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Legal and Democratic Services



PLANNING COMMITTEE

Thursday 17 January 2019 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

AGENDA

1. DECLARATIONS OF INTEREST

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

2. MINUTES OF THE PREVIOUS MEETING (Pages 3 - 50)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 13 December 2018 (attached) and authorise the Chairman to sign them.

3. BRADFORD HOUSE 39A EAST STREET EPSOM KT17 1BL - PLANNING APPLICATION 18/01010/REM (Pages 51 - 68)

Variation of Condition 19 (Approved drawings) of planning permission 17/01755/FUL to permit amendments to the design which affect the plan layouts of the basement and ground floors, the external materials on the northwest (right) and southwest (left) elevations, and the heights of the parapets.

4. ALDI 379-393 KINGSTON ROAD EWELL KT19 0BS - PLANNING APPLICATION 18/01018/REM (Pages 69 - 84)

Variation of Condition 11 (Delivery hours) of planning permission 13/00520/FUL to allow delivery hours to be between 06.00-21.00 on Mondays to Saturdays and between 08.00-21.00 on Sundays and Bank Holidays.

5. MONTHLY REPORT ON PLANNING APPEAL DECISIONS (Pages 85 - 98)

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

Minutes of the Meeting of the PLANNING COMMITTEE held on 13 December 2018

PRESENT -

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

In Attendance: Councillor George Crawford, Councillor Robert Foote and Councillor Liz Frost

Absent: Councillor John Beckett and Councillor Vince Romagnuolo

Officers present: Ruth Ormella (Head of Planning), Tom Bagshaw (Planning Officer), Martin Holley (Planning Development Manager), Louise Mathie (Solicitor), John Robinson (Planning Officer) and Sandra Dessent (Democratic Services Officer)

31 DECLARATIONS OF INTEREST

In the interests of openness and transparency the following declaration was made:

Downs House, Walton Road, Epsom, KT18 5ND - Planning application 18/00288/FUL

Councillor Jan Mason, Other Interest: Member of the Training Grounds Management Board (TGMB) on behalf of Surrey County Council. Did not take part in the debate or vote.

32 MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting of the Planning Committee held on 8 November 2018 were agreed as a true record and agreed by the Chairman.

33 ORDER OF MEETING

With the agreement of the Committee, the order of the meeting was changed to agenda item 9 followed by 7, 4, 10, 3, 5, 6, and 8.

34 LAND ADJOINING CEMETERY, DOWNS ROAD, EPSOM - PLANNING APPLICATION 18/00927/FUL

Description

Extension to the existing Cemetery, and change of use from agricultural land.

Decision

Planning permission and change of use **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:

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>.

35 6 THE GROVE, EPSOM KT17 4DQ - PLANNING APPLICATION 18/00647/FUL

Description

Proposed two storey rear extension, 1st floor side extension and conversion of existing dwelling to provide 4 x two bed flat and 1 x one bed flat, including parking and landscaping.

Decision

Planning permission is **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:

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 southern side elevation 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. The car parking material shall be York Stone or Gradscrete with full details of the material submitted to the Local Planning Authority and approved in writing prior to the occupation of the development and thereafter maintained in perpetuity.**

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 with the plan of implementation details to be submitted to the Local Planning Authority and agreed in writing prior to the commencement 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.

- (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.

- (15) No development shall take place until an Environmental Construction Management Plan has been 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 in accordance with Policy CS16 of the Core Strategy (2007).

- (16) Prior to the installation of any security lights, the full details of the lights including location, manufacturer details, hours of use and luminance, shall be submitted to and approved in writing by the Local Planning Authority. The security lights shall be downward facing in perpetuity.

Reason: To ensure that the lights do not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure that the lights do not affect the local wildlife including badgers, 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) 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.

- (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:**
 - carry out work to an existing party wall;**
 - build on the boundary with a neighbouring property;**
 - 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

- (6) 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>

- (7) Please note that information for Condition 13 should include information about how the badger area will be protected and undisturbed through the build phase and the occupation of the development.

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

36 MARKET PLACE, HIGH STREET, EPSOM - PLANNING APPLICATION 18/00647/FUL

Description

Relocation of statue from the Oaks Square to Epsom Marketplace

Decision

Relocation is **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:

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.
- (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. 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.

- 37 HORTON PARK GOLF AND COUNTRY CLUB, HOOK ROAD, EPSOM KT19 8QG - PLANNING APPLICATION 18/00640/FUL

Description

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

Decision

Planning permission delegated to the Head of Planning for decision, subject to agreement with the applicant to amend the switching off times of the floodlights.

Postscript: Following the meeting the Head of Planning secured the requested amendment to Condition 4 (detailed below) which reflected the Members request in relation to reduced hours for the lighting. In all other respects the proposed conditions will apply.

Subsequently planning permission is **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:

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 10pm. Floodlighting shall not be operated outside of the hours of 9am to 9.30pm.

Reason: To restrict the use to periods which are acceptable having regard to the location and to ensure that the 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.

38 LAND AT MILL ROAD, EPSOM - PLANNING APPLICATION 18/00271/FUL

Description

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.

Decision

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

Part A

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

The developer shall provide for Section 106 contributions in respect of the following:

- A commuted Sum to mitigate for the lack of affordable housing to be agreed and signed by the council
- The provision of an environmental sanctuary at the north east side of the site

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

Part B

In the event that the section 106 Agreement referred to in Part A is not completed by 13 March 2019 the Head of Place Development be authorised to refuse the application for the following reason:

In the absence of a completed legal obligation under section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy CS9 (Affordable Housing and meeting Housing

Needs) in relation to the provision of a commuted sum in lieu of the on-site provision of affordable housing.

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
- j) 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, insect 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.

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).

- (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.

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).

- (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.
- (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.

The Committee noted verbal representations from an objector and the agent for the application. Letter 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.

- 39 PREMIER INN, 1 THE PARADE EPSOM KT18 5BT - PLANNING APPLICATION 18/00995/REM

Description

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

Decision

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

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 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

- (17) 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

- (18) 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

- (19) 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.

- (20) "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.

- (21) 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

(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.

Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality

- 40 57 SALISBURY ROAD, WORCESTER PARK KT4 7DE - PLANNING APPLICATION 17/01760/FUL

Description

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

Decision

Planning permission is **PERMITTED** subject to the following legal agreement and conditions:

Part A

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

- A mechanism to review the viability of the development when it is partly completed at a stage prior to the full occupation of the development.

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

Part B

In the event that the section 106 Agreement referred to in Part A is not completed within two months from the date of Planning Committee the Head of Place Development be authorised to refuse the application for the following reason:

In the absence of a completed legal obligation under section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy CS9 (Affordable Housing and meeting Housing Needs) in relation to the provision of a commuted sum in lieu of the on-site provision of affordable housing.

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) Prior to the occupation of the development, details of swift bricks and bird, bat and insect boxes shall be submitted to and approved in writing by the local planning authority. The enclosures shall be erected in accordance with the approved details and shall be retained, free of obstruction, in perpetuity 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).

- (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.

- (16) The development hereby approved shall not be first occupied unless and until one parking space is 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 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 & Ewell

Borough Council Development Management Policies Document September 2015.

- (17) The flat roof to the rear of the first floor flat in the north east corner of the building hereby permitted shall not be converted or used as a balcony or a sitting out area, and no access shall be gained except for maintenance purposes.

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.

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:

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

- (4) 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

The Committee noted verbal representations from the Ward Councillor, an objector and the agent for the application. 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.

- 41 DOWNS HOUSE, WALTON ROAD, EPSOM, KT18 5ND - PLANNING APPLICATION 18/00288/FUL

Description

Racehorse training yard development

Decision

The Committee agreed to 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:

2055 01 Site Location Plan

2055 02 Existing Site Plan

2055 03 Existing Site Sections

2055 04 Existing Building Plans

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 insect and bird boxes, including swift 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 (shown as Trainers accommodation Unit 1 and 2, Groom Accommodation Unit 1 and 2 on Drawing No. 2055_07 Rev F) hereby permitted shall be limited to a person employed in the training, or keeping or breeding of horses within the Borough of Epsom & Ewell.

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 08.10 and 09.10 and 15.15 and 16.15 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

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

Note: In the interests of openness and transparency Councillor Jan Mason declared that she was a representative of the Training Grounds Management Board (TGMB) on behalf of Surrey County Council. She did not take part in the deliberations or vote on this application.

