 'grasscrete' to break up the blocks and soften the appearance of the hardstanding.
- 10.17 The simple fenestration has been design in mind of the fact that the development is located within a primarily suburban area. However, officers recognise that the standard of materials is vital to achieving the required standard of design and as such, a condition requiring samples of materials before any development is to take place would be required for discharge.

## 11 Quality of accommodation

### Minimum standards

- 11.1 The Nationally Described Space Standards, introduced by DCLG in March 2015, sets clear internal minimum space standards for new dwellings. The space standards are intended to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures while policy DM10 of the Development Management Policies Document states that in order to ensure that the housing delivered is of high quality and the most appropriate type, the Council will expect proposals for new residential development to accord with the principles of good design. Policy DM12 states that the Council will expect proposals to include the provision of appropriate amenity space and play space provision.
- 11.2 Each measurement is made under the assumption that at least 1 bedroom within the property would be a double.
- 11.3 The minimum standards for 1 bedroom properties are that they should have at least 50 metres squared of internal floor space.
- 11.4 The minimum standards for 2 bedroom properties are that they should have at least 61 metres squared of internal floor space if they are 1 storey and a minimum of 70 metres squared of internal floor space if they are 2 stories.
- 11.5 Paragraph 3.36 of Policy DM12 states that to provide adequate private amenity space for development of flats, a minimum of 5m<sup>2</sup> of private outdoor space for 1-2 person dwellings should be provided and an extra 1m<sup>2</sup> should be provided for each additional occupant.

### Areas of the proposed development

#### 11.6 Block A

<b><u>Block A</u></b>	<b><u>Unit</u></b>	<b><u>Floor Space (Metres Squared)</u></b>	<b><u>Room 1 (Metres Squared)</u></b>	<b><u>Room 2 (Metres Squared)</u></b>	<b><u>Amenity (Metres Squared)</u></b>
Ground Floor (1 storey, 2 bed, 3 person)	1	78.06	16	8.1	41.5
Ground Floor (1 storey, 1 bed, 2 person)	2	54.34	10.75		37.5
Ground Floor (1 storey, 2 bed, 3 person)	3	78.06	16	8.1	22

First Floor (1 storey, 2 bed, 3 person)	1	78.06	16	8.1	5
First Floor(1 storey, 1 bed, 2 person)	2	54.34	11.5		5
First Floor (1 storey, 2 bed, 3 person)	3	78.06	16	8.1	5
Second Floor (1 storey, 2 bed, 3 person)	1	79	15.91	8.4	5
Second Floor (1 storey, 2 bed, 3 person)	2	79	15.91	8.4	5
Roof Plan (2 storey, 2 bed, 3 person)	1	97.6	13.4	10.3	10.2
Roof Plan (2 storey, 2 bed, 3 person)	2	97.6	13.4	10.3	10.2

11.7 Block B and B.1

<u>Block B and Block B.1</u>	<u>Unit (Metres Squared)</u>	<u>Floor Space (Metres Squared)</u>	<u>Room 1 (Metres Squared)</u>	<u>Room 2 (Metres Squared)</u>	<u>Amenity (Metres Squared)</u>
Ground Floor (1 storey, 2 bed, 3 person)	1	69.2	14.9	9.7	26.4
Ground Floor (1 storey, 2 bed, 3 person)	2	69.2	14.9	9.7	26
First Floor (1 storey, 2 bed, 3 person)	1	69.2	14.9	9.7	5
First Floor (1 storey, 2 bed, 3 person)	2	69.2	14.9	9.7	5
Second Floor (1 Storey, 1 bed, 2 person)	1	51	13.5		5

Second Floor (1 Storey, 1 bed, 2 person)	2	51	13.5		5
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11.8 Block C

<b><u>Block C</u></b>	<b><u>Unit (Metres Squared)</u></b>	<b><u>Floor Space (Metres Squared)</u></b>	<b><u>Room 1 (Metres Squared)</u></b>	<b><u>Room 2 (Metres Squared)</u></b>	<b><u>Amenity (Metres Squared)</u></b>
Ground Floor (1 Storey, 2 bed, 3 person)	1	67.32	15.4	9.24	25
Ground Floor (1 Storey, 2 bed, 3 person)	2	72.4	17.6	9.4	35.2
First Floor (1 Storey, 2 bed, 3 person)	1	67.32	15.4	9.24	5
First Floor (1 Storey, 2 bed, 3 person)	2	72.4	17.6	9.4	5
Second Floor (1 Storey, 1 bed, 2 person)	1	50.57	11.5		5
Second Floor (1 Storey, 1 bed, 2 person)	2	50.57	11.5		5

11.9 Block D

<b><u>Block D</u></b>	<b><u>Unit (Metres Squared)</u></b>	<b><u>Floor Space (Metres Squared)</u></b>	<b><u>Room 1 (Metres Squared)</u></b>	<b><u>Room 2 (Metres Squared)</u></b>	<b><u>Amenity (Metres Squared)</u></b>
3 storey, 2 bed, 3 person	1	103.11	14.25	9.7	28
3 storey, 2 bed, 3 person	2	103.11	14.25	9.7	28

11.10 Block E

<b><u>Block E</u></b>	<b><u>Unit (Metres Squared)</u></b>	<b><u>Floor Space (Metres Squared)</u></b>	<b><u>Room 1 (Metres Squared)</u></b>	<b><u>Room 2 (Metres Squared)</u></b>	<b><u>Amenity (Metres Squared)</u></b>
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2 storey, 2 bed, 3 person	1	80.9	16.61	17.63	37.9
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Quality of accommodation Conclusion

11.11 As shown by the above tables the proposed development falls within the minimum standards for dwellings of this size. They are all considered to be provided with satisfactory natural light provision from front and rear facing windows and no flats would be considered to overlook each other. Therefore the proposed development would be considered to provide an acceptable standard of accommodation for the future occupants.

## 12 Transport

12.1 Paragraph 108 of the NPPF sets out that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

12.2 Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12.3 One of the main objections raised during public consultation was the impacts on car parking.

12.4 Epsom train station is approximately 15 minutes' walk from the site and there are 4 bus stops along upper high street the closest of which is situated within 5 minutes' walk of the site.

Parking

12.5 The proposal includes 34 car parking spaces, accessed from 3 main car parking areas and individually assigned parking areas for units D and E.

12.6 The proposed spaces would be 2.4 metres wide by 4.8 metres deep. The row between the bays in the parking areas servicing Blocks A, B, B.1 and C, would be approximately 6 metres in width, this would meet the minimum requirements and would be wide enough to allow two cars to pass each other.

12.7 The proposed parking provision would be acceptable and would meet Epsom and Ewell's minimum parking standards which state that for 1-2 bedroom flats 0.75 car parking spaces should be provided and for 2 bedroom houses 1 space should be provided. As such, the required parking provision for the development would be 24 parking spaces, the application provides an additional 10 spaces on top of the policy requirement.

12.8 The parking provision is as follows:

- 1 Space per flat in Blocks A, B, B.1 and C
- 2 spaces per unit in Blocks D and E

12.9 The site plan indicates that cycle parking spaces are provided. Elevations and specifications of the proposed cycle storage will be required as a condition to be discharged and will be required to meet the minimum standards of 2 spaces per unit as set out in Surrey County Council Vehicular and Cycle Parking Guidance.

#### Access to highway

12.10 Mill Road has a slight gradient from west to east with a slight curvature. The site benefits from moderate sight lines and is not considered to be in an area with any significant obstructions. The speed limit along mill road is 30 Mph.

12.11 The proposal has not included sufficient details of visibility splays in either direction of a minimum of 43 metres.

12.12 However, it is considered that this criteria can be met post approval and as such, to seek these details as a condition is considered to be appropriate in this case.

12.13 Details of pedestrian crossings and vehicular crossovers have not been provided in support of the application. It is considered that these can be discharged as a condition.

#### Transport Conclusion

12.14 The proposal exceeds Epsom and Ewell's minimum parking standards by 10 parking spaces and would not be considered to result in any unacceptable pressure on on-street parking in the immediate vicinity.

12.15 The proposal would be considered to be an appropriate location and is capable of providing a safe access to the highway.

12.16 Surrey County Council's Highways engineer made the following observation within their consultation response:



- *'The site is in a sustainable location, I have recommended a condition for the developer to submit a Travel Statement to include details of how to travel between the site and public transport including bus and rail services and details of a range of employment, education, retail and leisure land uses with 2 km walking distance of the site and 5 km cycling distance from the site.'*

12.17 As such, it is considered that the proposal would not result in any unacceptable impacts to the highway subject to the receipt and discharge by the Council of pre-occupational conditions to ensure that:

- A travel plan is provided;
- The proposed accesses include visibility plays of 43 metres in each direction from 2.4 metres back of the proposed accesses
- The proposed vehicular accesses to Mill Road have been constructed as belmouth accesses with tactile paving and dropped kerbs at the pedestrian crossing points.
- The application should provide detailed locations and elevations for the parking and storage of a minimum of 28 bicycles.

### **13 Refuse and Recycling**

13.1 The proposed refuse storage is located within 25 metres of the highway. It is considered that the refuse will be collected from the highway on collection days. This is considered to be acceptable in regards to refuse collection

13.2 The proposed refuse storage areas for Blocks A, B, B.1 and C are situated to the rear of the parking area.

13.3 The details of refuse storage for Blocks D and E are not provided within the site plan.

13.4 The site is considered to be able to accommodate refuse storage for Blocks D and E and therefore, details of refuse storage locations for the Blocks will be required as a condition to be discharged.

13.5 All refuse storage would be expected to be contained within dedicated waste and refuse storage areas or containers. Detailed plans and elevations of the refuse storage will be required as a condition to be discharged.

#### Refuse and Recycling Conclusion

13.6 The site is considered to be able to host the refuse storage and collection areas. Details of the locations for Blocks D and E are still required as are detailed plans and elevations of all dedicated storage areas. However, these details can be discharged via pre-occupation conditions.

## 14 Sustainability

- 14.1 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF sets out that there are three overarching objectives to achieving sustainable development, which includes an environmental objective. Development should contribute to protecting and enhancing the natural, built and historic environment, making effective use of land and helping to improve biodiversity.
- 14.2 Policy CS1 of the Core Strategy (2007) expects 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 environment and should achieve high quality sustainable environments for future generations.
- 14.3 The existing site is currently unused brownfield land. No built structures have been erected on the site since historical OS mapping began.
- 14.4 The proposal would utilise a site that has previously been underutilised. The ecological value of the existing site is considered to be negligible as any previous badger sets have since moved on and only one was found on the site which was abandoned.
- 14.5 A landscaping scheme will utilise plant species to encourage and improvement in bio diversity and the proposal includes a designated environmental area to accompany the proposal.
- 14.6 The site is located within a flood zone 1 and as such, is not considered to be in any significant risk of flooding.
- 14.7 The development proposes 10 car parking spaces above the minimum required standard and 30% of all parking spaces will be required to include electric charging station by condition to encourage low carbon travel. Cycle parking will be provided and bus (bus stop 5 minutes' walk) and train (train station 15 minutes' walk) facilities are within walking distance.

### Sustainability Conclusion

- 14.8 The proposed development seeks to bring into use a site that is undeveloped and thus giving it a sustainable use. It is in a location with sustainable transport links and provisions within the development to encourage sustainable active travel. The proposal aims to retain a sustainable biological value through the creation of a designated environmental area and conditions to ensure the use of high biodiversity value 'flora' and the inclusion of bird and bat boxes will further the sustainable biological value of the development. The site has a negligible risk of flooding.
- 14.9 The proposal would therefore be considered to be sustainable.

## 15 Flood Risk

15.1 Chapter 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. Paragraph 155 stipulates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraph 163 sets out that when determining any planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

15.2 Policy CS6 (Sustainability in New Developments) of the Core Strategy (2007) sets out that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development – both new build and conversion. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development (inter alia):

- has no adverse effects on water quality, and helps reduce potential water consumption for example by the use of water conservation and recycling measures and by minimising off-site water discharge by using methods such as sustainable urban drainage; and
- avoids increasing the risk of, or from, flooding.

15.3 The site is located in a flood risk zone 1 (Low probability – NPPF Flood Zone Classifications).

15.4 Therefore neither the sequential test nor the exceptions test need to be applied.

15.5 The development site is considered to be classed as ‘Less Vulnerable’ (Lowest level of flood risk) within the development compatibility table sections.

15.6 The applicant has provided a details of the Sustainable Urban Drainage System (SUDS). These are considered to be acceptable and an implementation strategy would be required by condition.

### Flood Risk Conclusion

15.7 The nature of the proposal and its location within a Flood Zone 1 would result in little to no flood risk and is therefore considered to be acceptable in this regard.

## 16 Trees and Landscaping

- 16.1 Chapter 15 of the NPPF concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.
- 16.2 Paragraph 175 of the NPPF sets out that development resulting in the loss or deterioration or irreplaceable habitats such as ancient woodland and ancient or veteran trees should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 16.3 Policy DM5 (Trees and Landscape) of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia):
- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and
  - Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.
- 16.4 Where trees, hedgerows or other landscape features are removed, appropriate replacement planting will normally be required. Consideration should be given to the use of native species as well as the adaptability to the likely effects of climate change.

