



PLANNING COMMITTEE

Thursday 11 April 2019 at 6.30 pm

(Please note start time)

Council Chamber - Epsom Town Hall

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

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

Councillor Peter O'Donovan
Councillor Martin Olney
Councillor Vince Romagnuolo
Councillor Clive Smitheram
Councillor Mike Teasdale
Councillor Tella Wormington

Yours sincerely

Chief Executive

For further information, please contact Democratic Services, tel: 01372 732121 or democraticservices@epsom-ewell.gov.uk

AGENDA

1. DECLARATIONS OF INTEREST

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

2. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 32)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 14 March 2019 (attached) and authorise the Chairman to sign them.

3. 36 CHASE ROAD, EPSOM, KT19 8LT (Pages 33 - 48)

Felling of Holm Oak T17 of TPO 69 located at the side of the property.

4. SUNNYBANK HOUSE 39A EAST STREET EPSOM KT17 1BL 18/01508/REM (Pages 49 - 64)

Variation of Condition 8 (Contaminated land) of planning permission 17/01755/FUL to permit the verification report to be completed pre-occupation rather than pre-commencement.

5. NONSUCH PARK MANSION, NONSUCH PARK, EWELL ROAD, CHEAM, SURREY, SM3 8AL - 18/01309/FUL (Pages 65 - 76)

Change of use from offices to sleeping accommodation on the first and second floors to provide bedrooms for the wedding guests using the Grade II listed Nonsuch Park Mansion.

6. NONSUCH PARK MANSION, NONSUCH PARK, EWELL ROAD, CHEAM, SURREY, SM3 8AL - 18/00818/LBA (Pages 77 - 88)

Internal alterations to enable the upper floor to function as residential space for guests at weddings taking place at the house.

7. ST EBBAS FARM, HOOK ROAD, EPSOM, SURREY, KT19 8QW - 18/01453/FUL (Pages 89 - 116)

Permission to construct a 67m x 25m indoor arena, change the external materials on the existing indoor arena to match proposed arena, construct 6 no stable infill to match existing stables and creation of a new car park at Epsom Riding for the Disabled Association.

8. LOWER MILL, KINGSTON ROAD, EWELL, SURREY, KT17 2AH - 18/00743/FUL (Pages 117 - 168)

Demolition of existing office building and redevelopment to provide 53 no. extra-care apartments with associated facilities (within Class C2), including conversion and alternation of the Grade II Listed Mill House and Granary Buildings, with parking access, landscaping and other associated works.

9. LOWER MILL, KINGSTON ROAD, EWELL, SURREY, KT17 2AH - 18/00865/LBA (Pages 169 - 186)

Listed Building Consent to convert and alter two existing and vacant Grade II Listed Buildings into residential extra care (Use Class C2) use at the application site.

10. ALDI 379-393 KINGSTON ROAD EWELL KT19 0BS - 18/01202/REM (Pages 187 - 220)

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 for a temporary 1 year period.

11. LONDON ROAD LODGE, NONSUCH PARK, LONDON ROAD, EWELL, SURREY, KT17 2DL - 18/01421/ADV (Pages 221 - 230)

Installation of three signs; hanging sign, hoarding sign between two posts and sign above door at the pedestrian entrance.

12. COMMUNITY AND WELLBEING CENTRE, SEFTON ROAD EPSOM, SURREY, KT19 9HG - 18/01359/FUL (Pages 231 - 238)

Install two 6m high lamp posts in the car park located to the East of the site, along with two metal bollards. To the proposed lamp post adjoining the corner of the building, nearest to Sefton Road, one 200W LED lamp will be fitted. To the lamp post adjoining to flank wall of the building, two 220W light fittings will be installed.

13. APPEAL UPDATE REPORT (Pages 239 - 240)

The Committee is asked to note the appeal decisions from 27 February 2019 to 29 March 2019.