42 MONTHLY REPORT ON PLANNING APPEAL DECISIONS - DECEMBER COMMITTEE 2018

The appeal decisions were noted.

The meeting began at 7.30 pm and ended at 10.57 pm

COUNCILLOR HUMPHREY REYNOLDS (CHAIRMAN)

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Bradford House 39A East Street Epsom KT17 1BL

Variation of Condition 19 (Approved drawings) of planning permission 17/01755/FUL to permit amendments to the design which affect the plan layouts of the basement and ground floors, the external materials on the northwest (right) and southwest (left) elevations, and the heights of the parapets.

Ward:	Town Ward;
Contact Officer:	John Robinson

1 Plans and Representations

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PGFA9CGYL5T00>

2 Summary

- 2.1 This application seeks amendments to the extant scheme, comprising internal layout amendments, amendments to external finishes and overall height adjustments.
- 2.2 The proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy 2007 and the Development Management Policies Document 2015.
- 2.3 The application is therefore recommended for APPROVAL, subject to the issue of a new S106 agreement (under the same terms as the extant agreement) and conditions.**

3 Site description

- 3.1 The application site was previously occupied by a vacant four storey office building "Bradford House" built in the early 1980s.
- 3.2 The site is located within Epsom town centre boundary on the western side of East Street between Crossways House and "Newplan House". A four storey brick and concrete office building is situated opposite the site.

- 3.3 Crossways House, also owned by the applicant, sits to the west of the application site. Crossways House is a five storey “T” shape block of student accommodation comprising 97 rooms with part office use at ground floor level.
- 3.4 Beyond the application site boundary, are buildings of differing scales and land uses. The majority of the buildings in the area immediately surrounding the subject site are largely in commercial use. The Epsom gas holder site lies to the northwest of the application site and residential uses are located in the streets parallel with East Street to the south.
- 3.5 Planning permission (17/01755/FUL) was granted in September 2018 for the demolition of the existing office building “Bradford House” and the erection of a mixed-use six storey (plus basement) building comprising office floorspace at ground floor level, a student halls of residence containing 99 student bedrooms, and associated landscaping and basement level parking and cycle parking.

4 Proposal

- 4.1 This application seeks to vary Condition 19 (Approved drawings) of the extant planning permission (17/01755/FUL) in order to permit amendments to the design which affect the plan layouts of the basement and ground floors, the external materials on the northwest (right) and southwest (left) elevations, and the heights of the parapets.
- 4.2 The amendments would comprise the following:
- The basement parking area would be reduced in size, but would retain the same quantum of spaces as per the extant permission
 - The aluminium sheet cladding would replace some of the brickwork, and the expanses of aluminium louvres would be replaced with tall panels of aluminium sheet metal expanded mesh in front of the windows.
 - A reduction of the parapet heights by 115mm
 - The smoke vents would be removed from the front (southeast) wall and rear (northwest) wall and added to the bank of smoke vents/grilled openings in the side (southwest) wall
 - An adjustment of the location of the ground floor staircase leading to the basement
- 4.3 The applicant has sought to justify the amendments by stating the following:
- During the original design process and up until recently, the Council has been reducing the number of car parking spaces required for the

proposed scheme, resulting in an excessively large basement for the number of spaces required.

- The recent addition of an access control system on the access ramp to the carpark will help to safely control the cars entering and leaving the car park, and reduces the amount of vehicular manoeuvring space necessary in the basement.
- Replacing the louvres would maintain the design concept of the original scheme of external treatment to these facades but compared to the large expanse of horizontal louvres, the vertical panels of lattice mesh would create a lighter-weight appearance.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 27 neighbouring properties. To date (03.01.2019) no letters of objection have been received.

6 Consultations

- 6.1 SCC Highways: No objection.
- 6.2 Epsom Waste Services Manager: No objection.

7 Relevant planning history

Application number	Decision date	Application detail	Decision
17/01755/FUL	18.09.2018	Demolition of existing office building (Use Class B1a) at Bradford House and erection of a mixed-use six storey (plus basement) building comprising 221.5sqm of office floorspace at ground floor level and a student halls of residence (Use Class Sui Generis) containing 99 student bedrooms. Associated landscaping and basement level parking and cycle parking. (Description amended and revised scheme drawings and associated documents received on 09.05.2018)	GRANTED

8 Planning Policy

National Policy Planning Framework (NPPF) 2018

Chapter 12: Para 128 -131 Achieving well-designed places

Core Strategy 2007

Policy CS5 Built environment

Policy CS6 Sustainability in new developments

Policy CS16 Managing Transport and Travel

Development Management Policies Document 2015

Policy DM9 Townscape character and local distinctiveness

Policy DM10 Design requirements for new Developments

Policy DM37 Parking Standards

9 Planning considerations

Principle of Development

- 9.1 The principle of the demolition of an existing building and the erection of a mixed-use building comprising office floorspace at ground floor level and a student halls of residence in this location has been established by way of the previously approved planning application (17/01755/FUL) granted in September 2018.

Visual impact

- 9.2 Policies DM9 and DM10 encourage high quality development and planning permission will be granted for proposals that 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
- 9.3 The proposing aluminium sheet cladding to replace some of the brickwork, as well as the replacement of the expanses of aluminium louvres with tall panels of aluminium sheet metal expanded mesh in front of the windows would maintain the design concept of the extant scheme of external treatment to these facades to articulate the elevation. The vertical panels of lattice mesh would create a lighter-weight appearance.
- 9.4 A reduction of the parapet heights by 115mm would be achieved through the detailed design of the structure and roof coverings, bringing the building down to a height of 17.975m, which is acceptable.

- 9.5 No planning objections are raised with regard to the removal of the smoke vents from the front (southeast) wall and rear (northwest) wall and added to the bank of smoke vents/grilled openings in the side (southwest) wall.
- 9.6 The readjustment of the internal staircase is acceptable
- 9.7 Overall the proposed amendments would not have a detrimental impact on the appearance of the extant scheme or have a harmful impact on the streetscene.
- 9.8 The proposed amended scheme would therefore comply with Policy DM9 and DM10.

Residential amenity

- 9.9 Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policies Document 2015 seeks to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbance.
- 9.10 The proposed replacement of the expanses of aluminium louvres with tall panels of aluminium sheet metal expanded mesh in front of the windows, would continue to provide privacy screening to those bedrooms from the neighbouring buildings, as they would be angled, and in addition the use of the lattice mesh would allow more light and air in through the windows, benefitting the occupants.
- 9.11 The proposed scheme would therefore comply with Policy DM10

Parking Layout/Provision

- 9.12 The relevant parking standards for office use are contained within Surrey County Council's Vehicular and Cycle Parking Guidance - 2012.
- 9.13 Standards for residential use can be found in the Council's Parking standards for Residential Development SPD - 2015.
- 9.14 With reference to the office use, the Surrey County Council guidelines state that a maximum range of 1 car space per 30m² to 1 car space per 100m² should be provided, depending on the location of the site. The proposed scheme would therefore be required to provide a maximum range of 2-8 spaces.
- 9.15 The proposal would maintain the same level of parking provision as the extant scheme. It would provide an 8 space car park located at basement level below Bradford House. Of these 8 spaces, 4 would be allocated to serve the proposed office use, and 4 would be allocated as pick up/drop off spaces to serve the student accommodation.
- 9.16 The Highways Officer has raised no objection to the amended basement parking layout

Community Infrastructure Levy

9.17 The proposed scheme is CIL liable.

10 Conclusion

10.1 It is therefore concluded that the proposed amendments are individually and cumulatively acceptable, the quantum of parking spaces and the parking layout would be acceptable and the exterior amendments would not detract from the appearance of the building.

11 Recommendation

Part A

11.1 Subject to a new legal agreement (under the same terms as the extant agreement) being completed and signed to secure the following heads of terms:

- A Travel Plan Monitoring Fee

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

Part B

11.2 In the event that the section 106 Agreement referred to in Part A is not completed by 4 March 2019, the Head of Planning be authorised to refuse the application for the following reason:

- In the absence of a completed legal obligation under section 106 of the Town and Country Planning Act 1990 (as amended) the applicant has failed to comply with Policy CS5 of the Core strategy 2007

Conditions:

- (1) **The development hereby permitted shall be commenced within 3 years from the 18 September 2018, the date of the originally approved application 17/01755/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) **Prior to the commencement of development, details and samples of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

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

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

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

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

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

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

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

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

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

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

- (7) Details of a waste management plan, incorporating provision for refuse storage and recycling facilities on the site, shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The refuse storage and recycling facilities shall be provided prior to the first occupation. The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority .

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

- (8) Unless otherwise agreed by the Local Planning Authority, the following must be undertaken prior to any development on site, in accordance with current best practice guidance:
- (i) a site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including volatile hydrocarbons) and contaminants with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the local planning authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and
 - (ii) if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority.

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

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

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

- (10) Notwithstanding the available permitted development rights under Class N of the GPDO 2013, the ground floor at Bradford House (denoted as “Commercial Area” on Drawing No BH307-1/031/J) shall be used for B1 (Office Use) only and for no other purpose (including any other purpose within Use Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

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

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

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

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

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

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

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

- (14) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in for a maximum of 7 cars and 1 disabled space and a minimum of 52 bicycles to be parked securely in accordance with the approved plans for

vehicles/cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purposes.

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

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

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) HGV deliveries and hours of operation, will not occur between the hours of 0730-0900 and 1630-1800.
- (g) measures to prevent the deposit of materials on the highway
- (h) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused - see condition one.

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

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

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

- (a) The secure parking of bicycles within the development site,
- (b) Facilities within the development site for cyclist to change into and out of cyclist equipment / shower,

- (c) Facilities within the development site for cyclists to store cyclist equipment,
- (d) Installation of a fast charge point, for electric vehicle charging

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

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

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

- a) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+40%) allowance for climate change storm events, during all stages of the development (Pre, Post and during), associated discharge rates and storages volumes shall be provided using a maximum discharge rate of 1in1yr 2.6 litres/sec, 1 in 30yr 3.5 litres/sec and 1 in 100 year 4litres/sec utilising a blue roof system (as per the SuDS pro-forma or otherwise as agreed by the LPA).
- b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- c) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- e) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.

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

- (18) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

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

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

011/D Proposed Site OS and Site Block Plan

012/F Site Landscape Context Plan

BH307-1/210/H Basement

BH307-1 211_G Ground Floor GA

032/F First and Second Floor GA

033/F Third and Fourth Floor GA

034/F Fifth Floor and Roof GA

086/C Proposed North View

085/C Proposed North West Bird's Eye View

084/C Proposed View Along East Street to New Building

083/C Proposed South East View from West Street

082/C Proposed South West View from East Street

081/C Proposed North East Bird's Eye View

072/E Rendered Elevations Proposed

BH307-1 410_B Front (SE) Elevation

BH307-1 411_B Right (NE) Elevation

BH307-1 412_B Left (SW) Elevation

BH307-1 413_B Rear (NW) Elevation

051/F Proposed Section AA

052/F Proposed Section BB

053/F Proposed Section CC and DD

BH307-1 415 Front and Rear Street Elevations

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

- (20) Prior to the commencement of the development, a drawing showing the proposed site levels of the application site and the finished floor levels of the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: Submission of a scheme prior to commencement will ensure that the development accords with the Development Management Policies Document 2015 Policy DM10. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

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

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

- (22) All Demolition and or building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, shall only take place between the hours of 09.00 and 16.30 Monday to Friday, and between 08.00 and 13.00 on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

(23) Student Management;

Before the development commences, a Student Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The Plan shall include the following:

- a) Details of how the student accommodation will operate.**
- b) Measures that will be taken to reduce the incidences of anti-social behaviour.**
- c) Measures that will be taken to reprimand students who behave in an antisocial way.**
- d) Arrangements for the management of traffic/parking at the beginning and end of term.**
- e) Daily arrangements to control access and egress of pedestrians, cyclists and vehicular traffic or measures to generally regulate the use of vehicles.**
- f) Details of CCTV monitoring arrangements within the site (including monitoring of site entrances).**
- g) Details of wardening/security presence.**
- h) Arrangements for the creation of a 24 hour contact telephone number so that residents can contact the halls of residence if they have any matters they wish to be brought to the university's attention.**
- i) Increased signage in the locality - requesting that users of the street do not disrupt the peace of the neighbourhood.**
- j) Details of what measures will be put in place to discourage those students, who may own a car, from parking on surrounding roads.**

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

Informatives:

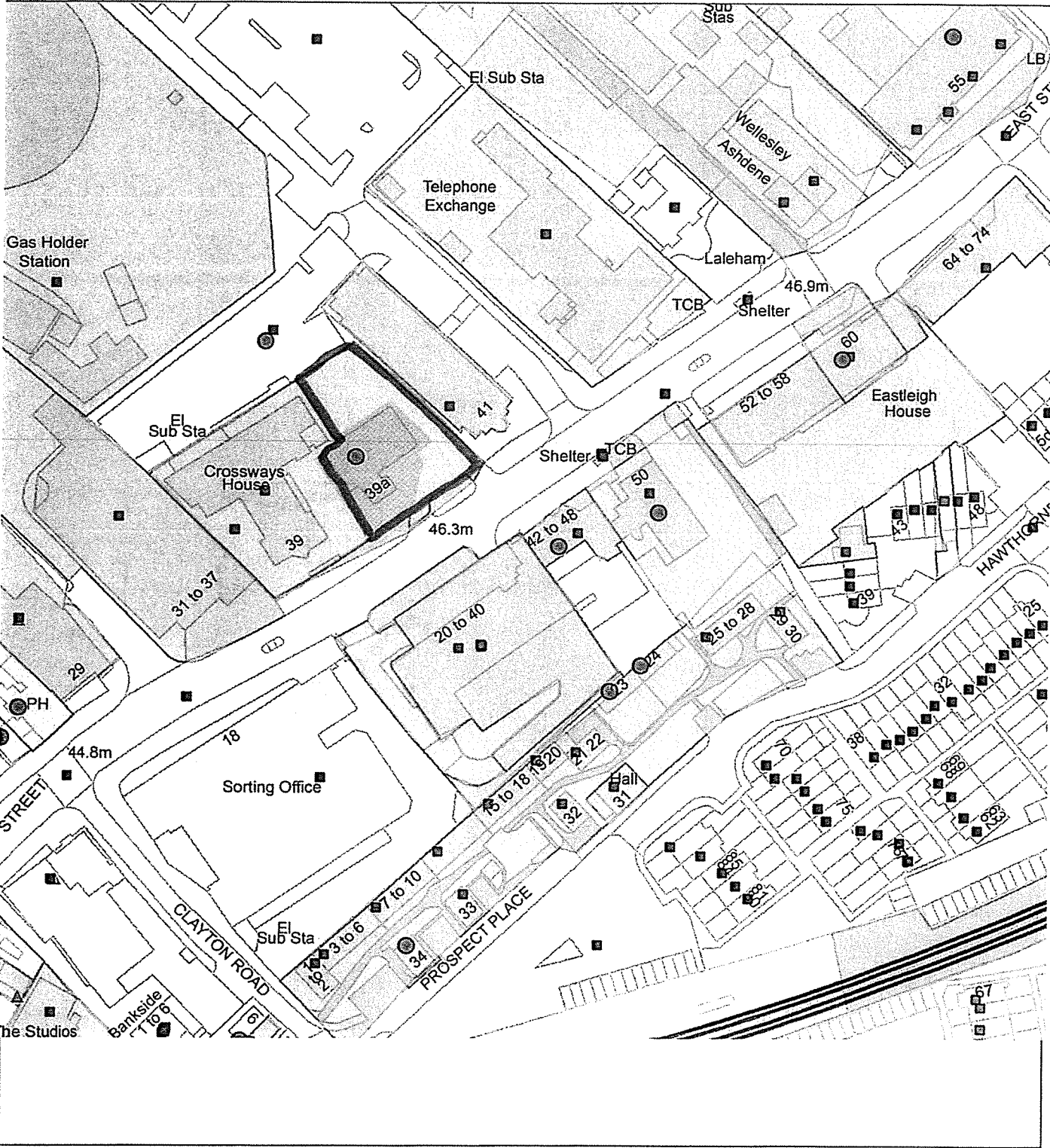
- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 38 of the National Planning Policy Framework 2018.**

- (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:

- a) using the 'fittings approach' where water fittings are installed as per the table at 2.1 in the AD or
 - b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
- (3) 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.