### Trees

- 16.5 The proposal would result in the felling and cutting back of various trees on site.
- 16.6 The south-eastern canopies of T11, 12, 13, 18 & 19 (identified within the arboriculture method statement) should be cut back by 2m to prevent interference with construction activities.
- 16.7 TP1 at the north eastern side and (Oak Tree with TPO), TP2 (Silver Birch with TPO) and TP3 (Walnut with TPO) at the centre of the south eastern facing boundary are all to be retained and incorporated into the schemes landscaping plan.
- 16.8 A weld mesh, fencing is will be required for all retained trees. This is considered to be adequate for this site and all the retained trees can be suitably protected by the erection of such fencing erection prior to any works start on site.
- 16.9 The trees proposed to be removed are as follows:

- T1 Sycamore C1
- T2 Sycamore C1
- T3 Common Oak C1
- T4 Locust Tree C1
- T5 Silver Birch B1
- T6 Sycamore C1
- T8 Wild Cherry C1
- T10 Ash C1
- T14 Silver Birch C1
- T15 Silver Birch C1
- T16 Scots Pine C1
- T17 Silver Birch C1
- T20 Common Oak C1
- G1 Goat Willow C1
- G2 Common Oak, Sweet Chestnut C1
- G3 Wild Cherry C1
- G4 Goat Willow C1

16.10 Trees to be removed are the same as in the approved scheme (14/01784/FUL). Note: the site has been cleared as part of the 14/01784/FUL schemes implementations and as such most of the above trees have already been felled.

16.11 Conditions will be implemented to ensure appropriate foundations are in place where necessary to protect the roots of trees to be retained

16.12 The trees to be removed are considered to be acceptable and Epsom & Ewell Borough Council's Trees and Landscaping Officer has raised no objections.

#### Landscaping

16.13 The proposed landscaping scheme is to include trees and shrub boundaries between the block and at the boundary to the street.

- 16.14 The majority of the garden space is comprised of lawn and the car parking spaces are to be laid in 'grasscrete'.
- 16.15 No details of plant species have been provided and as such, it is considered appropriate to attach a hard and soft landscaping condition to be discharged at a later date. This will be required to include plant species of a high ecological value and shall be approved in conjunction with approval from the council's ecology officer.

Trees and landscaping conclusion

- 16.16 The proposed loss of trees is considered to be acceptable and the principle of their loss is already established by the approval of the previous application 14/01784/FUL. TPOs on site will be retained and the proposal includes an acceptable amount of soft landscaping. The details of species and layout of the landscaping/planting scheme will be required as a condition to be discharged to ensure that they are of a high ecological value in accordance with Policy DM4 of the council's Development Management Policies Document 2015.

**17 Ecology**

- 17.1 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality.
- 17.2 Paragraph 175 of the NPPF sets out that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 17.3 Policy CS3 (Biodiversity and Nature Conservation Areas) of the Core Strategy (2007) sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of National and Local biodiversity action plans in terms of species and habitat. Development that would harm Grade 3 Sites of Nature Conservation Interests (SNCIs) will not be permitted unless suitable measures are put in place and it has been demonstrated that the benefits of a development would outweigh the harm caused.
- 17.4 An ecological walkover survey was conducted on the 4<sup>th</sup> of May 2018. The purpose of the walkover survey was to check the proposed construction area for protected species issues.
- 17.5 Permission for 77 student accommodation units was granted in 2014 (14/01784/FUL). The site was cleared using the consented site clearance methodology for the consented permission and hoardings were erected.

- 17.6 A walkover study found two mammal holes in the construction area, one of which was an old badger sett and the other was a fox hole.
- 17.7 The badger sett had been partially excavated during the clearing of the site and the fox hole was a passageway dug between the site and a chain link fence. The whole was not a den.
- 17.8 Accompanying the scheme is the proposal to provide a dedicated wildlife Sanctuary at the north western end of the site. The wildlife area was agreed in the previous planning permission for student accommodation and shall be retained for purposes of this application.
- 17.9 The wildlife area comprises 0.15 hectares of grassland and scrub within the north western section of the site. This area will be retained as a wildlife area, The sanctuary area will be managed sensitively as coarse grassland/scrub matrix habitat for common lizards (and badgers). The provision of the Wildlife Sanctuary would be secured by S106 Agreement.
- 17.10 The siting of Bird Boxes and feeders in appropriate locations would be required on site as a condition. Furthermore a landscaping scheme would be required and species selected on site will be selected specifically to have a high ecological value.

#### Ecology Conclusion

- 17.11 The site has been cleared in 2017 accordance with a clearing condition from the previously approved permission 14/01784/FUL. As such, since the implementation of this condition the amount of wildlife on site was found to be negligible.
- 17.12 Nonetheless, Epsom & Ewell Borough Council Development Management Policy DM4 states 'Whether or not there are any species or habitats that enjoy statutory protection, every opportunity should be taken to secure net benefit to the Borough's biodiversity. As such, a wildlife area has been designated within the site and plant species to be included in the planting scheme will be selected to have a high ecological value. Details of the plant species will be required as a condition to be discharged.
- 17.13 Therefore, the proposal would not be considered to result in any unacceptable impacts to the ecology on the site and would be acceptable in this regard.

### **18 Impact upon amenity**

- 18.1 Policy CS5 of the Core Strategy and Development Management Policy DM10 seeks to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbances.

- 18.2 The main dwellings to consider in an assessment of the impacts upon neighbouring amenity are the neighbouring properties at Mill Road to the south east of the site.
- 18.3 The north western boundary of the site shares a boundary with a railway line and as such, the proposed development would not be considered to result in any impacts to residential amenity in regards to the north of the site.
- 18.4 There are not any residential properties to the south western side of the site as due to the siting of the road and the railway line the site thins and is not considered to be an appropriate size to accommodate residential properties. As such the proposal would not be considered to result in any residential amenity impacts to the south western side of the site.
- 18.5 The north eastern side of the site has been designated as the wildlife sanctuary and would not accommodate any residential properties. As such, the scheme would not be considered to result in any unacceptable impacts upon the amenity of any properties to the north eastern side of the site.
- 18.6 The main considerations in terms of residential amenity are to the properties that exist on the opposite side of Mill Road along the south eastern boundary of the site.
- 18.7 The proposed development is situated approximately 12.7 metres away from the nearest residential property on Mill Road and is located to the North West of the properties. As it is situated to the north of the properties its impacts in terms of overshadowing and daylighting and sunlighting would not normally be significant, in this case the increased separation across Mill Road result in the impacts in terms of daylighting/sunlighting, overshadowing being negligible.
- 18.8 The maximum height of the proposal is approximately 4 stories. This would result in the properties being approximately 9-13 metres in height, taller than the existing properties in Mill Road. The massing of the properties has been broken up by splitting the development into 6 separate blocks with generous separation distances that are to accommodate amenity space. As such, it would be considered to have less of an overbearing impact than if it were to be comprised of one solid flatted development.
- 18.9 The height of the buildings are staggered with the tallest 4 storey building (Block A) being located in the centre and the number of floors declining as the development spreads to the north eastern and south western ends of the site (Blocks B, B.1 and C are 3 stories and Blocks D and E are 2 stories). This in unison with the 12.7 metre separation distance and the height of the proposal would not be considered to result in any unacceptable impacts upon the amenity of properties along Mill Road in terms of overbearing.



18.10 The proposed front windows of the properties would be located a minimum of 12 metres from the front windows of properties on Mill Road. This separation distance is considered to be acceptable and is not an abnormal separation distance between front windows within a usual streetscene.

18.11 The side facing windows of all the proposed blocks will be conditioned to ensure that they are non-opening and obscurely glazed from 1.7 metres above floor level to ensure that no overlooking occurs between the future occupiers of the proposed blocks.

Amenity conclusion

18.12 The height of the proposal does not unacceptably exceed that of the neighbouring properties and the breaking up of the development into blocks means that the site would not result in any unacceptable impacts in terms of overbearing.

18.13 Separation distances in relation to the neighbouring properties and their siting to the south of the site results in the potential for overshadowing and daylighting/sunlighting impacts being negligible.

18.14 The separation distances between front facing windows are not unusual within an average streetscene and as such, would not be considered to result in any unacceptable overlooking impacts.

**19 Viability**

19.1 Policy CS9 of the Core Strategy 2007 states that the Council has an overall target of 35% of new dwellings should be affordable. Residential development of 15 or more dwellings gross (or on sites of 0.5ha or above) should include at least 40% of dwellings as affordable. The Council will seek to ensure that the affordable housing remains affordable to successive as well as initial occupiers through the use of planning conditions or a planning obligation.

19.2 Paragraph 3.12.11 goes on to state that where there are specific and overriding site constraints or where development specific issues inhibit the provision of affordable housing, off site provision or financial contributions may be acceptable.

19.3 The applicant has undertaken a viability assessment, which has been independently reviewed by a viability assessor for the Council, which demonstrates that the scheme could not support affordable housing. However, it has been concluded that the scheme could provide a commuted sum which can contribute towards affordable housing in the borough.

Viability Conclusion

- 19.4 The proposal does not include on site affordable housing. The applicant has proposed the payment of a commuted sum to offset the lack of affordable housing delivery on site. The proposal will include securing the commuted sum through a s106 agreement, and the calculated sum that is required has been agreed with the applicant.
- 19.5 Although the proposed level of affordable housing is not at a policy compliant level, the viability assessment has shown that the scheme cannot provide any affordable housing and appropriate commuted sums of payments would be made. The proposed development is therefore considered to be acceptable in terms of viability.

**20 S106**

- 20.1 A Section 106 Agreement accompanies the application which sets out the location of the wildlife area to be designated within the site and the affordable housing commuted sum.
- 20.2 These have been agreed by the council and the applicant.

**21 Community Infrastructure Levy**

- 21.1 The proposal is liable for CIL payments.

**22 Conclusion**

- 22.1 This site has not previously been developed. However, the principle of the sites development potential has been established by the approval of the application 14/01784/FUL for the development of 77 student accommodation units. This development was implemented in 2017 with the erection of hoardings and the clearing of the site
- 22.2 The proposed development is designed to appear residential in nature in order to conform to the suburban character of the properties surrounding the development site. The quality of materials is of great importance and as such, these details will be discharged as a pre-commencement condition.
- 22.3 Transport and parking is of significant concern to the local populations and as such the proposal includes the provision of an additional 10 car parking spaces on top of the minimum required standards. The vehicle accesses to the proposal would provide safe access to the site and will be subject to conditions ensuring that visibility splays are provided and crossovers are designed to an acceptable standard.

- 22.4 The proposal does not provide any affordable accommodation however, both the applicant and the council have undertaken independent viability reviews and a commuted sum and the provision of an environmental sanctuary have been agreed as an acceptable alternative to the provision of affordable housing.
- 22.5 There are 3 TPO's on the application site. The trees to be removed are the same as the previous application (14/01784/FUL). As such the proposal would not result in any additional impacts to trees from that of the previous permission.
- 22.6 The proposal is considered to be appropriate in this location and would not result in any unacceptable impacts upon surrounding area.

## **23 Recommendation**

- 23.1 Approve subject to conditions subject conditions and the signing of the signing of the S106 Agreement by [date]. Should the S106 not be signed to the agreed terms set out within this report the council reserve the right to refuse the application.

### **Conditions:**

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

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

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

**PL04 Proposed Block Plan**

**PL05 Proposed Site Plan**

**PL30 Unit A Proposed GA Plans Sheet 1 of 2 rev F**

**PL31 Unit A Proposed GA Plans Sheet 2 of 2 rev G**

**PL32 Unit A Proposed GA Elevations Sheet 1 of 2 rev F**

**PL33 Unit A Proposed GA Elevations Sheet 2 of 2 rev F**

**PL40 Unit B & B1 Proposed GA Plans rev E**

**PL41 Unit B & B1 Proposed GA Elevations rev F**

**PL60 Unit C Proposed GA Plans rev D**

**PL61 Unit C Proposed GA Elevations Sheet 1 of 2 rev F**

**PL62 Unit C Proposed GA Elevations Sheet 2 of 2 rev E**

**PL70 Unit D Proposed GA Plans rev C**

**PL71 Unit D Proposed GA Elevations rev D**

**PL80 Unit E Proposed GA Plans and Elevations rev E**

**PL200 Proposed Street Scene**

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

- (3) Prior to the commencement of development, details and samples of the materials to be used for the external surfaces of the development, including windows and doors, 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:** In the interest of safeguarding visual amenity in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies Document (2015).

- (4) Before any occupation of the development hereby permitted, the windows on the North East and South West elevations of Blocks A, B, B.1, C, D and E shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing of a patterned type only which shall thereafter be retained as such. Obscure glazed windows should be obscured to minimum of level 3 of the Pilkington Scale. The use of any type of film or material affixed to clear glass is not acceptable for the purposes of this Condition.**

**Reason:** To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.

- (5) No site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown on the ARBORICULTURAL IMPACT ASSESSMENT & METHOD STATEMENT dated April 2015 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 ensure the provisions and maintenance of soft landscaping, in the interest of visual amenity as required by Policy DM5 of the Development Management Policies Document (2015) and in the interest of environmental sustainability as required by Policies CS1 and CS4 of the Local Development Framework Core Strategy (2007).

- (6) Prior to occupation of the development hereby approved, a soft landscaping scheme shall be submitted to and approved in writing by the local planning authority, to include the planting of trees, hedges, shrubs and areas to be grassed. The landscaping scheme shall include: tree planting specification drawings which show species, sizes, planting pit size, soil, staking, protection, strimmer guards; A schedule of aftercare should outline maintenance such as pruning, gapping up, responsibility for plant watering and duration of maintenance. The landscaping shall take place in the first planting season after completion of development and shall be maintained for a period of 5 years, such maintenance to include the replacement of any plants that die. All works shall be carried out in strict accordance with the approved details.