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Minutes of the Meeting of the PLANNING COMMITTEE held on 14 March 2019

PRESENT -

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

Absent: Councillor Humphrey Reynolds and Councillor Tina Mountain

Officers present: Ruth Ormella (Head of Planning), Tom Bagshaw (Planner), Claire Beesly (Assistant Solicitor), Karen Haizelden (Planning Officer), Martin Holley (Planning Development Manager), John Robinson (Senior Planner) and Sandra Dessent (Democratic Services Officer)

58 ELECTION OF VICE-CHAIRMAN

In the absence of the Chairman, Councillor David Reeve Vice Chairman, chaired the meeting and with the agreement of the Committee Councillor John Beckett acted as Vice Chairman.

59 DECLARATIONS OF INTEREST

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

139 Holmwood Road, Cheam, Surrey, SM2 7JS - 18/00998/FUL
Councillor Clive Smitheram, Other Interest: Known to the objector of the application, through his association with the Residents Association.

139 Holmwood Road, Cheam, Surrey, SM2 7JS - 18/00998/FUL
Councillor Jan Mason, Other Interest: Known to the objector of the application, through her association with the Residents Association.

139 Holmwood Road, Cheam, Surrey, SM2 7JS - 18/00998/FUL
Councillor John Beckett, Other Interest: Known to the objector of the application, through his association with the Residents Association.

139 Holmwood Road, Cheam, Surrey, SM2 7JS - 18/00998/FUL
Councillor Lucie Dallen, Other Interest: Known to the objector of the application, through her association with the Residents Association.

139 Holmwood Road, Cheam, Surrey, SM2 7JS - 18/00998/FUL

Councillor Martin Olney, Other Interest: Known to the objector of the application, through his association with the Residents Association.

139 Holmwood Road, Cheam, Surrey, SM2 7JS - 18/00998/FUL

Councillor Michael Arthur MBE FCIOB FCMI, Other Interest: Known to the objector of the application, through his association with the Residents Association.

139 Holmwood Road, Cheam, Surrey, SM2 7JS - 18/00998/FUL

Councillor Mike Teasdale, Other Interest: Known to the objector of the application, through his association with the Residents Association.

139 Holmwood Road, Cheam, Surrey, SM2 7JS - 18/00998/FUL

Councillor Tella Wormington, Other Interest: Known to the objector of the application, through his association with the Residents Association.

60 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting of the Planning Committee held on 13 February 2019 were agreed as a true record and agreed by the Chairman.

61 KINGS ARMS PUBLIC HOUSE 144 EAST STREET EPSOM KT17 1EY - 18/00315/FUL

Description

Demolition of existing building and erection of two linked four-storey buildings to provide 21 self-contained flats and associated development including hard and soft landscaping, car and cycle parking and refuse store.

Decision

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

Part A

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

- A commuted sum of £110,164 in lieu of the on-site provision of affordable housing
- In the event that the slab level is not completed within three years from the date of the planning permission a revised viability appraisal shall be submitted.
- Residential Travel Information Pack

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 14th June 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 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:

266(PL)02 rev B – Proposed Site Plan

266(PL)03 Rev B – Proposed Ground Floor Plan

266(PL)04 Rev B – Proposed First Floor Plan

266(PL)05 rev B – Proposed Second Floor Plan

266(PL)06 Rev B – Proposed Roof Plan

266(PL)15 – Proposed Third Floor Plan

266(PL)07 Rev B – Existing and Proposed Street Elevation (front)

266(PL)08 Rev B – Existing and Proposed Side Elevation 01

266(PL)09 Rev B - Existing and Proposed Rear Elevation

266(PL)10 Rev B – Existing and Proposed Side Elevation 02

266(PL)11 Rev B – Proposed Front Elevation

266(PL)12 Rev B – Proposed Side Elevation 01

266(PL)13 Rev B – Proposed Rear Elevation

266(PL)14 Rev B – Proposed Side Elevation 02

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) Sample panels of all of the external materials demonstrating the colour, texture, face bond and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved details before the building is occupied.**

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) No development, with the exception of demolition, 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.**

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 in accordance with Policy CS5 of the Core Strategy (2007).