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Scale : 1:1278

Date 31 December 2018	
Comments	
SLA Number 71	

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ALDI 379-393 Kingston Road Ewell KT19 0BS

Variation of Condition 11 (Delivery hours) of planning permission 13/00520/FUL to allow delivery hours to be between 06:00-21:00 on Monday's to Saturday's and between 08:00-21:00 on Sundays and Bank Holidays

Ward:	Ewell Court Ward;
Contact Officer:	John Robinson

1 Plans and Representations

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PGHADXGYL6A00>

2 Summary

- 2.1 This application seeks permission to extend the current delivery hours on Sunday's and Bank Holiday's to allow deliveries between 06:00-21:00 on Monday's to Saturday's and between 08:00-21:00 on Sundays and Bank Holidays.
- 2.2 The current planning permission allows for deliveries between 06:00 to 21:00 on Mondays to Saturdays, but limits deliveries on Sundays to 08:00 to 17:00. Bank Holiday deliveries are not permitted.
- 2.3 The proposed 4 hour extension to the Sunday "delivery window", and the inclusion of Bank Holidays, is considered to have a harmful impact on neighbour amenity contrary to residential policies contained in the Development Management Policies Document 2015, and **the application is therefore recommended for REFUSAL**

3 Site description

- 3.1 The application site is located on the south western side of Kingston Road.
- 3.2 The site is occupied by a mixed use development comprising a retail foodstore with 8 residential units above (known as Kingston Court) with associated access, car parking and landscaping.

- 3.3 The store has a dedicated loading bay, which is located on the southern side of the building and this provides access to the store's fully enclosed warehouse. The loading bay is accessed via a ramp leading down from the store's car park. Numbers 7 and 8 Kingston Court (Nos 7 and 8) are sited directly above the loading bay and have a mixture of living room and bedroom windows that face towards the loading bay.
- 3.4 To the northwest of the site are two-storey commercial properties (with residential above) forming part of the Kingston Road-Ruxley Lane shopping centre. These properties front on to the slip road on the southwest side of Kingston Road. To the rear of these commercial properties are part of the application site and a rear servicing road accessed from Pinewood Place or directly from Ruxley Lane.
- 3.5 To the southeast of the site lies residential development comprising two-storey (c.1920-1930) semi-detached houses.

4 Proposal

- 4.1 This application seeks the variation of Condition No.11 (Delivery Hours) of planning permission 13/00520/FUL. The original condition was worded as follows:

(11) No service vehicles shall arrive or depart from the retail unit outside the hours of 06:00 to 21:00 on Mondays to Saturdays or 08:00 to 17:00 on Sundays.

Reason: To prevent service deliveries at night, thereby protecting the amenity of nearby residential properties and to reduce the number of large service vehicles in the Ruxley Lane Secondary Town Centre during the busiest peak hours, to comply with Policy DM10 of the Development Management Policies Document 2015 and CS16 of the Core Strategy 2007

- 4.2 The proposed amended wording is set out below (**changes underlined**):

(11) No service vehicles shall arrive or depart from the retail unit outside the hours of 06:00 to 21:00 on Mondays to Saturdays or 08:00 to 21:00 on Sundays and Bank Holidays.

Reason: To prevent service deliveries at night, thereby protecting the amenity of nearby residential properties and to reduce the number of large service vehicles in the Ruxley Lane Secondary Town Centre during the busiest peak hours, to comply with Policy DM10 of the Development Management Policies Document 2015 and CS16 of the Core Strategy 2007

- 4.3 The applicants submit that the given the arrangement at Aldi, where lorries share the car park with customers, it is a more efficient arrangement for delivery vehicles to visit the store outside of normal opening hours to avoid potential conflict. In particular, the extension of the delivery hours would allow for residual visits to the store, such as picking up waste bundles, or making deliveries that were unable to be made during the day.

5 Comments from third parties

- 5.1 The application was advertised by means of a press notice and letters of notification to 58 neighbouring properties. To date (19.12.2018) no letters of objection have been received.

6 Consultations

- 6.1 Highways: No objection
- 6.2 Environmental Health Officer: We have some reservations about the application given the fact that noise from deliveries will be clearly audible in flats 7 and 8 with the windows open. The delivery management plan held up as being the mitigation has not been submitted. I recommend therefore that the application be conditioned (should permission be granted) to require production of the plan and adherence to its terms.

7 Relevant planning history

Application number	Decision date	Application detail	Decision
13/00520/FUL	21.10.2013	Demolition of 2 dwellings and the erection of a mixed use development comprising a retail foodstore with 8 residential units above, with associated access, car parking and landscaping.	GRANTED
13/01360/COND	18.06.2014	Details pursuant to Condition 3 (hard and soft landscaping) 16 (refuse storage) 17 (lighting) of planning permission 13/00520/FUL.	DISCHARGED

Application number	Decision date	Application detail	Decision
13/01717/COND	18.06.2014	Details pursuant to Condition 2 (Materials), 4 (Tree Protection Measures), 19 (Car Park Signage), 25 (Construction Management Plan), 29 (Sustainability), 30 (Renewable energy), 31 (Travel Plan) of Planning Permission 13/00520/FUL.	DISCHARGED
14/00140/REM	20.06.2014	Variation of Condition 33 (Drawing numbers) to allow minor design changes including new entrance lobby, revisions to landscaping, changes to shopfront glazing, of planning permission 13/00520/FUL.	GRANTED
14/01727/COND	10.04.2015	Details pursuant to planning permission 13/00520/FUL (Demolition of 2 dwellings and the erection of a mixed use development comprising a retail foodstore with 8 residential units above, with associated access, car parking and landscaping) to discharge conditions 13, 14 (noise), 15 (waste management) and 20 (CCTV surveillance).	DISCHARGED
15/00993/REM	23.11.2015	Variation of Condition 11 (Delivery hours) of planning permission 13/00520/FUL to allow the store to be serviced from 06:00 - 23:00 (Mon -Sat) and 08:00 - 19:00 (Sun).	GRANTED: No service vehicles shall arrive or depart from the retail unit outside the hours of 06:00 to 21:00 on Mondays to Saturdays or 08:00 to 17:00 on Sundays.

Application number	Decision date	Application detail	Decision
16/00003/COND	21.11.2016	The appellant sought to undertake deliveries up until 2300 on Mondays to Saturdays and 1900 on Sundays, as per the application it made to the Council.(15/00993/REM)	Appeal DISMISSED

8 Planning Policy

National Policy Planning Framework (NPPF) 2018

Chapter 15 para 180(a) Conserving and enhancing the natural environment

Core Strategy 2007

Policy CS5 The Built Environment

Policy CS6 Sustainability

Development Management Policies Document November 2018

Policy DM10 Design Requirements for New Developments

9 Planning considerations

Previous application and Appeal Decision

- 9.1 In September 2015 an application (15/00993/REM) was submitted to vary Condition 11 (Delivery hours) of planning permission 13/00520/FUL to allow the store to be serviced from 06:00 - 23:00 (Mon -Sat) and 08:00 - 19:00 (Sun).
- 9.2 An amended condition was granted, worded "No service vehicles shall arrive or depart from the retail unit outside the hours of 06:00 to 21:00 on Mondays to Saturdays or 08:00 to 17:00 on Sundays."
- 9.3 A subsequent appeal application (APP/P3619/W/16/3150854) against the refusal to grant an extension to the delivery hours in the late evening period was dismissed.
- 9.4 In her decision the Inspector stated: "I recognise that the occupiers of Kingston Court will have been aware prior to moving into their flats that they will be living within a mixed use development, with the store being a potential source of noise. However, those residents will have an expectation that they will not be unreasonably disturbed by the operation of the store. I am therefore not persuaded that the operational wishes of the appellant should usurp the safeguarding of the living conditions for the occupiers of Flats 7 and 8."

- 9.5 The Inspector concluded that that varying the delivery hours later into the evening period would have an unacceptable effect on the living conditions for the occupiers of Nos 7 and 8. There would therefore be conflict with Policy DM10 of the Council's Development Management Policies Document of 2015
- 9.6 The Inspectors decision is therefore a material consideration in the determination of this application and is attached as **Annexe 1**.

Residential Amenity

- 9.7 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 180(a) sets out that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶.
- 9.8 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.
- 9.9 The applicants have submitted a Noise Assessment Report in support of this application.
- 9.10 The report states that the proposed variation of delivery hours is not to increase in number of deliveries but would increase flexibility to receive deliveries. The overall number of deliveries would remain the same. As a result whilst the proposal may result in the occupiers of Flats 7 and 8 to close the windows whilst a delivery takes place, this would be no greater or more frequent than the current situation where Sunday deliveries are restricted to between 0800 and 1700 hrs. The noise from deliveries would be heard and may cause slight changes in behaviour, such as closing windows for some of the time i.e., an observed adverse effect level. In this case the advice is to mitigate and reduce noise to a minimum.
- 9.11 To achieve this all deliveries received outside trading hours i.e. after 1700 hours on a Sunday would be carried out in accordance with a delivery management plan (DMP) which would include the following measures:
- No movement of goods pallets or roll cages on open areas of the service yard;

- No audible reversing beepers;
- Refrigeration units should be switched off when vehicles enter the service yard;
- No more than 1 delivery vehicle in service yard at a time.