**Reason:** To ensure the provisions and maintenance of soft landscaping, in the interest of visual amenity as required by Policy DM5 of the Development Management Policies Document (2015) and in the interest of environmental sustainability as required by Policies CS1 and CS4 of the Local Development Framework Core Strategy (2007).

- (7) Prior to the first occupation of the first unit hereby permitted, details of the means of enclosure to the retained wildlife area and a timetable for their erection shall be submitted to and approved in writing by the local planning authority. The fencing shall allow for the movement of badgers (by way of 'badger gates' or other suitable openings). The enclosures shall be erected in accordance with the approved details and the badger gates/openings shall be retained, free of obstruction, thereafter.

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

- (8) The development hereby approved shall be carried out in strict accordance with the Wildlife Area Management (NKH16970 Wildlife Area Management Plan).

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

- (9) Notwithstanding the submitted plans no part of the development shall be first occupied until each of the proposed vehicular accesses to Mill Road have been constructed as belmouth accesses with tactile paving and dropped kerbs at the pedestrian crossing points and provided with visibility of 43 metres to a point no more than one metre into the carriageway from the near side kerb line from a point 2.4 metres back along each of the proposed accesses in accordance with a revised scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6 metres high above the ground.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy DM 35 Transport and New Development, of the Epsom and Ewell Borough Council Development Management Policies Document September 2015

- (10) The development hereby approved shall not be first occupied unless and until redundant sections of any existing accesses from the site to Mill Road have been closed and any verges and or footways have been reinstated.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and DM 35 Transport and New Development, of the Epsom and Ewell Borough Council Development Management Policies Document September 2015

- (11) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plan numbered PL04 Rev A for vehicles to be parked. Thereafter the parking areas shall be retained and maintained for their designated purpose.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy DM 37 Parking Standards, of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (12) The development hereby approved shall not be first occupied unless and until a minimum of 20% of the available parking spaces for each of the units lettered A, B, B1 and C and each of the units letter D and E are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp

**single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.**

**Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy DM 36 Sustainable Transport for New Development, of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.**

- (13) Notwithstanding the submitted plans the development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with a revised scheme to include the storage of a minimum of 28 bicycles in a secure, covered, and accessible location. Thereafter the bike storage areas shall be retained and maintained for their designated purpose.**

**Reason The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy DM 36 Sustainable Transport for New Development, of the Epsom and Ewell Borough Council Development Management Policies Document September 2015**

- (14) Prior to the occupation of the development a Travel Statement shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, and Surrey County Council's "Travel Plans Good Practice Guide", And then the approved Travel Statement shall be implemented upon first occupation and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.**

**Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy DM 36 Sustainable Transport for New Development, of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.**

- (15) No development shall take place until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:**

- a) the parking of vehicles of site personal, operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) a programme of works (including measures for traffic management);
- e) provision of boundary hoarding behind any visibility zones;
- f) HGV deliveries and hours of operation
- g) vehicle routing
- h) measures to prevent the deposit of materials on the highway
- i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- k) On site turning for construction vehicles

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 in accordance with Policy CS16 of the Core Strategy (2007).

- (16) Prior to the first occupation of the development hereby approved, the applicant shall submit to the local planning authority and obtain written approval of a Management Strategy, addressing the on-site supervisory arrangements and tenure terms so as to minimise noise and to manage anti-social behaviour issues. The applicant shall implement the approved Management Strategy on first occupation of the site and thereafter maintain its operation to the satisfaction of the local planning authority.

Reason: To ensure that the neighbouring residential amenity is protected in accordance with Policy DM10 of the Development Management Policies Document (2015).

- (17) Prior to the first occupation of the development hereby approved, a plan for the management of the designated on-site parking spaces shall be submitted and approved in writing by the local planning authority. Details shall be included of general management throughout the year.



**Reason:** In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007).

- (18) The development hereby approved shall be constructed in accordance with the sustainable construction techniques outlined in the Design and Access Statement, unless otherwise agreed in writing with the local planning authority.

**Reason:** In order to promote sustainable construction in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007).

- (19) Prior to the commencement of the development hereby approved, details of noise attenuation and mitigation measures to protect future occupiers against railway noise shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

**Reason:** To safeguard future occupiers of the development from railway noise in accordance with Policy DM10 of the Development Management Policies Document (2015).

- (20) The development hereby permitted shall be constructed entirely in accordance with the approved Drainage Layout Plan (Drg MR-DL-100 Rev F - Drainage Layout Plan).

Then prior to the first occupation of the development hereby approved, 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 as per the agreed scheme.

The Sustainable Drainage System shall be managed and maintained in accordance with the agreed details supplied within the Maintenance Document and Maintenance Schedule,

**Reason:** To ensure suitable drainage of the development to reduce risk of flooding in accordance with Policy CS6 of the Core Strategy (2007).

- (21) Prior to occupation of the development hereby permitted the applicant shall supply details of locations of bird and bat boxes and feed stations to be located within the proposed development. The approved details will then be retained in perpetuity or the lifetime of the development hereby approved or until the grant of planning permission explicitly states otherwise.

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

- (22) Prior to occupation of the development hereby permitted, detailed elevations, locations and plans of the proposed secure cycle storage shall be submitted to and approved by the council. The approved details will then be retained in perpetuity or the lifetime of the development hereby approved or until the grant of planning permission explicitly states otherwise.

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007).

- (23) Prior to occupation of the development hereby permitted, detailed elevations, locations and plans of the proposed Refuse and recycling storage shall be submitted to and approved by the council. The approved details will then be retained in perpetuity or the lifetime of the development hereby approved or until the grant of planning permission explicitly states otherwise.

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007).

- (24) 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: There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

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

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

- (26) **Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.**

**Reason:** The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying ground waters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

- (27) **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. 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. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site and verification report shall incorporate the approved additional measures.**

**Reason:** To control significant harm from land contamination to human beings, controlled waters, buildings and or/ecosystems as required by Policy DM10 of the Development Management Policies Document (2015).

**Informatives:**

- (1) **In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs**

and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

- (2) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.
- (3) Your attention is drawn to the fact that planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.
- (4) Your attention is drawn to the fact that this planning permission is liable for Community Infrastructure Levy payments (CIL).
- (5) The travel statement shall include details of how to travel between the site and public transport including bus and rail services and details of a range of employment, education, retail and leisure land uses with 2 km walking distance of the site and 5 km cycling distance from the site.
- (6) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
- (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 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 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice).

- (9) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
- (10) You have been granted planning permission to build the proposed development of 31 residential units with associated landscaping, parking and external works. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.

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## **Premier Inn 1 The Parade Epsom Surrey KT18 5BT**

Variation of Condition 22 (Approved drawings) to permit the reduction of the plant screen for the plant room at roof level.

<b>Ward:</b>	<b>Town Ward</b>
<b>Contact Officer:</b>	<b>John Robinson</b>

### **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=PG9WJDGY0DE00>

### **2 Summary**

- 2.1 The application seeks the variation of Condition 22 of the extant planning permission (16/01897/REM) to facilitate a minor amendment to the roof level plant room.

#### **2.2 The application is recommended for APPROVAL**

### **3 Site description**

- 3.1 The application site has an area of 0.13 hectare and was formerly occupied by the Epsom Comrades Club. Planning permission was granted in June 2016 for the demolition of the Comrades Club and the erection of new four-storey building comprising a 57-bed hotel (Use Class C1) with ancillary restaurant/bar and new Comrades Club facilities.
- 3.2 The site is adjoined to the west by a vacant retail unit to the east by the Town Hall and to the rear by Spread Eagle Walk which includes the former Spread Eagle Public House, a Grade II listed building. Opposite the site lies a residential flatted development at 7 Ashley Road and to the east of that the former magistrate courts site, a residential scheme of 46 flats with a medical centre. Further to the east lies the Old Pines, a Grade II listed building, now used as a clinic.
- 3.3 The site is not listed nor within conservation area but it abuts the Epsom Town Centre Conservation Area along the northern and western boundary
- 3.4 The hotel is currently at an advanced stage of construction.

#### 4 Proposal

- 4.1 Condition 22 (approved drawings) of the original planning permission 15/01839/FUL was subsequently varied to facilitate internal layout changes under reference 16/01897/REM.
- 4.2 The application seeks the variation of Condition 22 (Approved Drawings): of planning permission 16/01897/REM to facilitate a minor adjustment to the plant room at roof level:

*22. The development hereby permitted shall be carried out in accordance with the following approved plans:*

*Site Location Plan (Ref: 3640-OS-001);*

*Proposed Ground Floorplan (Ref: 3640-P-101 Rev K);*

*Proposed First Floorplan (Ref: 3640-P-102 Rev H);*

*Proposed Second Floorplan (Ref: 3640-P-103 Rev I);*

*Proposed Third Floorplan (Ref: 3640-P-104 Rev G);*

*Proposed Fourth Floorplan (Ref: 3640-P-105 Rev F);*

*Proposed Roof plan (Ref: 3640-P-106 Rev F);*

*Proposed Roof Plan in Context (Ref: 3640-P-107 Rev D);*

*Proposed South Elevation (Ref 3640-P-110 Rev M);*

*Proposed North Elevation (Ref: 3640-P-111 Rev G);*

*Proposed East Elevation (Ref 3640-P-112 Rev J);*

*Cross Section A (Ref: 3640-P-120 Rev F);*

*Cross Section B (Ref: 3640-P-121 Rev E);*

*Long Section C (Ref: 3640-P-122 Rev D);*

*South Elevation in Context (3640-P-126 Rev E); and,*

*Proposed Access Arrangement 2015/2503/001 Rev E.*

*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).*

- 4.3 The length of the plant screen for the plant room approved under planning permission 16/01897/REM was 14,080mm. This application seeks to amend this to 11,780mm in length, a reduction 2300mm.



**5 Comments from third parties**

- 5.1 The application was advertised by means a site notice, press advert, and letters of notification to 43 neighbouring properties. To date (14.11.2018) no letters of objection have been received.

**6 Consultations**

- 6.1 Highways: No comments
- 6.2 Conservation Officer : No objection

**7 Relevant planning history**

<b>Application number</b>	<b>Decision date</b>	<b>Application detail</b>	<b>Decision</b>
15/01839/FUL	22.06.2018	Demolition of existing Comrades Club facility and erection of new four-storey building comprising a 57-bed hotel (Use Class C1) with ancillary restaurant/bar and new Comrades Club facilities. (Amended drawings received 26.05.2016)	GRANTED
16/00541/COND	06.09.2017	Details pursuant to Condition 10 and 12 (CMP) of planning permission 15/01839/FUL	DISCHARGED
16/00605/COND	09.09.2017	Details pursuant to Condition 14 (Tree protection) 16 (SuDS) 17(details of how the Sustainable Drainage System will cater for system failure or exceedance events, both on and offsite,)18 (SuDS details) and 19 (SuDS maintenance) of planning permission 15/01839/FUL	DISCHARGED
17/01513/COND	14.03.2018	Details pursuant to Conditions 2( Materials 3 (Landscaping) and 21(*Swift bricks) of planning permission 16/01897/REM (Amended drawings received 09.03.2018)	DISCHARGED
16/01897/REM	27.06.2017	Variation of Condition 22 (Approved drawings) of planning permission 15/01839/FUL to facilitate internal layout changes (including the provision of an additional 9 rooms) and various external minor fenestration and elevation amendments.	GRANTED
18/00492/COND	21.08.2018	Details pursuant to Condition 13 (Service Management Plan) of	DISCHARGED

		planning permission 16/01897/REM	
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## 8 Planning Policy

### National Policy Planning Framework (NPPF) 2018

Chapter 12                      Achieving well-designed places

### Core Strategy 2007

Policy CS1              Sustainable Development

Policy CS5              Built environment

### Development Management Policies Document 2015

Policy DM8              Heritage assets

Policy DM9              Townscape character and local distinctiveness

Policy DM10              Design requirements for new developments

## 9 Planning considerations

### Visual Impact

9.1      The length of the plant screen for the plant room approved under planning permission 16/01897/REM was 14,080mm. It is proposed to amend this to 11,780mm in length, a reduction 2300mm. The reduction in the length would be a positive visual improvement and would not impact on the character and appearance of the building or have a detrimental impact on the adjacent conservation area.

9.2      The development would therefore be in accordance with Policies DM8, DM9 and DM10

### Neighbour Amenity

9.3      There are no residential properties which would be affected by the amended scheme in amenity terms.

9.4      The proposal would therefore comply with Policy DM10.

### Community Infrastructure Levy

9.5      The proposal would not be CIL liable

## 10 Conclusion

- 10.1 The proposed changes are accepted as minor material amendments to the original permission. It is therefore considered that a variation of Condition 22 of permission reference 16/01897/REM under Section 73 of the Town and Country Planning Act 1990, to amend the approved drawings, should be granted permission.

## 11 Recommendation

- 11.1 Grant planning permission subject to the conditions detailed below.

### Conditions:

- (1) The development hereby permitted shall be commenced within 3 years from the 22/06/2016, the date of the originally approved application 15/01839/FUL.

**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) Details and samples of materials used in the development shall be in accordance with the materials samples and details approved under application 17/01513/COND dated 13 March 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.

- (3) Hard and soft landscaping shall be in accordance with the details approved under application 17/01513/COND dated 13 March 2018.

**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) The development shall not be occupied until details, sections and plans of the roof-level plant enclosure have been 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.

- (5) 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 Epsom and Ewell Local Development Framework Core Strategy 2007.

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

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

**Reason:** The above condition is required 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)

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

**Reason:** The above condition is required 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)

- (9) The development hereby approved shall not be first opened for trading unless and until existing redundant westernmost access

from the site to The Parade has been permanently closed and any kerbs, verge, footway, fully reinstated.