- (6) No development, other than demolition, shall commence until a scheme of hard and soft landscaping has been submitted to the Local Planning Authority for approval, which shall include indications of all existing trees on the land, and details of any to be retained, together with measures for their protection, in the course of development. The scheme shall indicate the location and species of plants and trees to be planted on the site (including the location and details of three tree pits along the highway frontage). The approved scheme shall be implemented so that planting can be carried out during the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees of planted removed, dying, being damaged or**

becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

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

- (7) No site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown on the TREE SURVEY, ARBORICULTURAL IMPLICATION ASSESSMENT dated June 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 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 Core Strategy 2007.

- (8) Before any occupation of the development hereby permitted, the flank window of Flat T2 on the third floor 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 of the Development Management Policies Document 2015.

- (9) Before any occupation of the development hereby permitted, the balconies to Flat F6 (first and second floor) and Flat T4 (third floor) shall be provided with 1.7m high flank privacy screens, which shall thereafter be retained as such.

Reason: To protect the amenities and privacy of the adjoining flats in accordance with Policy DM10 of the Development Management Policies Document 2015.

- (10) Electric charging points shall be installed in 3 of the allocated parking spaces at the development. The charging points shall be

supplied with an independent 32amp radial circuit and must comply with BS7671. Standard 3 pin, 13 amp external sockets will be required. The sockets shall comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

Reason: To protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people in accordance with guidance under Paragraph 110 of the NPPF 2018.

- (11) 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) 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 (+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 Greenfield discharge rate of 1 l/s.

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 in accordance with Policy C6 of the Core Strategy 2007

- (12) 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, in accordance with Policy C6 of the Core Strategy 2007

- (13) The development hereby approved shall be constructed in accordance with the sustainable construction techniques and energy efficient measures outlined in the Sustainability Statement dated April 2018 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).

- (14) Prior to occupation of the development hereby permitted the applicant shall supply details of locations of bird and bat boxes, as well as swift bricks, 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.

- (15) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and 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, and to accord with the National Planning Policy Framework 2018 and Policy DM 37, of the Development Management Policies Document 2015.

- (16) 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) vehicle routing

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

(h) on-site turning for construction vehicles

(i) hours of construction

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 National Planning Policy Framework 2018 and Policy CS16 of the Core Strategy 2007.

- (17) The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with the approved plans for secure parking for a minimum of 35 bicycles within the development site, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of 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 National Planning Policy Framework 2018 and Policy CS16 of the Core Strategy 2007.

- (18) The development hereby approved shall not be first occupied unless and until the proposed modified access to East Street has been constructed in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.**

Reason: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy CS16 of the Core Strategy 2007.

- (19) The development hereby approved shall not be first occupied unless and until the two Western most existing accesses from the site to East Street 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, and to accord with the National Planning Policy Framework 2018 and Policy CS16 of the Core Strategy 2007

- (20) 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.

- (21) 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.

- (22) Prior to the commencement of development, details/sections of all eaves, parapets, windows (including head, sill and window reveal details), rainwater goods, extraction ducts, balustrades, 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.

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 fact that this planning permission is liable for Community Infrastructure Levy payments (CIL).
- (3) If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.
- (4) If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.
- (5) A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
- (6) The permission hereby granted shall not be construed as authority to 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. Please see:

www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs
- (7) The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
- (8) 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).
- (9) 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.

(10) **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**

(11) **It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:**

<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html>

for guidance and further information on charging modes and connector types.

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

Note: 'The Committee discussed the potential to introduce allocated parking and following the meeting the Head of Planning secured an agreement with the applicant to add an additional condition to address the issue.'