9.12 It is considered that the occupiers of the flats above the foodstore, and to a lesser degree, the occupants of the residential units above 395 and 377 Kingston Road, had a not unreasonable expectation that deliveries to the store would not continue beyond the specified delivery hours and would in all likelihood have purchased their units on the basis of this information.

9.13 The mitigation of the additional noise generated by the proposed increase in delivery hours would rely on a delivery management plan which would be difficult to enforce and ensure staff and lorry drivers adhere to. In addition, it is unreasonable to expect the occupiers of Flats 7 and 8 to close their windows whilst or in anticipation of a delivery taking place, especially in summer, when windows are more likely to be open.

9.14 The proposed variation of the condition would fail to address the Inspector's grounds for refusal and would therefore be contrary to Policy DM10.

Community Infrastructure Levy

9.15 The scheme would not be CIL liable

10 Conclusion

10.1 The proposed increase in hours of delivery would lead to an unacceptable increase in noise and disturbance, which would prejudice the enjoyment of the occupiers of Flats No 7 and 8 Kingston Court.

11 Recommendation

11.1 The application is recommended for REFUSAL on the following ground:

- (1) The proposed increase in hours of delivery would lead to an unacceptable increase in noise and disturbance which would prejudice the enjoyment of the occupiers of Flats 7 and 8 Kingston Court, contrary to Policy DM10 of the Development Management Policies Document 2015 and Policy CS6 of the Core Strategy 2007**

Informatives:

- (1) In accordance with para 38 of the NPPF 2018, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied**

by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Appeal Decision

Site visit made on 18 October 2016

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21st November 2016

Appeal Ref: APP/P3610/W/16/3150854

Aldi Stores Limited, Kingston Road, Ewell, Surrey KT19 0BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Aldi Stores Limited against the decision of Epsom and Ewell Borough Council.
 - The application Ref 15/00993/REM, dated 30 September 2015, was approved on 23 November 2015 and planning permission was granted subject to conditions.
 - The development permitted is described as 'Variation of Condition 11 of (Delivery hours) of planning permission Ref 13/00520/FUL to allow the store to be serviced from 06:00 – 23:00 (Mon – Sat) and 08:00 – 19:00 (Sun)'.
 - The condition in dispute is No 1 which states that: No service vehicles shall arrive or depart from the retail unit outside the hours of 06:00 to 21:00 on Mondays to Saturdays or 08:00 to 17:00 on Sundays.
 - The reason given for the condition is: To prevent service deliveries at night, thereby protecting the amenity of nearby residential properties and to reduce the number of large service vehicles in the Ruxley Lane Secondary Town Centre during the busiest peak hours, to comply with Policy DM10 of the Development Management Policies Document 2015 and CS16 of the Core Strategy 2007.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Aldi Stores Limited against Epsom and Ewell Borough Council. This application is the subject of a separate Decision.

Background and Main Issue

3. The appellant sought permission to vary the terms of condition 11 imposed on planning permission 13/00520/FUL (the original permission) to vary the hours during which service (delivery) vehicles may arrive or depart from its store from 0700 to 2100 on Mondays to Saturdays and 0900 to 1700 on Sundays to 0600 to 2300 on Mondays to Saturdays and 0800 to 1900 on Sundays.
4. However, the new permission (reference 15/00993/REM) granted by the Council did not relax the delivery hours to the full extent sought by the appellant. In particular, Condition 1 of that permission maintains the evening restriction of deliveries until 2100 on Mondays to Saturdays and 1700 on Sundays. The appellant seeks to undertake deliveries up until 2300 on Mondays to Saturdays and 1900 on Sundays, as per the application it made to the Council.

Reasons

5. The appeal premises comprise a freestanding, part single and part two storey building, of recent construction, which comprises an Aldi supermarket on the ground floor and flats above, the latter being known as Kingston Court. The store has a dedicated loading bay, which is located on the southern side of the building and this provides access to the store's fully enclosed warehouse. The loading bay is accessed via a ramp leading down from the store's car park. Numbers 7 and 8 Kingston Court (Nos 7 and 8) are sited directly above the loading bay and have a mixture of living room and bedroom windows that face towards the loading bay¹.
6. The store forms part of the Ruxley Lane shopping area and there are commercial premises with residential accommodation above to the north of the store. Apart from the flats at Kingston Court, the closest residential properties are at 377 Kingston Road (No 377 - a house) and 395 Kingston Road (No 395 - a flat). The store immediately adjoins Kingston Road (the A240), which at this point is a dual carriageway.
7. As part of my site visit the store's staff demonstrated how the loading bay's platform leveller operates. The leveller is a metallic platform that is lowered and raised manually, using a lever system, to enable pallets to be transferred between delivery vehicles and the warehouse. The lowering and raising of the leveller generates a distinctive and impulsive heavy clanking sound that lasts a short while and arises at the beginning of a delivery cycle (arrival, unloading and departure) and then again at the end of one of these cycles.
8. Given the loudness of the noise associated with lowering or raising the leveller, I would expect this noise to be audible to the occupiers of Nos 7 and 8. That would especially be the case if the side windows of Flats 7 and 8 were open in the later evening period, when the store is closed to customers² and the volume of traffic on Kingston Road is likely to be at a reduced level. The intensity of the noise associated with the leveller's use is one that I consider would be capable of causing sleep disturbance and my opinion would seem to be consistent with the representations that have been made by an occupier of Flat 7, which postdate the Council's determination of the appealed application.
9. The impact of extending the store's delivery hours has been assessed in the Sharps Redmore acoustic report (the acoustic report) and that assessment has been informed by a combination of on-site noise monitoring and monitoring at other premises operated by the appellant. Section 4 of the acoustic report identifies predictions for the noise impact on the occupiers of Nos 377 and 395, and I shall return to those impacts later in my reasoning. However, the assessment of the noise impact on the occupiers of Flats 7 and 8 is much briefer, notwithstanding the fact that these residents would be the most likely to be affected.
10. As the times when the on-site noise surveying was undertaken were limited to those coinciding with the intended extended delivery times that monitoring does not include the times when deliveries are currently being undertaken. It

¹ As explained in the Acoustic Statement prepared by Acoustic Consultancy Partnership Ltd which forms Appendix C to the Sharps Redmore report accompanying the appealed application

² Ie after 2200 Mondays to Saturdays and 1600 on Sundays as per the permitted trading hours

would therefore seem that the recorded noise levels, most particularly the L_{Amax} level, do not include the leveller's use. The acoustic report does not explain how the operation of the leveller has been taken into account and it would appear that the acoustic assessment has not been informed by a noise source that is central to delivery activity at this store. In this respect it appears that the acoustic report has only focused on the noise associated with delivery vehicle arrivals/departures and the movement of pallets between the vehicles and the warehouse. I find support for that view in the descriptive text of the delivery activity that is set out in the tables in Appendix E of the acoustic report and Appendix 1 to the Acoustic Consultancy Partnership Limited report appended to the acoustic report.

11. I am of the opinion that the L_{Amax} level is of particular significance in this instance, given the impulsive nature and loudness of the noise associated with the leveller's use and its potential to interrupt sleep and affect the quality of life and/or the health of nearby residents. While reference is made to measurements being made at other sites operated by the appellant, it is unclear whether levellers of the type present at the Ewell store are also in use at those other locations.
12. Paragraphs 4.2 to 4.6 of the acoustic report assess the implications of extending the delivery hours upon the living conditions for the occupiers of Kingston Court. However, that assessment primarily addresses the implications of deliveries occurring between 0600 and 0700, with a comparison being made with a noise level of 79 dB L_{Amax} at 10 metres that has been recorded at '... similar sites ...'.
13. It is a significant omission that the acoustic report makes no reference to what the anticipated L_{Amax} level at the premises would be between 2100 and 2300, given that the noise associated with leveller's use has the potential to be very intrusive, during the more noise sensitive evening period. Emphasis instead is placed on the performance of the acoustic glazing that has been installed at Nos 7 and 8, as the means for providing attenuation against any noise generated during delivery cycles whenever they might arise. That glazing has been designed to provide an internal noise level of no more than 47dB L_{Amax} between 0600 and 0700 when the flats' windows are closed.
14. However, it is evident from the representations made by an occupier of No 7 that the thermal efficiency of that flat is such that on warmer nights it is necessary to have some windows open to provide a more tolerable living environment. I therefore consider it unrealistic for it to be assumed that the side windows at Nos 7 and 8 would always be kept closed when deliveries are being made. With the windows of Nos 7 and 8 open I cannot accept the conclusion in the acoustic report that the noise arising during the extended evening delivery times would '... not cause significant impact on the amenity of occupants of [the] apartments'.
15. I recognise that the occupiers of Kingston Court will have been aware prior to moving into their flats that they will be living within a mixed use development, with the store being a potential source of noise. However, those residents will have an expectation that they will not be unreasonably disturbed by the operation of the store. I am therefore not persuaded that the operational wishes of the appellant should usurp the safeguarding of the living conditions for the occupiers of Flats 7 and 8.