**Reason:** The above condition is required 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)

- (10) All development shall be in accordance with the Construction Transport Management Plan approved under application 16/00541/COND dated 6 September 2016.

**Reason:** The above condition is required 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)

- (11) On first occupation of the development the applicant shall:

Implement the approved travel plan on first occupation and for each subsequent occupation of the development, thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority.

**Reason:** To minimise reliance on the use of the private motor car in accordance with and Plan E and Policy CS16 of the Core Strategy (2007)

- (12) The programme of archaeological work shall be in in accordance with the document approved under application 16/00541/COND dated 6 September 2016.

**Reason:** The site is of high archaeological potential and it is important that the archaeological information should be preserved as a record before it is destroyed by the development as required by Policy DM8 of the Development Management Policies Document 2015.

- (13) The development shall be carried out in accordance with the approved Service Management Plan approved under application 18/00492/COND dated 21 August 2018

**Reason:** The above condition is required 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) Tree protection measures, including ground protection, for the Irish Yew should be installed in accordance with details approved under application 16/00605/COND dated 8 September 2016.

**Reason:** To enable the Local Planning Authority to ensure the retention of trees on the site protected from damage in the interests of visual amenity as required by Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

- (15) No construction work shall be carried out in such a manner as to be audible at the site boundary before 07.30 hours on Monday to Friday or after 18.30 hours on Monday to Friday; no construction work shall be audible at the site boundary before 08.00 and after 13.00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank Holidays or Public Holidays.

**Reason:** To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties as required by Policy DM10 of the Development Management Policies Document 2015.

- (16) All SuDS elements of the development hereby approved must be in accordance with the detailed layouts and SuDS elements approved under application 16/00605/COND dated September 2016.

**Reason:** To ensure that the design fully meets the requirements of the national SuDS technical standards

- (17) All SuDS elements of the development hereby approved must cater for system failure or exceedance events, both on and offsite, in accordance with the details approved under application 16/00605/COND dated 8 September 2016.

**Reason:** To ensure that the design fully meets the requirements of the national SuDS technical standards

- (18) All SuDS elements of the development hereby approved must be protected and maintained during the construction of the development in accordance with the details approved under application 16/00605/COND dated 8 September 2016.

**Reason:** To ensure that the design fully meets the requirements of the national SuDS technical standards

- (19) All SuDS elements of the development hereby approved must be maintained in accordance with the details approved under application 16/00605/COND dated 8 September 2016.

**Reason:** To ensure that the design fully meets the requirements of the national SuDS technical standards

- (20) 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 as per the agreed scheme.**

**Reason: To ensure the Sustainable Drainage System has been constructed as agreed.**

- (21) "Swift" bricks" shall be installed in accordance with the approved details approved under application 17/01513/COND dated 13 March 2018.**

**Reason: To conserve and enhance biodiversity as required by Policy CS3 of the Core Strategy 2007.**

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

**Site Location Plan (Ref: 3640-OS-001);**

**Proposed Ground Floorplan (Ref: 3640-P-101 Rev K);**

**Proposed First Floorplan (Ref: 3640-P-102 Rev H);**

**Proposed Second Floorplan (Ref: 3640-P-103 Rev I);**

**Proposed Third Floorplan (Ref: 3640-P-104 Rev G);**

**Proposed Fourth Floorplan (Ref: 3640-P-105 Rev G);**

**Proposed Roof and plant room (Ref 3640/WD/207 Rev I)**

**Proposed Roof Plan in Context (Ref: 3640-P-107 Rev D);**

**Proposed South Elevation (Ref 3640-P-110 Rev N);**

**Proposed North Elevation (Ref: 3640-P-111 Rev H);**

**Proposed East and West Elevation (Ref 3640-P-112 Rev K);**

**Cross Section A (Ref: 3640-P-120 Rev F);**

**Cross Section B (Ref: 3640-P-121 Rev E);**

**Long Section C (Ref: 3640-P-122 Rev D);**

**South Elevation in Context (3640-P-126 Rev E); and,**

**Proposed Access Arrangement 2015/2503/001 Rev E.**

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



**Informatives:**

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 38 of the National Planning Policy Framework 2018.
- (2) 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-and-licences/vehicle-crossovers-or-droppedkerbs](http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-droppedkerbs)

- (3) The developer is advised that a standard fee may be charged for input to, and future monitoring of, any Travel Plan the Developer would be expected to instruct an independent transportation data collection company to undertake the monitoring survey. This survey must conform to a TRICS Multi-Modal Survey format consistent with the UK Standard for Measuring Travel Plan Impacts as approved by the Highway Authority. To ensure that the survey represents typical travel patterns, the organisation taking ownership of the travel plan will need to agree to being surveyed only within a specified annual quarter period but with no further notice of the precise survey dates. The Developer would be expected to fund the survey validation and data entry costs.
- (4) A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk).

Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)

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18/00995/REM



Scale : 1:1330

Date 04 December 2018	
Comments	
SLA Number 71	

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## **57 Salisbury Road Worcester Park Surrey KT4 7DE**

Redevelopment of the site for 13 apartments (6 x1 bed, 6 x 2 bed , 1 x 3 bed) with car port, car parking, cycle store, bin store and associated external works

<b>Ward:</b>	<b>Cuddington Ward;</b>
<b>Contact:</b>	<b>John Robinson</b>

### **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=P508X LGYJBX00>

### **2 Summary**

- 2.1 This application seeks permission for the demolition of an existing dwelling and the erection of a two storey building (with roof accommodation) comprising 13 flat units and associated parking and external works.
- 2.2 A similar application for 13 apartments was previously granted on appeal on the 25<sup>th</sup> September 2008 (appeal reference APP/P3610/A/08/2068380). The planning permission was not implemented and has since lapsed.
- 2.3 The proposal would comply with residential policies contained in the Development Management Policies Document 2015.
- 2.4 **The application is recommended for APPROVAL.**

### **3 Site description**

- 3.1 The application site is located on the northern side of Salisbury Road, and is irregular in shape and currently comprises of a two-storey detached locally listed dwelling with associated outbuildings, together with its residential curtilage. The site is relatively flat. The site area is approximately 0.273ha.

- 3.2 The existing boundaries of the site comprise dense tree and hedge screening along with close boarded fencing and access gates. Access to the site is taken from Salisbury Road, with the access leading to a driveway to the front of the dwelling.
- 3.3 To the east of the site is Ash Tree Cottage, which is a modern two storey detached dwelling with garage to the front. To the south of the site are a number of detached dwellings in varying styles and heights. On the northern side of Salisbury Road, the character is similarly one of detached dwellings.
- 3.4 The surrounding area is predominantly residential in character and comprises of both two and three storey dwellings which are highly mixed in terms of their age, style and appearance. There is no particular uniformity in terms of the shape of the plots or the positioning of the dwellings within them.

#### **4 Proposal**

- 4.1 This application seeks permission for the demolition of an existing dwelling and the erection of a two storey building (with roof accommodation) comprising 13 flat units (6 one bed, 6 two bed and 1 three bed) and associated parking and external works.
- 4.2 The building would have a broadly rectangular footprint, with an overall width of 27m and a depth of 14.6m, reducing to 10 depth along the eastern flank boundary. It would have an overall height of 9.4m, with an eaves height of 5.5m reducing to 3.3m along the eastern flank and would be constructed within the same envelope as the approved block, with the bulk mass and height also in line with that previously approved. It would be set back from the highway and side boundaries, allowing dense boundary trees and hedge screening to be retained, and would respect the front building lines of the adjacent dwellings. The existing access to the site from Salisbury Road would be retained unchanged.
- 4.3 Spatial separation distances and the distance proposed between the proposed flats and neighbouring dwellings would be similar to the appeal scheme.
- 4.4 The proposed building would be of a traditional design, with part brick/part timber clad elevations, incorporating features such as front gables, window detailing, bay windows and an entrance porch providing covered access. The flank elevations would be clad in timber boarding.
- 4.5 Parking for 14 vehicles, including a bin store, would be provided in a permeably paved forecourt. Four of the spaces would be covered by a car port. A cycle store would be provided in the rear garden area. Communal amenity space would be provided for all flats to the rear of the building.
- 4.6 It is proposed to remove a number of trees, from within the centre area of the site, to facilitate the proposals.

## 5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 51 neighbouring properties, a site and press notice. To date (21.11.2018) 60 letters of objection have been received regarding:

- Out of character
- Parking
- Loss of existing dwelling
- Impact on wildlife
- Highway safety
- Loss of trees
- Overlooking

## 6 Consultations

6.1 Highways: No objection, subject to conditions to be imposed on any permission granted.

6.2 Conservation Officer: No objection.

6.3 Tree Officer: No objection.

## 7 Relevant planning history

Application number	Decision date	Application detail	Decision
05/00353/FUL	20.09.2005	Demolition of existing house and erection of 14 no. apartments with associated parking (Drawing Nos.9492/PL01, 02, 03, 04A, 05A, 06A and 07A)	REFUSED
07/00994/FUL	28.02.2008	Demolition of existing dwelling and outbuildings and erection of new building comprising 13 apartments with carport, car parking, cycle store, bin store and associated external works and access.(As amended by drawing Nos.SD:WOR:07:01A and 03A)	REFUSED  Appeal GRANTED 25.09.2008

## 8 Planning Policy

National Policy Planning Framework (NPPF) 2018

Chapter 11: Para 118, 122    Making effective use of land  
Chapter 12: Para 128 -131    Achieving well-designed places

Chapter 16 para 197

Conserving and enhancing the historic environment

Core Strategy 2007

Policy CS1	Creating Sustainable Communities
Policy CS3	Biodiversity
Policy CS5	The Built Environment
Policy CS6	Sustainability in New Developments
Policy CS9	Affordable housing and meeting Housing Needs
Policy CS16	Managing Transport and Travel

Development Management Policies Document 2015

Policy DM4	Biodiversity and New Development
Policy DM8	Heritage Assets
Policy DM5	Trees and Landscape
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM11	Housing Density
Policy DM12	Housing Standards
Policy DM17	Contaminated Land
Policy DM19	Development and Flood Risk
Policy DM22	Housing Mix
Policy DM37	Parking Standards

Parking Standards for Residential Development SPD December 2015

**9 Planning considerations**

Previous Application

9.1 A similar residential scheme for development (07/00994/FUL) seeking detailed planning permission for the erection of 13 apartments was refused by Committee in February 2008 on the following grounds;

1. The proposed demolition of a locally important building of architectural and historic interest would be contrary to Policy BE15 of the Epsom and Ewell District Wide Local Plan 2000 and Policy CS5 of the Core Strategy 2007.
2. The proposed development would have an adverse impact on the general nature conservation interest including Dancer Dick Wood, a site of Grade 3 nature conservation importance contrary to Policy NE8 and DC14 (III) of the Epsom and Ewell District Wide Local Plan 2000 and Policy CS3 of the Core Strategy 2007.



3. The proposed development by reason of design, appearance, bulk and density would be out of keeping with the character of the surrounding area. It would thus be contrary to Policies HSG11 (I) and (V), DC1 (II) and DC14 (I) and (III) of the Epsom and Ewell District Wide Local Plan 2000 and Policy CS5 of the Core Strategy 2007.

9.2 The application was granted on appeal on the 25<sup>th</sup> September 2008, and in his decision the Inspector concluded the following:

- The proposals would not result in any unacceptable harm to the character and appearance of the area,
- it would not result in the unacceptable loss of trees and it would not result in harm to any ecological interests, and;
- the proposed demolition of the existing dwelling was acceptable and would not result in the unacceptable loss of a heritage asset.

9.3 The Local Plan has not changed since this decision and therefore the Inspector's appeal decision is a material consideration in assessing this application.

#### Principle of Development

9.4 The principle of demolishing the dwelling and the redevelopment of the site has been established through the previous (lapsed) permission granted on appeal on the 25<sup>th</sup> September 2008 (07/00994/FUL) for the erection of erection of 13 flats in a two-storey building with associated parking spaces.

9.5 The government's standard method for calculating objectively assessed housing need identifies a housing requirement for the Borough of 579 additional homes each year. Set against the Borough's previous housing target to deliver 181 new homes per year the requirement has the potential to translate into a new target that results in a significant step change in housing delivery.

9.6 Meeting any increase in the annual housing building target will be challenging. With the Borough being mostly comprised of existing built up areas, strategic open spaces or Green Belt, the supply of available development sites is now extremely limited. It is therefore important that available sites are optimised for housing delivery.

9.7 The redevelopment of this site within an already developed residential area is an appropriate and sustainable location for increasing the amount of residential development at the site subject to other material considerations and local planning policy.

Visual Impact

- 9.8 Policies DM9 and DM10 encourage high quality development and planning permission will be granted for proposals, which make a positive contribution to the borough's visual character and appearance. Policy DM8 states that the Council will resist the loss of our Heritage Assets and every opportunity to conserve and enhance them should be taken by new development
- 9.9 The proposed building would be constructed within the same envelope as the previously approved building, with the bulk, mass and height also in line with that previously approved. The proposal is materially the same as the scheme approved by the Planning Inspector.
- 9.10 The design approach comprising a building of a traditional design, with part brick /part timber clad elevations, incorporating features such as front gables, window detailing, bay windows would be contextually appropriate and would sit comfortably within the site and the streetscene. The existing trees along the highway boundary would largely obscure the new building.
- 9.11 The predominant use of timber cladding (with "green" flank walls) has been carefully considered and detailed, albeit in a contemporary manner. This combination of materials would help to integrate the new building with the retained and proposed landscaping
- 9.12 It is therefore concluded that the proposed scheme in terms of its design, scale and massing would not have a harmful impact on the character and appearance of both the immediate and wider area and would therefore accord with Policy DM8, DM9 and DM10.