62 FORMER POLICE STATION, CHURCH STREET, EPSOM KT17 4PS - 17/01586/FUL

Description

The demolition of the former police station, and the erection of two residential blocks comprising a total of 29 residential units (11x1bed, 11 x2 bed and 7x3 bed), with associated car parking and landscaping.

Decision

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

Part A

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

- Provision of two social rented units on site or if this is not possible, a commuted sum of £299,880 in lieu of the on-site provision of affordable housing
- A mechanism to review the viability of the development in the event that it does not reach completion of the ground floor slab level within three years from the date of the planning permission.

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

Part B

In the event that the section 106 Agreement referred to in Part A is not completed by the 14 June 2019 the Head of Planning is 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 housing or a commuted sum in lieu of the on-site provision of affordable housing.

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:**

Plan Nos. - Description - Date received :

17.2538.118 Rev P6 Proposed Elevations Block A Jan 2019

17.2538.119 Rev P5 Proposed Elevations Block B Jan 2019

17.2538.121 Rev P6 Proposed Context Elevations and Site Section Jan 2019

17.2538.116 Rev P5 Proposed First Floor Layout Jan 2019

17.2538.115 Rev P5 Proposed Ground Floor Layout Block B Jan 2019

17.2538.110 Rev P6 Proposed Site/ Roof Layout Section Jan 2019

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

- (3) Prior to the commencement of development, details and samples of the external surfaces 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 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: 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 DM8 and DM10 of the Development Management Policies 2015.

- (5) No development, groundwork or site clearance shall be carried out until a full Arboricultural Method Statement (AMS) and Tree Protection Plan have been submitted to and approved by the Local Planning Authority. This will include all trees within the red line of the application as well as the mature Cedar street tree on Church Street just outside the curtilage of the site. The AMS will include 'trial hole' investigation data, a building foundation design specification (including appropriate section drawings) for any part of the building within a Root Protection Area (RPA) and will also include details of all new services outside of RPAs, or acceptable methodology for working within RPAs. All works prescribed, both to trees and that related to construction activities shall be undertaken in strict accordance with this information. The protective measures, including fencing and ground protection, in accordance with this information shall be installed prior to any construction or groundwork commencing on the site and will remain until the development is complete.**

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. To ensure protection and long term viability of retained trees

- (6) 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. The detailed landscaping scheme identifying all existing trees, shrubs and hedges to be retained and include existing and finished levels information around retained trees has been submitted to and approved by the local planning authority in writing. The landscape scheme will also identify new species, planting sizes, planting**

distances, density, numbers and provisions for the future maintenance of all new planting.

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.

- (7) 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.

- (8) 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.

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

size, species and number, unless otherwise agreed in writing by the local planning authority.

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

- (10) 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.

- (11) No development including any works of demolition or preparation works prior to building operations shall take place on site 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 and shall include:

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

(b) loading and unloading of plant and materials

(c) storage of plant and materials used in constructing the development

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

(e) provision of boundary security hoarding behind any visibility zones

(f) wheel washing facilities

(g) measures to control the emissions of dust and dirt during construction

(h) a scheme for the recycling/disposing of waste resulting from demolition and construction works

(i) hours of operation.

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.

- (12) No development shall take place until details of existing and proposed finished site levels, finished floor and roof levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.**

Reason: In order to safeguard the visual amenities of the area / In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.

- (13) No development shall be occupied until 24 car parking spaces have been laid out and 36 secure and covered cycle parking spaces have been provided. Turning areas indicated shall be used and retained exclusively for its designated purposes.**

Reason: In Order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of policy CS16 of the Core Strategy (2007) and DM36 and DM37 of the Development Management Policies 2015.

- (14) No development shall be occupied until 6 spaces, (with a further 6 becoming available in the future if demand warrants it), have been fitted with fast charge sockets 7kw Mode 3 with Type 2 Connector 230v AC 32 Amp Single Phase dedicated supply.**

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) and DM36 of the Development Management Policies 2015

- (15) 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 and shall include 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).