16. On the available evidence and having observed the leveller in use I find it likely that permitting later delivery times would cause unacceptable noise disturbance for the occupiers of Nos 7 and 8 and that that disturbance would come within the category of being a 'Significant observed adverse effect level' that should be avoided, as per the provisions of the Noise Policy Statement for England of March 2010 and the noise section of the Planning Practice Guidance. In coming to this conclusion I am mindful of the limited number of deliveries that might be made during the evening period, given the way the appellant's stores trade and are serviced. However, I consider that even at the potential frequencies involved the occupiers of Nos 7 and 8 could be subject to regular nightly levels of unacceptable disturbance.
17. While the appellant has indicated a willingness to implement a delivery management plan (DMP), which would include control measures such as avoiding engines being left idling, turning reversing alarms off, disabling delivery vehicles' refrigeration plant and managing staff conduct, this plan would not address the noise emanating from the lowering or raising of the leveller. I therefore find that the operation of the DMP would not address a potentially significant source of noise disturbance and imposing a planning condition requiring the implementation of this plan would be ineffective.
18. I appreciate that the Council's environmental health officer (EHO) raised no objection to the extension of the store delivery hours, but that does not alter my assessment that extending the delivery times further into the evening period would be harmful, for the reasons I have given.
19. The acoustic report includes a more detailed assessment of the effect of extending the delivery hours upon the living conditions for the occupiers of Nos 377 and 395. I am content that this evidence demonstrates that the occupiers of Nos 377 and 395 would not be unacceptably disturbed by extending the delivery times later into the evening period because of the distances involved and the barrier attenuation effect provided by the store and flat building.
20. The appellant contends that being unable to receive deliveries at later times would place the store at a competitive disadvantage, however, it is submitted that typically the store receives one or two main deliveries per day, doubling in busier times, along with other deliveries for milk and bread. At those delivery levels I am not persuaded on the evidence before me that it has been demonstrated that this store's operation would be placed at any particular competitive disadvantage or that significant increases in delivery vehicle movements would arise by not extending the evening delivery times.
21. For the reasons given above I conclude that varying the delivery hours later into the evening period would have an unacceptable effect on the living conditions for the occupiers of Nos 7 and 8. There would therefore be conflict with Policy DM10 of the Council's Development Management Policies Document of 2015³, insofar as unacceptable noise disturbance would be experienced by the occupiers of neighbouring dwellings. Given the nature of the harm that I have identified I do not consider the various paragraphs of the National Planning Policy Framework (the Framework) relied upon by the appellant, most particularly paragraphs 14, 18, 20, 30 and 123, provide any particular support for the appeal development. In this respect I find that

³ Which has replaced Policy DC1 of the Council's Local Plan of 2000

there would be conflict with the fourth core planning principle (paragraph 17 of the Framework) in that a good standard of amenity for all existing and future occupants of a building would not be secured.

22. While the reason for imposing Condition 1 refers to Policy CS16 of the Council's Core Strategy of 2007, I find this policy not to be relevant because it essentially addresses the management of traffic rather than the protection of living conditions.

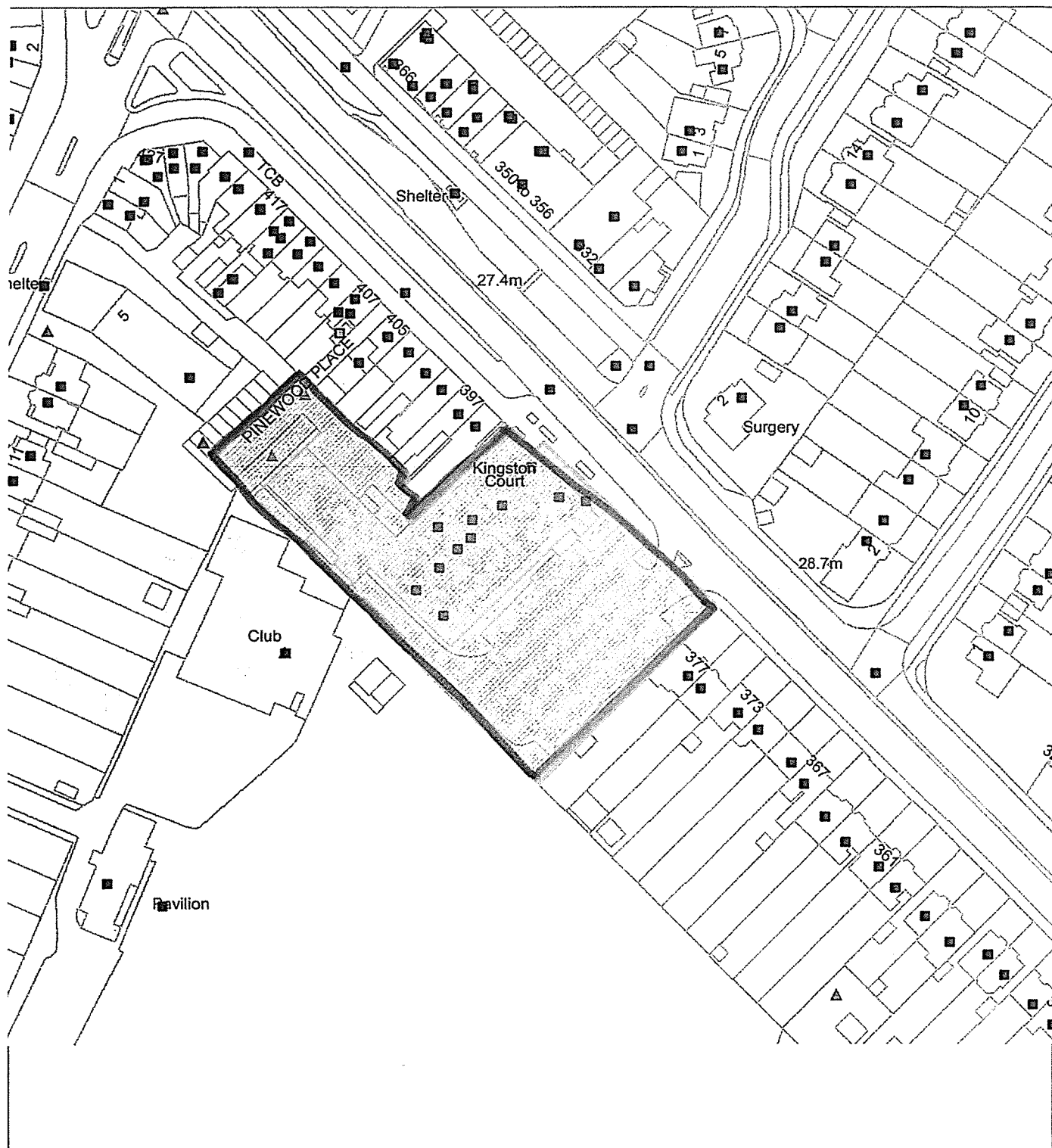
Conclusion

23. For the reasons given above the appeal is dismissed.

Grahame Gould

INSPECTOR

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Date 31 December 2018

Comments

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Report on Recent Planning Appeal Decisions

Head of Service/contact

Ruth Ormella Head of Planning

Annexes/Appendices (attached):

Annex 1: Summary of three appeals

Report Summary

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

Attached are summaries of three recent appeals:

- 15 Albury Avenue, Cheam SM2 7JT
- 2 Chartwell Place, Epsom KT18 5JH
- 55 Christ Church Mount, Epsom, KT19 8LZ

Recommendation

That the attached appeal summaries are noted, in particular the appeal decision and cost decision issued by the Inspector in relation to 55 Christ Church Mount, Epsom attached as Appendices 1 and 2.