Heritage Assessment

- 9.13 The existing house is included on the Council's list of buildings of local architectural and historic interest but it is not statutorily protected.
- 9.14 Paragraph 197 of the NPPF 2018 states that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".
- 9.15 Development Management Policy DM8 seeks to resist the loss of heritage assets and notes that as part of any assessment process the significance of the asset will be taken into account when determining whether the impact of any proposed development is acceptable
- 9.16 The previous Inspector noted that although the building had been added to the Council's local list, it is screened from the adjacent roads by boundary fencing and planting and as a result makes little contribution to the street scene and does not enjoy the full protection of statutory listing.

- 9.17 The Inspector concluded that the demolition of the existing building was acceptable. She was not persuaded that the building is of such architectural or historic merit to warrant retention irrespective of the merits of any redevelopment proposal. She considered the proposed scheme was well designed and would contribute to the character and appearance of the local environment.
- 9.18 The current scheme is considered to offer the same benefits as the previously approved scheme. The proposal would make an important contribution to meeting housing needs pursuant to the national policy to boost significantly the supply of housing.
- 9.19 It is officers' balanced judgement that the overall merits of the scheme would outweigh the loss of this particular building and that the demolition of the existing building is justified having regard to having regard to its status as a non-designated heritage, and prevailing planning policies.
- 9.20 The proposal would therefore comply with Policy DM8

Neighbour Amenity

- 9.21 The siting of the proposed building has taken into account the positioning of adjacent dwellings and ensures that the proposal will not result in any unacceptable loss of amenity to occupants of adjoining properties due to overlooking or loss of privacy.
- 9.22 The kitchen windows in the western flank elevation of the proposed scheme would face the garden immediately to the rear of "Oak House" at an oblique distance of some 17m which is considered adequate to avoid significant loss of privacy. There are no windows proposed in the eastern upper floor elevation. (It is also noted that existing trees along the boundaries of the affected properties would provide an additional element of screening).
- 9.23 The building would be setback around 16m from the flank elevation of Oak Cottage and around 5m from the flank wall of No 59 Salisbury Road which prevent the building from having an overbearing impact on the outlook from the respective properties.
- 9.24 Subject to a safeguarding condition requiring the first floor floor flank kitchen window in the rear facing flat to be obscurely glazed would prevent any material overlooking of the garden of the affected adjoining property, the proposed scheme would comply with Policy DM10.

Housing Space Standards

- 9.25 The proposed 3 bed (6 bedspace) flat would have a Gross Internal Area of 113m<sup>2</sup>, the 2 bed (3 bedspace) flats an area between 65m<sup>2</sup> and 67m<sup>2</sup>, and the 1 bed (2 bedspace) flats an area of between 50m<sup>2</sup> and 51m<sup>2</sup>.

- 9.26 Each flat would comply with the appropriate Nationally Described Space Standard technical requirements (74m<sup>2</sup>, 61m<sup>2</sup> and 50m<sup>2</sup> respectively) in compliance with Policy DM12

Amenity Space

- 9.27 All flats would have access to communal amenity space to the rear of the building .Overall, this would be adequate in terms of both size and quality to suit the needs of small family accommodation, and would comply with policy DM12's requirement for amenity space for flatted developments.

Car Parking and Access

- 9.28 The Council's adopted Parking Standards requirements for car parking provision within residential developments are a minimum of 1 space for one and two bed flat units and 1.5 spaces for 3 bed flats.
- 9.29 The proposal is for the existing access point to be retained and re-used. Parking would be provided in the form of 14 parking spaces in compliance with current parking standards. Four of the spaces would be within a proposed carport. Cycle storage would be provided in the rear garden. A refuse store would be provided adjacent to the eastern flank boundary opposite the vehicular entrance to the site
- 9.30 The Highways Officer has raised no objection to the scheme.

Ecology /Biodiversity

- 9.31 The ratio of built area to site area on the application site is acceptable. Accordingly, there would not be an adverse impact on ecology/biodiversity, in compliance with Policy DM4, which requires that every opportunity should be taken to secure net benefit to the Borough's biodiversity.
- 9.32 The application is supported by a Preliminary Ecological Appraisal and Bat Survey which concludes the following:

- 9.33 *"The site was comprised of garden habitats and mixed plantation woodland of low relative biodiversity value. Mature trees, particularly along the southern boundary of the Site, had elevated biodiversity interest and should be considered a design constraint where practicable. The two garage buildings had a small number of features that could theoretically support crevice roosting bats, but neither possessed any evidence to suggest they were in use by bats, and the presence of bats is considered a low theoretical possibility in both buildings. Bat activity survey of both buildings has verified that neither supports a bat roost and that they could be removed without restriction in relation to roosting bats. The dwelling house and wood store had negligible potential to support roosting bats and could be removed without restriction. No other significant protected animal species constraints have been identified, but a precautionary approach is recommended in relation to vegetation clearance and tree removal in respect of breeding birds (as set out below), and it is possible that stag beetle may use the site."*
- 9.34 Officers have considered the submitted Ecological Appraisal and concluded that the scheme would not detrimentally harm the habitat of any threatened species. Officers consider that the proposed development would meet the licensing criteria (the '3 legal tests') of Natural England to make sure that:
- The activity is for a certain purpose, for example it's in the public interest to build a new residential development
  - There's no satisfactory alternative that will cause less harm to the species
  - The activity doesn't harm the long-term conservation status of the species
- 9.35 It is recommended that a condition requiring the installation of bat and bird boxes, the planting of native trees and shrubs, and the provision of a stag beetle log pile be imposed, in order to enhance the value of the site for local wildlife, with a net gain for biodiversity as encouraged by Policy DM4.

#### Trees Landscaping

- 9.36 The proposed site layout allows for the retention of number large mature trees on the frontage of the site. The proposed permeable hard surfaces at the site have been amended to ensure that the adjacent trees can be protected both during and post development of the site in accordance with the requirements of BS 5837:2012.
- 9.37 It is proposed to remove a number of trees, from within the centre area of the site, to facilitate the proposals. However, these trees are not prominent within the wider landscape and the associated loss in amenity could be satisfactorily offset by replacement planting.

- 9.38 Details of hard and soft landscaping would need to be secured by an appropriate condition. In this respect, the proposal would not fall contrary to Policy DM5 – Trees and Landscape

Affordable Housing

- 9.39 Policy CS9 deals with affordable housing requirements. The policy seeks 20% affordable housing on sites of between 5 and 14 dwellings. In this regard the proposal would be required to provide 2.6 affordable units.
- 9.40 In terms of the Borough's Supplementary Planning Document (SPD) - Developer Contributions, on site provision of affordable housing will always be sought in the first instance, however officers have agreed that a financial contribution in lieu of on-site provision would be acceptable and more appropriate on this particular site.
- 9.41 The applicant submitted a Viability Report which stated that there is insufficient value in the proposal to support an affordable housing contribution
- 9.42 This evidence has been scrutinised by the Council's independent valuer who is in agreement that the scheme is unable to support a fully policy compliant affordable housing provision, and therefore a financial contribution in lieu of the on-site provision of affordable units will not be sought.

Sustainability

- 9.43 Core Strategy policy CS6 requires proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development.
- 9.44 An appropriate planning condition is recommended, should the proposal be acceptable, to secure their inclusion.

Community Infrastructure Levy

- 9.45 The proposal would be CIL liable.

**10 Conclusion**

- 10.1 The proposal meets planning policy objectives and gives the opportunity to redevelop this residential site with a higher density residential scheme.
- 10.2 The proposal would incorporate all the principles of good design in accordance with Chapter 12 of the NPPF and Policy DM 10 of the Development Management Policies Document 2015

- 10.3 The current scheme is considered to offer the same benefits as the previously approved on Appeal scheme and the proposal would make an important contribution to meeting housing needs pursuant to the national policy to boost significantly the supply of housing.
- 10.4 The scheme would not detrimentally harm the long-term conservation status of any threatened species in accordance with Policy DM 4 of the Development Management Policies Document 2015
- 10.5 The application is therefore recommended for approval

## **11 Recommendation**

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

### **Conditions:**

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

**Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.**

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

**2017-P0003-102 (PROPOSED FLOOR PLANS)**

**2017-P0003-103 (PROPOSED ELEVATIONS)**

**2017-P0003-104 (PROPOSED STREET SCENE)**

**2017-P0003-105 (PROPOSED BIN STORE)**

**2017-P0003-106 (PROPOSED CYCLE STORE)**

**2017-P0003-107 (PROPOSED CARPORT)**

**2017-P0003-101 (PROPOSED SITE INFORMATION)**

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

- (3) Prior to the commencement of development, details and samples of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

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

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

- (5) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown on Drawing Number DPA-69908-02, DPA-69908-03 in the Arboricultural Method Statement by DPA dated February 2018 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.

- (6) The development hereby permitted shall not commence until details of hard surfaced areas have been submitted to and approved in writing by the local planning authority. Such details shall show that the hard surface will be porous or permeable, or shall direct surface water to a porous or permeable surface within the site. The development shall be carried out fully in accordance with the approved details and so maintained.

**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.

- (7) (a) The means of access to the development shall be from Salisbury Road only.



**(b) There shall be no means of access, either vehicular (and/or pedestrian/cycle) from Cromwell Road.**

**(c) The premises, the subject of the application, shall not be occupied until a permanently maintained physical barrier fronting Cromwell Road, as may be agreed in writing with the Local Planning Authority, has been erected to prevent the formation of unauthorised access to that road.**

**(d) The existing accesses from the site to Cromwell Road shall be permanently closed and any kerbs, verge, footway, fully reinstated by the applicant, in a manner to be agreed in writing with the Local Planning Authority.**

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

**(8) Notwithstanding the proposed Construction Transport Management Plan, no development shall commence until a Construction Transport Management Plan, to include details of:**

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

**(b) 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) measures to prevent the deposit of materials on the highway**

**has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.**

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

**(9) Notwithstanding the submitted plans, the existing access is to be modified to include tactile paving at the crossing points of the proposed bell mouth access, and is to be submitted to and approved in writing by the Local Planning Authority.**

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

- (10) No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for a maximum of 14 cars and a minimum of 13 cycles to be parked, and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose.

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

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

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

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

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

- (13) The development shall not be occupied until the bat boxes and wildlife log pile have been installed in accordance with the submitted Biodiversity Enhancement Plan - Bat Boxes & Log Piles.

**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.

- (14) The applicant shall be required to retain novation of the architects (Twenty-20 Architecture), as a minimum as executive architects for the approved scheme.

**Reason:** To maintain architectural quality in accordance with Policy DM10 of the Development Management Policies 2015

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

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

**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 38 of the National Planning Policy Framework 2018.
- (2) 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.

- (3) This form of development is considered liable for the Community Infrastructure Levy (CIL). CIL is a non-negotiable charge on new developments which involve the creation of 100 square metres or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100 square metres. The levy is a standardised, non-negotiable charge expressed as pounds per square metre, and are charged on the net additional floorspace generated by a development.

You will receive more information regarding the CIL in due course.

More information and the charging schedule are available online:

- (4) <http://www.epsom-ewell.gov.uk/NR/exeres/74864EB7-F2ED-4928-AF5A-72188CBA0E14,frameless.htm?NRMODE=Published>

- (5) No construction work shall be carried out in such a manner as to be audible at the site boundary before 07:30 hours or after 18:30 hours Monday to Friday; no construction work shall be audible at the site boundary before 8:00 or after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank/Public Holidays**

17/01760/FUL



Scale : 1:1330

Date 04 December 2018	
Comments	
SLA Number 71	

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## **Downs House Walton Road Epsom Surrey KT18 5ND**

Racehorse training yard redevelopment

<b>Ward:</b>	<b>Woodcote Ward;</b>
<b>Contact:</b>	<b>John Robinson Planning officer</b>

### **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=P9AHRGGYK1F00>

### **2 Summary**

- 2.1 This application seeks permission for the regeneration and redevelopment of a historically important training yard on the Epsom Downs, adjoining the racecourse. The applicant has made the case that the benefits to the Epsom racing community are significant and the appropriately designed proposals would ensure the future viability of this important training yard.
- 2.2 It is considered that appropriate evidence has been provided to demonstrate that any potential harm to the Green Belt by reason of inappropriateness, and any other harm, has been clearly outweighed by the justification detailed in the report below.
- 2.3 **The application is therefore recommended for APPROVAL.**
- 2.4 As the grant of permission would involve a "departure" from the development plan any resolution to approve would need to be referred to the Secretary of State (SoS) who may decide to determine the application under call-in powers

### **3 Site description**

- 3.1 The Downs House racing yard is located some 2km south of Epsom, immediately adjacent to the southern boundary of the Epsom race track. The site falls within the Green Belt

- 3.2 The site covers approximately 4.29ha and includes a detached house, The Eclipse Barn (Grade II listed) , a two-storey building known as The Bothy and a training yard comprising 44 stables together with ancillary paddocks and horse exercise areas.
- 3.3 Downs House is surrounded on all sides by mature woodland, and access to the site is via Walton Road which runs across the Downs from Rubbing House car park close to the racecourse grandstands. From here an access road runs southeast across the centre of the racecourse to the application site.