- (16) The development hereby approved shall be carried out in accordance with the protection, mitigation and enhancement measures detailed in the ecological assessment and plan of implementation prior to the first occupation of the development in accordance with the approved timetable detailed in the ecological assessment and plan. This will include bat boxes and swift bricks, sparrow terraces and other specialist habitats as required by Council Officers. The approved measures shall thereafter be maintained

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

- (17) No external lighting shall be installed on the site or affixed to any buildings except the two main residential blocks or placed within the site unless the local planning authority has first approved in writing details of the position, height, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties and visual amenity in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

- (18) 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 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.

- (19) No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

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

- (20) No development shall take place until details for the storage and collection of waste on the premises, including the design and position of storage facilities for bins, recycling and the method of waste collection and disposal have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the development and thereafter maintained for the duration of the development.**

Reason: In the interests of residential and visual amenity, and to encourage waste minimisation and recycling of domestic refuse, in the interests of sustainable development in accordance with Policies CS5 and CS6 of the Core Strategy (2007) and Policy DM10 and DM12 of the Development Management Policies 2015.

- (21) No development shall take place until a written Waste Minimisation Statement, confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the local planning authority. The measures shall be implemented in strict accordance with the approved details.**

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced in accordance with Policy CS6 of the Core Strategy (2007).

- (22) The development hereby permitted shall not be occupied, until details of the hard surfaced areas shall be 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.

- (23) No development shall take place until a scheme for the suitable treatment of all plant and machinery/air handling equipment against the transition of sound and/or vibration to the residential dwellings has been submitted to and approved in writing by the local planning authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and thereafter retained as such.**

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

- (24) The main flat roof of both residential blocks 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.

- (25) Prior to occupation of the development all details of the residential balconies including privacy screening be submitted to the Local Planning Authority for consideration and approval and then implemented in accordance with the approved details.

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.

- (26) Prior to the occupation of the development, the existing eastern most access shall be provided with a sign stating entry facing the carriageway (on the other side the sign shall state no exit) and the western most access shall be provided with a sign stating exit facing the development (on the other side if the sign it shall state no entry) in accordance with a plan and details to be submitted to, and agreed in writing with the local planning authority. The signage shall be retained in perpetuity.

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 2012 and Core Strategy Policy CS16 of the Epsom & Ewell Core Strategy.

Informatives:

- (1) 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.

- (2) 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.
- (3) The applicant is advised to contact Epsom and Ewell Borough Council at an early stage to discuss naming and numbering of the development on 01372 732000. For further information see <http://www.epsom-ewell.gov.uk>
- (4) This form of development is considered liable for the Community Infrastructure Levy (CIL). CIL is a non-negotiable charge on new developments which involve the creation of 100 square metres or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100 square metres. The levy is a standardised, non-negotiable charge expressed as pounds per square metre, and are charged on the net additional floorspace generated by a development. You will receive more information regarding the CIL in due course. More information and the charging schedule are available online <http://www.epsom-ewell.gov.uk>.
- (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 un-cleaned 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 the applicant. Letters of representation had been published on Council's website and were available to the public and members of the Committee in advance in the meeting.

63 139 HOLMWOOD ROAD, CHEAM, SURREY, SM2 7JS - 18/00998/FUL

Description

Subdivision of existing property and erection of new build 4 bedroom dwelling house.