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Monthly Report on Planning Appeal Decisions

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

The planning department has received the following 3 appeal decisions from the 26 November 2018 to 20 December 2018:

Site Address	Planning Reference Numbers	Description of Development	Decision + Costs?
15 Albury Avenue, Cheam, Surrey SM2 7JT	18/00059/FLH, APP/P3610/D/18/3211281	Demolition of 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.	Allowed 28 November 2018 No costs to either side.
2 Chartwell Place, Epsom, KT18 5JH	17/01865/FLH, APP/P3610/D/18/3212445	Erection of a single storey side extension with the installation of 2x roof lights, 2x windows, door & Bi-folding doors	Dismissed 6 December 2018 No costs to either side.
55 Christ Church Mount, Epsom, KT19 8LZ	17/00334/FUL, APP/P3610/W/18/3196610	Demolition of existing detached dwelling house and construction of a new detached dwelling house	Allowed 6 December 2018 Costs award to the appellant – Council awaiting costs claim.

Summary of Appeal Decisions:

15 Albury Avenue:

The inspector disagreed with the council that a double garage with habitable roof space would have a detrimental impact on the visual appearance of the host dwelling or character of the area.

2 Chartwell Place:

The inspector supported the council in that the proposed development would have a negative impact on the character and appearance of the area by reason of a loss of planting and inability to be able to provide any replacement planting.

55 Christ Church Mount:

The application was a member overturn at committee.

The inspector disagree with the council in refusing the application on the effect on the character and appearance on the surrounding area and on the impact of the living conditions of neighbouring properties. The inspector stated that despite the increased height of the building, the building would not look out of place in a street of varying ridge heights and architectural styles. The inspector stated that the proposal would not impact on the living conditions of No. 57 as it would not impact the rear windows and has stated that the separation distance and depth of the proposed development would ensure that there would not be an unacceptable impact on No. 53.

The inspector has allowed a costs claim against the council as a materially similar scheme on the site was previously refused only for its impact on the character of the area and not on the impact on neighbouring amenity. By failing to determine the schemes in a consistent manner, the council was found to have acted unreasonably.

The appeal decision and costs decision are attached in appendix 1 and appendix 2 respectively for information.

Appendix 1 – Appeal Decision



Appeal Decision

Site visit made on 17 October 2018

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2018

Appeal Ref: APP/P3610/W/18/3196610
55 Christ Church Mount, Epsom, KT19 8LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Blackall against the decision of Epsom & Ewell Borough Council.
 - The application Ref 17/00334/FUL, dated 31 May 2017, was refused by notice dated 14 September 2017.
 - The development proposed is demolition of existing detached dwelling house and construction of a new detached dwelling house.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing detached dwelling house and construction of a new detached dwelling house at 55 Christ Church Mount, Epsom, KT19 8LZ in accordance with the terms of the application, Ref 17/00334/FUL, dated 31 May 2017, and the plans submitted with it, subject to the attached schedule of conditions.

Application for costs

2. An application for costs was made by Mr David Blackall against Epsom & Ewell Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. During the course of the appeal, the revised National Planning Policy Framework (the Framework) has been published and both main parties were given an opportunity to comment on any relevant implications for the appeal.

Main Issues

4. The main issues are: i) the effect of the proposal on the character and appearance of the surrounding area; and ii) the effect of the proposal on the living conditions of neighbouring properties.

Reasons

Character and appearance

5. The existing building on the appeal site is a two storey detached house. To the left of the appeal site, when viewed from the road is a bungalow, and to the right is a two storey house.

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6. The buildings within the road exhibit a distinct variety in the architecture of the dwellings. The single storey and two storey properties have varying ridge and eaves heights and there is no consistency in terms of external appearance throughout the road. However, despite the architectural variety in the street scene, the properties are well-proportioned, have similar plot widths, and respect a well-established building line. These features combine to create a pleasing built form that contributes to the character and appearance of the area.
7. The proposed dwelling would be wider and taller than the dwelling which it would replace. Its eaves and ridge height would also be taller than the 2 storey neighbouring house, and the Council suggests that the eaves height of the proposal would be the tallest in the road. From the evidence that I have before me, I have no reason to dispute this point.
8. Despite this, the replacement dwelling would be experienced as part of the clear variety of building types, sizes, and heights within the street scene. In this context, the increased size of the dwelling would add to this variety. The size of the building would not be contextually inappropriate and the proposal would respect the well-established building line of the street.
9. Although the gap between No 53 and the proposal would reduce, the gap that would be retained would be comparable with those found throughout the street. The proposal would therefore be respectful to the prevailing characteristics of the road and would not result in the creation of a dominant or incongruous development in the street scene.
10. I therefore conclude that the proposal would not harm the character and appearance of the surrounding area. Consequently, the proposal accords with Policies CS1 and CS5 of the Epsom and Ewell Borough Council Core Strategy (2007) (CS) and Policies DM9 and DM10 of the Epsom and Ewell Borough Council Development Management Policies Document (2015) (DMP). Taken together, these policies seek, amongst other things, sustainable, high quality development that is compatible with local character and which incorporates principles of good design.

Living conditions

11. The immediate neighbouring properties both have windows that face towards the appeal site. No 57 has a first floor corner window that wraps around both the side and rear elevations and No 53 has 3 ground floor windows on the facing side elevation, only one of which is glazed with obscured glass.
12. The replacement dwelling would be larger than the existing building. The first floor mass would project beyond the corner window of No 57. This would alter the outlook from this window, particularly the element that faces towards the appeal site. However, due to the adequate separation distance between the building and the opening, an appropriate outlook would still be achieved beyond the flank elevation of the proposed dwelling. Moreover, the rear facing element of the window would be unaffected by the proposal. The replacement dwelling would therefore not have a harmful effect on the living conditions of No 57.
13. The ground floor windows that serve the side elevation of No 53 face the side elevation of the existing building. The proposal would be located closer to these

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windows and its general mass and form would be larger than the existing building.

14. The occupier of No 53 has submitted a detailed objection to the proposal which I have considered carefully. Within this document, reference is made to a 43 degree daylight angle that is set out within the Council's supplementary planning guidance (SPG) for householder applications.
15. Based on the evidence that I have before me, the proposal would fail to accord with a 43 degree angle when taken from the side boundary and measured from a point 2.5 metres above ground level. However, it is not clear from the SPG whether or not this angle has its relevance in protecting living conditions or in protecting the character and appearance of an area. Regardless of this, the SPG states that it does not prescribe inflexible standards or standard solutions. Therefore, despite the apparent conflict with the specific angle, this does not mean that the proposal would be automatically unacceptable.
16. The appellant has provided a daylight analysis which considers the amount of daylight received by the facing windows of No 53. This evidence has not been disputed by the Council or by the neighbouring property. The evidence states that the facing dining room window currently receives an appropriate level of daylight. It also suggests that the amount of daylight received by the window would reduce as a result of the proposal, but that this would be within the level of tolerance allowed by the analysis.
17. This evidence supports my own observations from my site visit. The outlook from the dining room window is already compromised by the presence of the existing building. The window looks towards a large flank wall and whilst the wall would move closer to the window, a separation distance of over 5 metres would remain. The outlook would therefore remain largely unchanged and the effect on daylight would be acceptable.
18. The proposed dwelling would project beyond the rear elevation of no 53 and in doing so, would be contrary to guidance set out within the Council's SPG titled 'Single Plot and other types of Residential Infill Development'. This states that development can be perceived as being un-neighbourly if the rear wall of a new building projects substantially beyond that of a neighbouring property.
19. Despite the projection, I have no evidence before me to suggest why the depth of the building would be harmful to the living conditions of No 53. The submitted drawings demonstrate that the first floor would not affect daylight to windows in the rear elevation of No 53, and I have already concluded that the side facing windows would not be adversely affected. Therefore, from what I observed on site, I am satisfied that the separation between No 53 and the proposed dwelling would ensure that the depth of the proposal would not adversely affect the living conditions of the neighbouring property.
20. The proposal would include full height glazing at ground floor level on the side elevation facing No 53. Although this would look towards the neighbouring property, the existing boundary enclosure would restrict views and therefore ensure that existing privacy levels would not be unduly harmed. For the same reason, I am satisfied that the proposal would not harm living conditions by reason of noise or disturbance. Full height glazing would also be proposed to the rear elevation at first floor level. Despite this, the location of this glazing

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away from the shared side boundaries would ensure that the impact on privacy would be no greater than more traditional forms of glazing.