#### 4 Proposal

- 4.1 This application seeks permission for the regeneration and redevelopment of the training yard. The key components of the proposed detailed planning application are summarised as follows:
- The demolition of stable buildings 1, 2 3 and 4 (as detailed on Drawing No. 2055\_06); and the erection of:
  - U-shaped stable building to be sited to the south of the Eclipse Barn, comprising 58 loose boxes (each measuring 4.15m x 4.15m);
  - a storage barn (24.55m x 8.4m) with a ridge height above ground level of 5.5m. to be sited to the west of Eclipse Barn and to provide for the storage of hay, bedding, tractors and other machinery;
  - a building (30m x 13.75m) incorporating an equine pool, constructed in brick/painted blockwork plinth with external timber cladding and cement fibre roof with a ridge height above ground level of between 5.6m and 6.9m. adjoining the storage barn above;
  - two isolation stables and feed store to adjoin the pool barn (11.4m x 3.8m),constructed in brick/painted blockwork plinth with external timber cladding and cement fibre roof. The ridge height would be 3.8m relative to the adjacent ground level.
  - collecting ring (11m<sup>2</sup>) within the U-shaped stable building area;
  - wash boxes and horse roll area (26.5m x 3.65m);
  - all-weather turn out (55m x 30m);
  - covered, ten horse, horsewalker (16m diameter); It would have external timber cladding, a metal profiled roof (colour: Juniper) and a ridge height of 3.85m, relative to adjacent ground levels.
  - covered manure/trailer area (10.5m x 7.4m);
  - 250m all-weather canter track with perimeter PVC race rail



- two dwellings for trainers; and
- two units of accommodation to provide for a total of eight workers.

In addition to the above, twelve separate paddocks (timber post and rail fenced) are to be created on the land to provide turnout for the racehorses. The Eclipse Barn is to be retained and renovated (not as part of this application) in consultation with Historic England.

- 4.2 The existing access track would be widened to allow improved access for larger vehicles such as horseboxes. Visitor parking would be located adjacent to the site entrance opposite Downs House (proposed site manager residence).
- 4.3 Grooms and Trainers accommodation would be located close to the existing dwelling and would be in the form of 2 detached houses and a pair of two-storey semi-detached dwellings of traditional design, set around a landscaped courtyard. These would be constructed in facing brickwork with a natural slate roof. The ridge height of these buildings would be 8.2m and 8.1m respectively.
- 4.4 The proposed stable yard would be located centrally on the footprint of the existing stables. The main stable building would be in the form of an "American Barn" set around a central courtyard. This would be constructed in brick/painted blockwork plinth with external timber cladding and cement fibre roof. The ridge height would be 7.35m above ground level. The barns would have a central aisle with stables along either side. To the South of the stable yard will be the wash bay building, this provides 4 wash bays and 2 horse rolls
- 4.5 Outdoor training facilities would be located directly to the South and West of the proposed stables and accessed via a network of horse walks.
- 4.6 Car parking for staff and visitors will be located close to the site access road and proposed trainers and groom's accommodation

## **5 Comments from third parties**

- 5.1 The application was advertised by means of a press and site notice and letters of notification to 42 neighbouring properties. To date (23.09.2018) 3 letters of support and no letters of objection have been received.

## **6 Consultations**

- 6.1 Tree Officer: No objection, subject to conditions.
- 6.2 Highways: No objection.
- 6.3 Surrey CC (SuDS): No objection, subject to conditions.

6.4 Surrey CC (Archaeology): Given that any Heritage Assets that may be present are only likely to be of local or regional significance, I do not recommend that it is necessary for the archaeological work to be undertaken in advance of any planning permission but would recommend that securing the archaeological work as a condition of any planning permission is an acceptable and proportionate response. To ensure the required archaeological work is secured satisfactorily, an appropriate condition should be attached to any planning permission granted.

6.5 Contaminated Land Officer: No comments

6.6 Natural England: No comments

## 7 Relevant planning history

Application number	Decision date	Application detail	Decision
16/00833/FLH	29.11.2016	Ground floor front and rear extension and replacement windows throughout.	GRANTED

## 8 Planning Policy

### National Policy Planning Framework (NPPF) 2018

Chapter 6 Para 84	Building a strong, competitive economy
Chapter 9 Para 108 – 111	Promoting sustainable transport
Chapter 12 Para 127-130	Achieving well-designed places
Chapter 13:Para 143-146	Protecting Green Belt Land
Chapter 15 Para 170-177	Conserving and enhancing the natural environment

Core Strategy 2007

Policy CS2	Green Belt
Policy CS3	Biodiversity
Policy CS5	Built Environment
Policy CS6	Sustainability in New Development
Policy CS9	Affordable Housing
Policy CS16	Highways

Development Management Policies Document November 2015

Policy DM3	Replacement and extensions of Buildings in the Green Belt
Policy DM4	Bio-Diversity and New Development
Policy DM5	Trees and Landscape
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM8	Heritage Assets
Policy DM10	Design Requirements for New Developments
Policy DM11	Housing Density
Policy DM12	Housing Standards
Policy DM21	Meeting Local Housing Needs
Policy DM 26	Equestrian-Related Development in the Green Belt
Policy DM37	Parking Standards

**9 Planning considerations**

Green Belt Policy

- 9.1 The site is within the Metropolitan Green Belt, where Policy DM3 and DM26 applies. In the Green Belt “inappropriate” development is considered harmful to the Green Belt, and should only be accepted in very special circumstances.
- 9.2 Whilst there is a general presumption against “inappropriate development” in the Green Belt, some development is acceptable in the Green Belt, and this is set out in paragraph 145 and 146 of the NPPF.

- 9.3 All other development is considered “inappropriate” development and therefore planning permission should be refused unless “very special circumstances” exist.
- 9.4 Paragraph 144 of the NPPF states that Local Planning Authorities “should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm arising from the proposal, is clearly outweighed by other considerations”.
- 9.5 The application proposals for the redevelopment of the equestrian racing yard do not fall within any of the identified exceptions provided at paragraphs 145 or 146 of the NPPF or at Development Management Policy DM3.
- 9.6 There is scope under Policy DM3 to provide for replacement buildings in the Green Belt as being not inappropriate development. However, the replacement building must not be materially larger than the existing building. The current development in the yard extends to a total floor area of 1,894m<sup>2</sup> and the proposed development would extend to more than 4,082m<sup>2</sup>. It is evident that the proposed development is materially larger than the existing development and, therefore, the proposals are development in the Green Belt that need to demonstrate the Very Special Circumstances necessary to overcome the harm in Green Belt terms.
- 9.7 Policy DM26 of the DMPD, which deals with equestrian related development in the Green Belt states that
- “..applicants will be expected to justify any proposal with reference to very special circumstances which clearly outweigh harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”
- 9.8 Supporting paragraphs to this policy clearly identify that where new buildings associated with racehorse training establishments constitute inappropriate development in the Green Belt, a balancing exercise must be undertaken to assess the proposals against harm to the Green Belt.
- 9.9 The test set out is one of ‘essential need for the buildings’ and it is identified that the applicant will be expected to demonstrate that:
- “(i) they will help sustain the horse racing industry in the Borough;
- (ii) their size is commensurate with the established needs of the enterprise; and
- (iii) the need could not be met by the refurbishment or replacement of a building that already exists on the site.”

- 9.10 It is therefore considered that the proposed scheme could only be justified if very special circumstances that outweigh the harm to the Green Belt can be clearly demonstrated.
- 9.11 The applicant has put forward a forceful argument for the essential need for the development and has sought to demonstrate the very special circumstances. The applicants justification is summarised in the following paragraphs:

Applicants Statement of Need

- 9.12 The current facilities at The Downs House are no longer suitable to meet the complex needs of a modern racehorse training yard, this has resulted in the site being left vacant for many years and buildings falling into a state of disrepair. In order to bring this site back into everyday use as Epsom's premier racehorse training yard, as was its intended use, investment is needed to remove obsolete buildings which are no longer fit for purpose and essential training facilities must be constructed which reflect modern training/working methods. If the new racehorse training yard is to be economically viable the number of stables will also need to be increased revenue from which will help to secure the future of the site.
- 9.13 The existing stables at Downs House were constructed in the early 1900's, they replaced stables which were originally constructed back in 1841. Racehorse training has advanced considerably over the last 100 years with the design of stable yards now playing a key role in the health and welfare of horses and staff. The existing stables at Downs House are small and no longer conform to current guidelines, their construction and layout offers little protection from the elements, stable boxes also suffer from poor levels of natural light and inadequate cross flow of natural ventilation. The yard currently has no quarantine facilities, all-weather training facilities, or staff welfare facilities and has limited storage for hay, feed, tack, rugs, vehicles and machinery. The existing stable capacity at Downs House is also too small to operate a viable racehorse training business. It is highly unlikely that the current yard could be used for its intended purpose even if the existing stables were to be replaced. In order for this important site to have any future in the racehorse industry, it is essential that the new facilities are designed to operate effectively and profitably.

- 9.14 It is the applicant's intention to reintroduce racehorse training to the site but this cannot be achieved without significant improvements to stabling and the provision of dedicated training and staff facilities. The proposed development which has been designed to comply with British Horseracing Authority guidelines will see marked improvements to stabling and the introduction of a Canter Track, All-Weather Turn-Out Area, Covered Horsewalker and Equine Therapy Pool. The scheme will also introduce key worker accommodation and staff welfare facilities allowing The Downs House site to operate as an independent self-contained facility which is extremely important considering the sites unique position at the centre of Epsom Racecourse.
- 9.15 New stabling has been designed in the form of American Barns, this is considered to be the most economical use of space on site. The stable barns will allow staff to work undercover and will significantly improve horse welfare with high levels of natural light and ventilation. Individual stable boxes have been increased in size to comply with current guidelines, storage areas for tack, feed, rugs and stable yard offices have been provided within the stable barns which will lead to more efficient yard management. Wash boxes, Isolation stables, and covered manure storage have been provided as part of the redevelopment, these are essential facilities which are currently not provided at the site. A purpose built hay/vehicle/machinery store has also been provided close to the stable yard entrance with dedicated service yard and horsebox parking area. The number and size of these equestrian facilities is commensurate with the number of stables required to provide a sustainable business model.
- 9.16 . The proposed equine pool would provide a specialist facility for this important training yard. Equine swimming is now considered to be essential both for the rehabilitation of horses but also to aid in general fitness as swimming provides a real workout through resistance training for a sound horse. It is evident that redevelopment is essential and inevitable

Applicants Very Special Circumstances

- 9.17 The site has a significant place in the history of horse racing. The legendary 'Eclipse' was trained here in the 1770s by Dennis O'Kelly – Eclipse is the thoroughbred from whom 80% of today's bloodstock is believed to have been descended.
- 9.18 The Downs House training yard was purchased by the applicant from EEBC through a tender process. The proposals advanced at that time, and accepted by the EEBC, clearly detailed plans to create a new yard and to undertake significant refurbishment/redevelopment of the facilities. The proposals advanced as part of the tender process are broadly similar to those now advanced within this application. In order to meet the applicant's obligations in relation to the successful tender for the property, the redevelopment of the yard is essential.

- 9.19 A restrictive covenant was imposed at the time of purchase which restricts the use of Downs House and the racehorse training yard. The covenants restrict that the property (Downs House and the yard area) shall not be used for any purpose other than as a racehorse training establishment and associated residence, and for no other purpose whatsoever.
- 9.20 The Vision of Epsom, a collaborative project led by the Jockey Club in partnership with the Epsom Downs Racecourse, the British Horseracing Association, the University of Surrey and the Council, identifies that securing planning permission for the development of Downs House is core to reversing the decline in racehorse training in Epsom.
- 9.21 It is the only yard in Epsom that would benefit from off-road access for horses to the gallops and training facilities
- 9.22 The viability of the yard relies wholly on the availability of increased stable numbers and additional equestrian facilities. Without this, it would not be possible to operate a viable and sustainable enterprise at the Downs House yard.
- 9.23 The existing facilities are in very poor order, do not meet the requirements of a modern training yard and are not capable of refurbishment.
- 9.24 The proposed yard redevelopment would generate jobs for more than twenty people, providing opportunities for both workers living locally and across a wider area.
- 9.25 The accommodation for trainers is essential to allow the development of the yard. The trainers must live on site to oversee both the welfare of the horses and staff to ensure that their welfare requirements are met and that the various regulations and legislation of staff is adhered to.
- 9.26 The need to provide sufficient housing for workers is essential to the development of Downs House, both in terms of welfare for the racehorses and due to the lack of affordable housing in the area. The accommodation for workers is essential, both in terms of the needs of the training yard but also in consideration of the lack of suitable, affordable and available housing in the area. This is an issue which has been core to the demise in recent years of the racing industry in Epsom.
- 9.27 The Downs House training yard was purchased by the applicant from the Council through a tender process. The applicant contends that the proposals advanced as part of the tender process are broadly similar to those now advanced within this application and that in order to meet the applicant's obligations in relation to the successful tender for the property, the redevelopment of the yard is essential. While the "obligations" are recognised, limited weight has been given to these "obligations" as contributing towards 'very special circumstances' to justify inappropriate development in the Green Belt, given that the scale of the development could be materially reduced.

Greenbelt Conclusion

- 9.28 In view of the above, it is therefore considered that whilst the proposed scheme represents development in the greenbelt, having regard to the tests set out in the NPPF, the harm by reason of inappropriateness is, in this case, outweighed by the benefits of securing substantive heritage, and economic benefits in the long term and this would be in the wider public interest.
- 9.29 In conclusion, on Green Belt Policy, it is therefore considered that the submitted evidence to justify building within the Green Belt, in the form as proposed, outweighs the principle of inappropriateness and would therefore constitute very special circumstances. The application is therefore in accordance with Policy DM26 and Core Strategy Policy CS2.