Decision

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

Conditions:

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

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

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

SM2 7JS Drawing No. 1001 – Proposed Site Plan

SM2 7JS Drawing No. 1002 – Proposed Site Ground Plan

SM2 7JS Drawing No. 1003 – Proposed Site Section

SM2 7JS Drawing No. 1004 – Proposed Ground Floor Block Plan

SM2 7JS Drawing No. 1005 – Proposed Ground Floor Block Plan

SM2 7JS Drawing No. 1006 – Proposed Basement Floor Plan

SM2 7JS Drawing No. 1007 – Proposed Ground Floor Plan

SM2 7JS Drawing No. 1008 – Proposed Mezzanine Floor Plan

SM2 7JS Drawing No. 1009 – Proposed Roof Plan

SM2 7JS Drawing No. 1010 – Proposed Section AA

SM2 7JS Drawing No. 1011 – Proposed Section BB

SM2 7JS Drawing No. 1012 – Proposed Section CC

SM2 7JS Drawing No. 1013 – Proposed Front Elevation

SM2 7JS Drawing No. 1014 – Proposed Rear Elevation

SM2 7JS Drawing No. 1015 – Proposed 01 Side Elevation

SM2 7JS Drawing No. 1016 – Proposed 02 Side Elevation

SM2 7JS Drawing No. 1017 – Proposed Details

SM2 7JS Drawing No. 1018 – Proposed 3D Axo 01

SM2 7JS Drawing No. 1019 – Proposed 3D Axo 02

SM2 7JS Drawing No. 1020 – Proposed Visual

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 occupation of the development, details and samples of the external materials to be used for the development, including roofing detail of low reflectivity, 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 part of the development shall be first occupied until the proposed vehicular access 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 over 0.6m high.**

Reason & Policy: 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.

- (5) No development shall commence until a Construction Transport Management Plan has been submitted to and approved in writing by the Local planning Authority. The plan must 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) provision of boundary hoarding behind any visibility zones

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 & Policy: 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.

- (6) Before any of the operations hereby approved are started on site, a pedestrian inter-visibility splay of 2m by 2m shall be provided on the east side of the access, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility 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, 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.

- (7) The garage or car parking accommodation shown upon the approved drawings shall be provided with a hard bound dust free surface, adequately drained before the development to which it relates is occupied and thereafter it shall be kept free from obstruction at all times for use by the occupier of the development and shall not thereafter be used for any purposes other than the parking of vehicles for the occupiers of the development and visitors to it.**

Reason: To 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.

- (8) Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses or buildings shall be erected within the curtilage.**

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the

cohesive appearance of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.

- (9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no windows or other openings (other than those hereby approved) shall be formed in the side walls of the building hereby approved without the prior written consent of the Local Planning Authority.**

Reason: To protect the amenities and privacy of the occupiers 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.

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

Reason: To protect the amenities and privacy of the occupiers 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.

- (11) Unless otherwise agreed in writing by the Local Planning Authority, the balcony/terrace(s) hereby approved shall not be used for amenity purposes until a privacy screen has been affixed around the entirety of the [east, west] side(s) of the balcony/terrace to a height of 1.7m as measured from the floor level of the balcony/terrace. Aside from essential fixings, the screen(s) shall be constructed entirely of, and retained in, obscured glazing to a minimum of level 3 on the standard scale. Any film used to achieve the requisite obscurity level shall be non-perishable and tamper-proof, and must be replaced in the event that it ceases to result in obscurity to level 3.**

Reason: To protect the amenities and privacy of the occupiers 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.

- (12) 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.

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).

- (13) No development shall take place until details of the implementation, adoption, maintenance and management of a sustainable drainage system have been submitted to and approved in writing by the local planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

Reason: These details are required prior to commencement of development because the details would affect the subsequent design of other elements of the scheme and must be agreed at the outset and to prevent the increased risk of flooding in accordance with Policy CS6 (Sustainable Development) of the LDF Development Management Policies Document Adopted October 2015.

- (14) The proposed development should not be commenced until the applicant has submitted an FRA (Flood Risk Assessment) which demonstrates that finished floor levels will be set 300mm above the 1% AEP plus 35% climate change flood level or alternative flood mitigation measures that have been submitted and agreed in writing by the Local Authority in consultation with the Environment Agency.

Reason: To reduce the impact of flooding both to and from the proposed development and third parties in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007).