21. Based on the evidence that I have before me, I conclude that the proposal would not have a detrimental effect on the living conditions of neighbouring properties. Consequently, the proposal would accord with Policies CS1 and CS5 of the CS and Policies DM9 and DM10 of the DMP. Taken together, these policies seek, amongst other things, sustainable, high quality development that creates functional private environments and that has regard to the amenities of neighbours in terms of privacy, outlook, sunlight, daylight, and noise and disturbance.

Other Matters and Conditions

22. Although the proposal would incorporate a basement, the evidence before me does not indicate that this part of the proposal would have a detrimental impact in relation to flooding and drainage. However, a suitable drainage scheme would be necessary and I am satisfied that this could be secured through a suitably worded condition. The drainage scheme would have to be agreed prior to the commencement of development and the appellant has agreed to such a requirement.
23. There is no compelling evidence before me that demonstrates the energy costs of demolishing the existing building would conflict with the development plan or that this should outweigh my conclusions set out above. However, I have imposed a condition in relation to water efficiency to ensure the efficient use of water. The Council have suggested other conditions relating to energy requirements but these fail the test of precision due to the lack of targets and benchmark figures. As a consequence, they would not be enforceable as it is unclear what would be expected of the appellant.
24. With regard to noise and disruption, there is no doubt that the construction of the proposal would have a short term effect on neighbouring residents. However, through the use of a suitably worded condition, construction could be managed to ensure disturbance would not reach an unacceptable level.
25. In the interests of certainty, I have imposed a condition relating to the time limit for the commencement of development. A condition is also necessary to list the approved plans in the interests of precision and clarity.
26. Conditions 3 and 4 are necessary as they relate to important design features both in terms of the building and landscaping. I have included window details in condition 3 to avoid duplication. A landscaping condition is necessary because the submitted drawings state that the landscaping design is to be completed at a later date. Whilst the rear garden would be less perceptible from the public realm, front gardens are an important component of the street scene. I have therefore reworded the condition to ensure that it relates solely to that aspect of the scheme. I have also amended the trigger points of these conditions as the information is not necessary prior to the commencement of development.
27. Due to the ecological sensitivities of the site, a condition is necessary in relation to bird and bat boxes and conditions 7 and 8 are necessary to safeguard the privacy of the occupants of neighbouring properties.
28. Due to the increased size and height of the replacement building, I consider that exceptionally, restricting permitted development rights insofar as they

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relate to extensions, alterations and roof alterations (Schedule 2, Part 1, Classes A, B and C) is necessary. However, I do not consider that a more onerous restriction is necessary or reasonable. The attached condition has therefore been amended accordingly.

Conclusion

29. For the reasons identified above, the appeal is allowed.

Martin Chandler

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A03.01; A04.01; A04.02; A04.03; A04.04; A04.05; A04.10; A04.20; A04.21; A04.22; A04.23; A04.25.
- 3) Prior to their installation, details and samples of the external materials, including windows, 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.

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- 4) Prior to its implementation, full details of both hard and soft landscape proposals for the area to the front of the dwelling hereby approved, 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. All planting, seeding or turfing comprised in the approved landscape scheme shall be carried out in the first planting and seeding seasons following the occupation of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) The residential unit 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.
- 6) Prior to the occupation of development, full details of the type and location of bat and bird boxes to enhance the biodiversity interest of the site shall be submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes shall be installed prior to the occupation of the development hereby approved and thereafter retained.
- 7) Access to the flat roof area of the development hereby permitted shall be used for maintenance or emergency purposes only and the flat roof shall not be used as a balcony, roof garden, patio or similar amenity area.
- 8) The first floor flank windows and the garage window 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.
- 9) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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 with Schedule 2, Part 1, Classes A, B, and C of that Order.
- 10) The development hereby permitted shall not commence until the details design of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:
 - a) A design that satisfies the SuDS Hierarchy and follows the principles set out in the approved drainage strategy.
 - b) Detailed drawings showing drainage layout, long or cross sections of each drainage element, pipe sizes and invert and cover levels.
 - c) Appropriate calculations to the elements above showing how the national SuDS standards have been met (if different from the approved strategy).
 - d) Details of outline construction phasing and how surface water and any associated pollution risk will be dealt with during the construction of the development, and how any on site drainage systems will be protected and maintained.

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

Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the SuDS scheme has been constructed in accordance with the approved scheme.

Appendix 2 – Costs Decision



The Planning Inspectorate

Costs Decision

Site visit made on 17 October 2018

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2018

**Costs application in relation to Appeal Ref: APP/P3610/W/18/3196610
55 Christ Church Mount, Epsom, KT19 8LZ**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr David Blackall for a full award of costs against Epsom & Ewell Borough Council.
 - The appeal was against the refusal of planning permission for the demolition of existing detached dwelling house and construction of a new detached dwelling house.
-

Decision

1. The application for an award of costs is partially allowed in the terms set out below.

Reasons

2. Irrespective of the outcome of the appeal, the National Planning Practice Guidance (PPG) states that an award of costs may only be made against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The appellant submits that the Council has acted unreasonably by providing vague, generalised or inaccurate assertions about the impact of the proposal which are unsupported by objective analysis or substantive evidence. It is also claimed that the Council have acted contrary to well-established case law in relation to the determination of planning applications and that they have not determined similar cases in a consistent manner. Finally, it is claimed that the Council have delayed development which should have been permitted having regard to the development plan and other material considerations, and that they did not review the case promptly following the lodging of the appeal.
4. The Council is not duty bound to follow the advice of its professional officers. However, if it is to reach an alternative decision, this has to be based on clear evidence to substantiate that reasoning. Within their statement, the Council provided detailed analysis of the street in terms of the heights of buildings and I am therefore satisfied that the Council have provided a suitable level of evidence to substantiate their concerns in relation to the proposal.
5. Despite this, the application followed a previously refused proposal for a replacement dwelling. The revised application was submitted to address the original concerns of the Council which centred on the effect of the proposal on

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the character and appearance of the area. Based on the evidence that I have before me, the previous application was not refused in relation to the effect of the proposal on the living conditions of adjoining properties.

6. Whilst the development that is the subject of this appeal is materially different to the previously refused scheme, the relationship with the neighbouring property is similar. Therefore, had the Council been concerned in relation to the effect on living conditions, this matter should have been raised in the original decision.
7. The previous decision is a material consideration in the determination of the revised proposal. The apportionment of weight is a matter for the decision-maker. However, due to the similarities between the proposals in relation to their effect on living conditions, the previous decision should have weighed heavily in the Council's assessment of the revised proposal. By introducing this matter in response to the revised proposal, the Council have failed to determine similar cases in a consistent manner. Therefore, the appellant has been put to unnecessary expense in addressing an additional reason for refusal that the Council did not previously impose and did not result in the appeal being dismissed.
8. The Council's Statement of Case was received after the prescribed deadline. However, an extension of time for the statement was agreed prior to its submission. The appellant suggests that the statement introduces new reasons to support its decision and does not support the original reasons for refusal. It is therefore claimed that this put the appellant to additional work in relation to amendments to their previously drafted statement.
9. The Council's statement only refers to the effect of the proposal on No 57. However, the transcript of the debate at planning committee that the appellant has provided makes it clear that the principal concern of the Council related to No 53. Despite this, there were also numerous references to No 57. I therefore consider that the Council's case was clear based on the transcript of the committee meeting. Although the focus of the Council's statement was different to that expected by the appellant, I consider that this would not have resulted in unnecessary or wasted expense on behalf of the appellant.
10. I also consider that the behaviour of the Council has not unnecessarily delayed development. The appeal would have still been necessary in relation to the effect of the proposal on the character and appearance of the area, particularly because the acceptability of the appeal on this point was not so clear cut as to render the Council's assessment as unreasonably flawed and thus preventing development that should clearly have been approved.
11. However, due to the introduction of a new reason for refusal not imposed on a similar preceding case, upon which the appeal did not turn, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that therefore, a partial award of costs is justified.

Costs Order

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that

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Epsom & Ewell Borough Council shall pay to Mr David Blackall, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in responding to the effect of the proposal on the living conditions of neighbouring properties; such costs to be assessed in the Senior Courts Costs Office if not agreed.

13. The applicant is now invited to submit to Epsom & Ewell Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Martin Chandler

INSPECTOR