Landscape Impact

- 9.30 The application is supported by a Visual Impact Assessment report. The principal aim of the LVIA is to consider the predicted landscape and visual impact of the proposed development on the site and its surroundings in order to provide a sound basis for formulating landscape proposals for this development.
- 9.31 The report concludes the following in terms of Landscape and Visual effects:

Landscape Effects

- 9.32 The overall landscape effect is deemed to be “Negligible” due to the spatially self-contained nature of the site and the limited physical impacts associated with the proposed development. In addition the reinstatement of the stables, a land use entirely compatible with its location would serve to further reinforce the existing landscape character of Epsom Downs as the long established equestrian activity is a key component of this.
- 9.33 There would be only one “Slight Adverse to Negligible” visual effect recorded for View point P5 (at intersection of cycle route and permissive path looking south-west) due to the diagonal view into the site along the entrance drive to the proposed car park and its adjoining buildings. Over the long term the proposed tree and shrub planting (refer to Trees/Landscaping below) would serve to partly screen (especially during the summer months) some of these elements with the visual effect potentially being reduced to “Negligible” over a period of approximately ten years.

Visual Effects

- 9.34 Negligible visual effects were determined for all the remaining viewpoints due to the screening / filtering function of the vegetation on the site boundary and in the adjoining area of woodland to the west, as well as in several instances the distance from the site.
- 9.35 Although the increase in built volume exceeds the 30% threshold stipulated in Policy DM3, as a maximum on green belt land, this development is deemed to have no associated significant adverse landscape or visual effects and there is some potential for beneficial effects associated with the bringing back into use an existing derelict site.
- 9.36 Officers concur with the conclusions raised in this report and according it is considered that the proposed scheme would comply with Policy DM26 and DM10.

Visual amenity/Impact on Listed Building/Design/Layout

- 9.37 Chapter 12 of the NPPF refers to design. Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive and accessible.
- 9.38 Paragraph 130 of the NPPF sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 9.39 Policy DM10 (Design Requirements for New Development (Including House Extensions) of the Development Management Policies Document states that development proposals will be required to incorporate principles of good design. Development proposals should (inter alia) be adaptable and sustainability designed, subject to aesthetic considerations and incorporate the principles of safe design to reduce the risk of fear of crime.
- 9.40 The applicant's approach to the design and layout of the proposed scheme is detailed in a Design and Access statement submitted in support of the application.
- 9.41 Grooms and Trainers accommodation have been located close to the existing dwelling and will be in the form of 3 two-storey buildings of traditional design / construction set around a landscaped courtyard.
- 9.42 The proposed stable yard would be located centrally on the footprint of the existing stables. The main stable building would be in the form of an American Barn set around a central courtyard. To the south of the stable yard will be the wash bay building.
- 9.43 Outdoor training facilities (all weather turn out area, horse walker, all-weather track) would be located directly to the south and west of the proposed stables and would be accessed via a network of horse walks.
- 9.44 A service yard including dedicated horse box parking areas would be located directly north of the stables. An equine pool would also be provided and this building together with the adjoining storage barn and isolation stables would form a physical break between the stable yard and the trainers and groom's accommodation to the north.

- 9.45 The position of these buildings would align with that of the Eclipse Barn, the scale of which would be reflected by the design of the new buildings in this area of the site. Although the present level of development is intensified, the new built form would not intrude into any important views to or from the designated heritage assets in the vicinity, and the aesthetic of the wider site would not be materially harmed.
- 9.46 The design, scale, massing and appearance are acceptable and it is concluded that the proposal would not have a harmful impact on the setting of the listed main clubhouse building or on the visual amenity of the wider area. The proposed scheme would therefore comply with para 127 of the NPPF and Policy DM8 and DM10

Residential Amenity

- 9.47 Policy DM10 requires development to have regard to the amenities of occupants and neighbours, in terms of privacy, outlook, sunlight/daylight, noise and disturbance.
- 9.48 The application site is largely enclosed by established vegetation and trees and as the nearest residential properties are around 200m to the south, no planning objections are raised with regard to neighbour amenity.

Housing Space Standards

- 9.49 Policy DM12 states that all new housing developments are required to comply with external and internal space standards. The required internal space standards are outlined in the Nationally Described Space Standard technical guidance (2015) Supporting text to Policy DM12 states that adequate external private amenity space needs to be provided for each unit.
- 9.50 The proposed trainers accommodation, each with a Gross Internal Area of 205m<sup>2</sup> would comply with the requirement for a 4 bed room (8 bed space) house (124m<sup>2</sup>). Each groom's bedroom would also comply with the min requirement for a single bedroom (1 bedspace) of at least 7.5m<sup>2</sup>.
- 9.51 Amenity space for each trainers dwelling would meet policy requiring for private amenity space of 70m<sup>2</sup>. The groom's accommodation would have access to communal outdoor space to the rear of the building.

Access/Parking

- 9.52 Paragraph 108 of the NPPF sets out that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users; and
  - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.53 Paragraph 109 states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.54 The application is supported by a Transport Statement.
- 9.55 Currently access to Downs House is via a vehicular track which runs across the centre of the racecourse before turning west and following the line of the racetrack, eventually coming to a crossing point on the racetrack which leads into the site. The existing access track would be widened to allow improved access for larger vehicles such as horseboxes etc. Visitor parking would be located adjacent to the site entrance opposite Downs House (proposed site manager residence).

- 9.56 Access for service vehicles including tractors and horseboxes would be provided by the main site access road. This road would terminate at the service yard to the North of the stables.
- 9.57 Refuse collection is undertaken every Friday morning and the refuse bins are wheeled across the racetrack by staff to the road on the other side of the facility and emptied there, as per the refuse collection for the other facilities at the racecourse. Therefore there would be no need for refuse vehicles to access the proposed facility.
- 9.58 14 car parking spaces and cycle storage for 8 bicycles would be provided for staff, including residential staff, and visitors and will be located close to the site access road and the staff accommodation premises. Parking provision for 3 horse boxes would also be provided within the site.
- 9.59 The proposed facility would employ around 18 full time staff (based on a ratio of 3:1 horses to grooms) in addition to 2 trainers and their partners. These employees would live in the accommodation being provided on site. In addition it is likely that the facility would employ between 5 and 7 part time staff that would need to travel to and from the site on a daily basis. Due to the nature of the proposed facility it is envisaged that the part time staff would be expected to work at the site between 06:00 and 12:00 and as no staff transport would be provided they would have to make their own travel arrangements to and from the facility.
- 9.60 In support of the proposed parking provision the applicants submit that on average the maximum number of staff on site at any one time would be 14, with peak times being 6am-12pm each day. This would only be the case if the yard is at full capacity. The staff car park needs would be a fraction of this, say 2 cars per trainer and 6/7 cars for full/part time staff. A horse owner might visit 2 or 3 times a year, which would mean a maximum of 5 visitors a week, no more than 1 or 2 a day for 2 hours at a time (probably in the morning). The farrier and a vet would park in the stable yard and would visit 3 times a week usually mid-afternoon when part time staff have left.
- 9.61 The Transport Statement concludes that is not anticipated that the proposed redevelopment will see a significant increase in the type and number of vehicles visiting the site. The provision of on-site staff accommodation would significantly reduce the number of staff trips to and from the site and the site storage areas would reduce the requirement for delivery vehicles. With regards to feed, hay and bedding deliveries it is anticipated that this would occur once a week each by a small commercial vehicle and would therefore not result in a material impact on the local road network. Horse travel would be limited to attending race meetings and the proposed facility would alleviate the need for horses to use or cross public highways, which is considered to be a significant safety benefit.

- 9.62 The proposed scheme would therefore comply with Policy CS16, DM37 and para 108-109 of the NPPF

Trees and Landscape

- 9.63 Chapter 15 of the NPPF concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.
- 9.64 Policy DM5 (Trees and Landscape) of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia):
- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and
  - Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.
- 9.65 The proposals are supported by an Arboriculture Method Statement and Tree Survey as well as a Landscape Strategy which has been designed to mitigate the visual impact of the proposals in the wider landscape.
- 9.66 As referenced in the LVIA report, a Pre-Development Report (in accordance with BS. 5837:2012) based on a site visit carried out in July 2017 has been submitted. This emphasised the trees in the perimeter belt and woodland that surrounds the site had "seen little or no management" and were in desperate need of maintenance: "there are dozens of dead, dying and dangerous trees, mostly covered in Ivy".
- 9.67 A group of three visually significant Horse Chestnut (*Aesculus hippocastanum*) trees adjacent to the north-west corner of Downs House have been identified for removal mainly due to a poor history of pruning, limb failure and the presence of decay fungi. Apart from the felling of the Horse Chestnut trees, site clearance is generally limited to the scrub / young tree saplings that surround the existing derelict stable buildings and small areas on the periphery of the site.
- 9.68 The Landscape Strategy proposes the following:
- Establishment of native species understorey shrubs (including Yew where this can be located out of the reach of browsing horses) on section of northern boundary east of site entrance;
  - remnant hedgerow in north-eastern part of site is to be laid

- planting of new boundary hedgerow around periphery of Downs House garden as shelter for birds and other wildlife;
- planting of standard oaks either side of the site entrance in order to provide future replacements for the adjacent mature stand of sycamores ;
- planting of lime trees either side of the entrance drive as replacements for the felled horse chestnuts and to enhance the setting of Downs House;
- planting of low shrubs around staff car park (and in other incidental areas) that are a recognised source of nectar for butterflies (see indicative species in table below) or of value to bats (see list in Appendix B);
- establishment of an area of calcareous grassland around the periphery of the site as habitat for the Small Blue butterfly

9.69 The above measures would be secured by an appropriate condition should planning permission be granted

9.70 It is therefore concluded that the proposed scheme would comply with Chapter 15, para 170 of the NPPF and Policy DM5 Trees and Landscape.

#### Housing Provision

9.71 Policy DM21 - Meeting Local Housing Needs states that planning permission for specialised accommodation will be granted subject to the application documentation including clear and robust evidence that demonstrates that there is a need for the new accommodation

9.72 The applicants submit that the need to provide sufficient housing for workers is essential to the development of Downs House, both in terms of welfare for the racehorses and due to the lack of affordable housing in the area. Furthermore, it is only through the ready availability of the necessary facilities to support this racehorse training yard, that the significant investment required to bring the yard back to active use, can be justified.

9.73 They further submit that the accommodation for workers is essential, both in terms of the needs of the training yard but also in consideration of the lack of suitable and available housing in the area. (A matter which has been core to the demise in recent years of the racing industry in Epsom)

9.74 There are no other properties in the area which are suitable and available to provide accommodation for workers to meet the welfare requirements of the horses. Sufficient workers must live on site to meet those identified welfare requirements; and the proposed facilities are essential to enable the yard to operate successfully.

- 9.75 The applicants state that similarly, good quality accommodation for the trainers is essential to support the establishment of a quality training yard. It is the industry norm that trainers would expect to be living on site to enable them to oversee all activities, keep an eye on both staff and horses and to be available outside of office hours to meet with owners and authorities. If this facility was not available it would severely limit the functionality of the unit and, subsequently, the desirability of the facilities which would then undermine the applicant's ability to attract quality trainers to Downs House. The accommodation would be restricted to workers and would not be able to be rented or sold to third parties. This would be secured by an appropriate condition if planning permission is granted
- 9.76 It is therefore concluded that the need and quantum of the proposed accommodation has been adequately demonstrated in accordance with Policy DM21

Biodiversity/Ecology

- 9.77 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality.
- 9.78 Paragraph 175 of the NPPF sets out that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.79 Policy CS3 (Biodiversity and Nature Conservation Areas) of the Core Strategy (2007) sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of National and Local biodiversity action plans in terms of species and habitat. Development that would harm Grade 3 Sites of Nature Conservation Interests (SNCIs) will not be permitted unless suitable measures are put in place and it has been demonstrated that the benefits of a development would outweigh the harm caused.
- 9.80 The application site is adjacent to the Epsom Downs SNCI. Whilst there are no SSSI's within 1km of the site, the site does fall within a Natural England SSSI Impact Risk Zone (IRZ). Natural England have raised no objections to the proposed scheme.
- 9.81 The application is supported by an Updated Bat Preliminary Roost Assessment and Updated Preliminary Ecological Appraisal.



- 9.82 Whilst the Bat Survey revealed that buildings on site were assessed as being negligible suitability for bat roosting, it recommended the erection of bat boxes in trees around the site and inclusion of bat friendly planting in areas that will be landscaped so that a satisfactory ecological outcome is secured.
- 9.83 The Ecological Appraisal recommends the creation of a 5m minimum width corridor along the boundary with the SNCI as a buffer zone and a movement corridor for reptiles, as well as a number of precautionary measures which should be taken with regard to amphibians, breeding birds and other mammals, as well as recommendations for biodiversity enhancement within the site. These measures will be secured by an appropriate condition.
- 9.84 Whilst the proposal would not have a negative effect on European protected species, Officers consider that the proposed development would meet the licensing criteria (the '3 legal tests') of Natural England to make sure that:
- The activity is for a certain purpose, for example it's in the public interest to build a new racehorse training yard
  - There's no satisfactory alternative that will cause less harm to the species
  - The activity doesn't harm the long-term conservation status of the species
- 9.85 The proposal is therefore considered to enhance the ecological value of the site, in conformity with National Planning Policy, Policy CS3 and Policy DM4

#### Sustainability

- 9.86 Core Strategy policy CS6 requires proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development.
- 9.87 The application is supported by an Energy/Sustainability Report. The report demonstrates that the proposal is capable of achieving a sustainable design through adhering to a series of sustainability criteria, further details of which are highlighted as part of the report.
- 9.88 An appropriate planning condition is recommended, should the proposal be acceptable, to secure their inclusion.

#### Community Infrastructure Levy

- 9.89 The proposal would be CIL liable

## 10 Conclusion

- 10.1 The development as proposed would enable this historic, flagship yard to return to productive management. The proposals would create a viable and sustainable racing yard for the future. It is considered that clear evidence has been provided to demonstrate that any potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by the justification detailed in the above report. The benefits to the Epsom racing community and the wider economy are significant and these well-considered and appropriately designed proposals should be supported to ensure the future viability of this important training yard.
- 10.2 The size and type of proposed accommodation would be in line with affordable housing standards designed to meet the specific needs of the staff living/working on site in accordance with Policy DM21 of the Development Management Policies Document 2015 and Policy CS9 of the Core Strategy 2007
- 10.3 The proposals would incorporate all the principles of good design in accordance with Chapter 12 of the NPPF and Policy DM 10 of the Development Management Policies Document 2015
- 10.4 The proposals are recommended for approval on this basis.

## 11 Recommendation

- 11.1 **Refer to the Secretary of State with a recommendation to grant planning permission subject to the following conditions:-**

### **Conditions):**

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

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

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

<b>2055</b>	<b>01</b>	<b>Site Location Plan</b>
<b>2055</b>	<b>02</b>	<b>Existing Site Plan</b>
<b>2055</b>	<b>03</b>	<b>Existing Site Sections</b>
<b>2055</b>	<b>04</b>	<b>Existing Building Plans</b>

2055	05	Existing Building Elevations
2055	06	Demolition Plan
2055	07F	Proposed Site Plan
2055	08C	Proposed Site Sections
2055	09A	Proposed Stable Yard Plans
2055	10A	Proposed Stable Yard Elevations
2055	11B	Proposed Trainers Accommodation Units 1 & 2
2055	12B	Proposed Grooms Accommodation Units 1 & 2
2055	13	Proposed Ancillary Building Plans & Elevations Sheet 1
2055	14	Proposed Ancillary Building Plans & Elevations Sheet 2 / Fence, Gate & Rail Details

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

- (3) Prior to the commencement of development, details and samples of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

**Reason:** To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core

**Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.**

- (5) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in for a maximum of 24 cars and a minimum of 8 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**

- (6) 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 local 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) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.**

**b) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+30% 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 Greenfield Qbar discharge rate (as per the SuDS pro-forma or otherwise as agreed by the LPA).**

**c) 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.).**

**d) 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.**

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

**f) 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.

- (7) 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 designed to the National Non-Statutory Technical Standards for SuDS.

- (8) A minimum 5m headline of long grasses, tall ruderal vegetation and scrub must be left around the periphery of the site (as shown shaded green on proposed site plan 2055-07 Rev F) to create graded edge habitat into the dense scrub and woodland habits that form the site boundary with the SNCI.

**Reason:** To minimise risk to reptiles and to create a movement corridor in accordance with Policy DM4

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

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

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

**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.**

- (11) No development, demolition pursuant to the permission granted, or alterations to buildings, shall take place until details indicating how suitable provision will be made for protected species and their habitats have been submitted to and approved by the Local Planning Authority in writing and such provision shall be made before development commences and thereafter be retained and maintained in accordance with the approved details.**

**Reason: To safeguard the ecology and biodiversity of the area in accordance with policy DM4 of the Development Management Policies 2015.**

- (12) The development hereby approved shall be carried out in accordance with the protection, mitigation and enhancement measures detailed in the ecological assessment prepared by the Surrey Wildlife Trust, dated June 2016 prior to the first occupation of the development. The approved measures shall thereafter be maintained in perpetuity.**

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

- (13) The occupation of the dwellings/accommodation hereby permitted shall be limited to a person solely or mainly working in the training/keeping/breeding of horses.**

**Reason: The site is in an area where residential development would not normally be permitted and permission is only granted because of the essential needs of a bona fide established equestrian enterprise, and to protect the openness of the Metropolitan Green Belt in accordance with Policies CS2 and CS5 of the Core Strategy 2007 and Policies DM10 and DM26 of the Development Management Policies 2015.**

- (14) The landscaping shall be carried out in accordance with the landscape strategy proposals detailed on page 10 and 11 in the Landscape Strategy prepared by Design with Nature, dated January 2018 prior to the first occupation of the development. The approved measures shall thereafter be maintained in perpetuity.**

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

- (15) No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of**

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

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

- (16) No development shall take place until details of all boundary treatment have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme 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.

- (17) 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) programme of works (including measures for any traffic management
- (c) HGV deliveries and hours of operation
- (d) vehicle routing
- (e) measures to prevent the deposit of materials on the highway
- (f) no HGV movements to or from the site shall take place between the hours of 8.10 and 9.10 am and 15.15 and 16.15 pm nor shall the contractor permit any HGVs associated with the

development at the site to be laid up, waiting, in Langley Vale Road, B290 Ashley Road and Rosebery Road during these times (g) on-site turning for construction vehicles

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

**Reason:** 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

- (18) The development hereby approved shall not be first occupied / opened for trading unless and until the following facilities have been provided in accordance with the approved plans for:

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

(b) Provision of Electric Vehicle Charge Point on the development site, as part of the increased parking being sought

(c) Information to be provided to staff / visitors regarding the availability of and whereabouts of local public transport / walking / cycling routes

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

**Reason:** To promote sustainable transport modes In accordance with Section 9 “Promoting Sustainable Transport “ in the National Planning Policy Framework 2018

- (19) No development shall take place, including demolition, until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

**Reason:** The site is of archaeological potential and it is important that the archaeological information should be preserved as a record before it is destroyed by the development as required by Policy DM8 of the Development Management Policy Document 2018

- (20) No construction work shall be carried out in such a manner as to be audible at the site boundary before 08.00 hours or after 18:00 hours Monday to Friday; no construction work shall be audible at the site boundary before 08:00 or after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank/Public Holidays.



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

**Informatives:**

- (1)** In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
- (2)** This form of development is considered liable for the Community Infrastructure Levy (CIL). CIL is a non-negotiable charge on new developments which involve the creation of 100 square metres or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100 square metres. The levy is a standardised, non-negotiable charge expressed as pounds per square metre, and are charged on the net additional floorspace generated by a development.

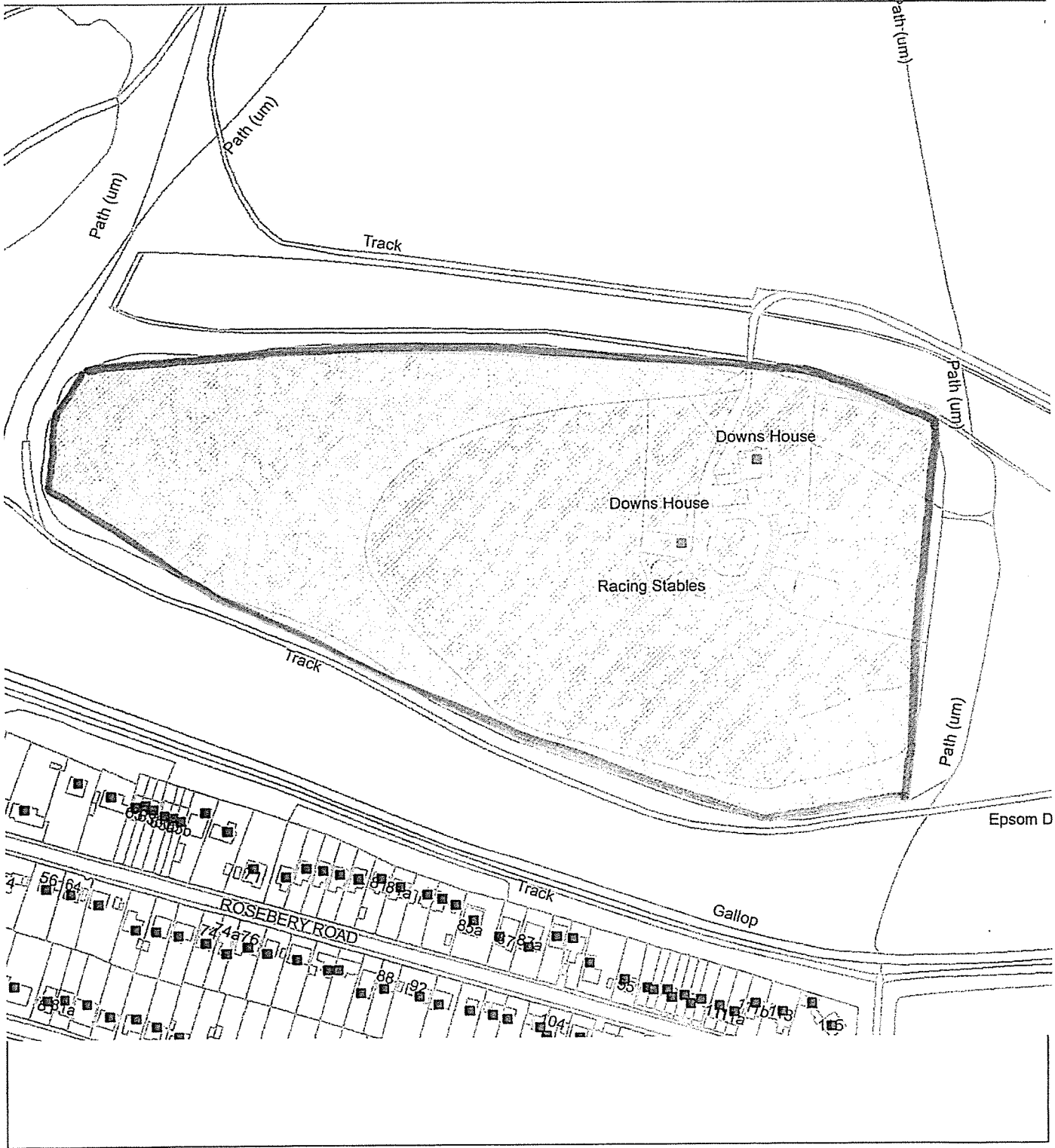
You will receive more information regarding the CIL in due course.

More information and the charging schedule are available online:

<http://www.epsom-ewell.gov.uk/NR/exeres/74864EB7-F2ED-4928-AF5A-72188CBA0E14,frameless.htm?NRMODE=Published>

- (3)** Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Planning Division of Surrey County Council.
- (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 developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

- (6) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage**



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Date 04 December 2018	
Comments	
SLA Number 771	

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**Monthly Report on Planning Appeal Decisions - December Committee 2018**

<b>Ward:</b>	<b>N/A</b>
<b>Contact Officer:</b>	<b>Martin Holley</b>

The planning department has received the following 4 appeal decisions from the 26<sup>th</sup> October to 28<sup>th</sup> November:

<b>Site Address</b>	<b>Planning Reference Numbers</b>	<b>Description of Development</b>	<b>Decision + Costs?</b>
91 Chessington Road, West Ewell, KT19 9UU	17/00976/FUL APP/P3610/W/18/3199228	Proposed erection of nine houses with associated facilities.	<b>Dismissed</b> 9 <sup>th</sup> November  No costs to either side.
24 Redwood Drive, Epsom KT19 8FL	17/00078/BOC APP/P3610/C/17/3191042	The breach of planning control is the infill area between the two front dormers permitted under 15/01378/FLH, which is faced with vertical tile hanging and aligns with the height of the approved separate flat roofed dormers but is set back by around 0.25m from the front face of the dormers	<b>Dismissed &amp; Enforcement Notice Upheld</b> 9 <sup>th</sup> November  No costs to either side.
Vacant Land at Rosebank, Epsom, Surrey	17/00583/FUL APP/P3610/W/18/3200751	Proposed 2no. new detached dwellings with garages to vacant land	<b>Dismissed</b> 12 <sup>th</sup> November  No costs to either side.
3 & 4 Carters Road, Epsom,	17/01375/FUL APP/P3610/W/18/3198067	Proposed change to existing roof to provide habitable	<b>Dismissed</b> 19 <sup>th</sup> November

Surrey KT17 4NE		accommodation & single storey entrance porch to 4 Carters Road.	No costs to either side.
15 Albury Avenue, Cheam, Surrey SM2 7JT	18/00059/FLH APP/P3610/D/18/3211281	Proposed demolition of an existing detached double garage, erection of a new adjoining double garage incorporating 2.no en-suites within pitched roof at 1st floor level + link & installing 3.no velux roof lights on roof of the house.	<b>Allowed</b> 28 <sup>th</sup> November  No costs to either side.

### **Summary of Appeal Decisions:**

#### **91 Chessington Road:**

The inspector supported the council in refusing the application on the grounds that the proposed units would have a detrimental effect on the living conditions of neighbours and would also fail to provide suitable living conditions and accommodation for future occupants.

#### **24 Redwood Drive:**

The inspector supported the council in upholding the enforcement notice and thereby also refused to grant planning permission on the grounds that the proposed infilling of the dormer would be a prominent and incongruous addition to the street scene and would not be in keeping with the character and appearance of the area. The infill must be removed.

#### **Vacant Land at Rosebank:**

The inspector supported the council in refusing the application on the grounds that the dwellings would be significantly detrimental to the character and appearance of the street.

#### **3 & 4 Carters Road:**

The inspector supported the council in refusing the application on the grounds that the proposed roof extensions would be a prominent and incongruous addition to the street scene and would not be in keeping with the character and appearance of the area.

#### **15 Albury Avenue:**

The inspector disagreed with the council and considered that proposed double garage with habitable rooms at first floor level would not have a significant detrimental impact on the character and appearance of the local area.