- (15) The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, including the treatment of boundaries and means of enclosure. Such scheme shall include the location of all existing trees and hedgerows on the site and details of those to be retained. The approved scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the buildings hereby approved.

Reason: In the interests of visual amenity and also that the Local Planning Authority shall be satisfied as to the details of the development in accordance with Policy DM10 (Design Requirements

for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.

- (16) No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for a minimum of 2 cars to be parked. The parking areas shall be used and retained exclusively for its designated use.

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

- (17) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following occupation of the buildings or completion of the development, whichever is the sooner; any trees or plants which, within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that these works are properly implemented and maintained and in the interest of visual amenity in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.

- (18) Bat, swift bricks and bird boxes are to be installed on the dwelling, to enhance the biodiversity interest of the site. The boxes shall be installed 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

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) You have been granted planning permission to build a residential extension. 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.
- (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.
- (5) 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".
- (6) 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-dropped-kerbs

- (7) **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 un-cleaned 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).**
- (8) **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**
- (9) **The applicant is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to guard rails, street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.**

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

Note: In the interests of openness and transparency, it was noted that Councillors Arthur, Beckett, Dallen, Mason, Olney, Reeve, Smitheram, Teasdale and Wormington were known to the objector of the application through their association with the Residents Association.

64 MONTHLY REPORT ON PLANNING APPEAL DECISIONS

The Committee noted the appeal decisions from 21 January to 25 February 2019.

The meeting began at 7.30 pm and ended at 9.59 pm

36 Chase Road, Epsom, KT19 8LT

Felling of Holm Oak T17 of TPO 69 located at the side of the property.

Ward:	Town Ward;
Contact Officer:	Jeremy Young

1 Plans and Representations

- 1.1 Additional information under consideration in this item can be found in the appendix attached to this report:

Annex 1 – Letter of objection

Annex 2 - Tree amenity appraisal 1

Annex 3 – Tree amenity appraisal 2

Annex 4 – Plan of tree location

2 Summary

- 2.1 This report is for the Planning Committee to consider whether to confirm Tree Preservation Order (TPO) No. 463 following an objection to the order being made by the tree owner's representative.
- 2.2 Tree Preservation Order No.69 was made in 1973 and protected a number of trees. The tree owner applied to fell one of the protected trees being the Holm Oak (18/00538/TPO), which the Local Planning Authority refused. This led to the tree owner appealing the decision with the Planning Inspectorate.
- 2.3 Upon closer inspection it became clear that the tree to be felled had been misidentified as an Eleagnus when it is a Holm Oak.
- 2.4 There is a formal variation process for TPO's, however it was considered fairer to issue a new TPO giving the owner the opportunity to object and for that to be considered by the Planning Committee.
- 2.5 The Planning Inspectorate have informed the Council that the appeal lodged against the refusal of felling will be held in abeyance until 1/5/2019 to allow the six month period for the new order to be considered for confirmation. Should the order be confirmed the Planning Inspectorate will then take the appeal out of abeyance and will progress it through to a decision.
- 2.6 A letter received on 7th November 2018 sets out the objection to the order by the tree owner's representative.

- 2.7 Despite the objection to the making of the Order, it is considered that the tree has special amenity value. It is recommended that the TPO be **CONFIRMED**.

3 Site Description

- 3.1 36 Chase Road is a semi-detached house thought to have been built in the early 1930's. The property occupies a corner plot on the junction between Chase Road and Temple Road. At the side of the property is a large garden which originally extended as far as No. 2 Temple Road but the garden was subdivided in 1964 and the detached house of 2A Temple Road constructed on the bottom half of the rear garden.
- 3.2 The Holm Oak tree subject of this TPO is situated in the fairly spacious (front) garden area to the side of No.36 Chase Road. The centre of the tree is about 1.5m back from Temple Road a few metres up from the junction with Chase Road. There is a much smaller rear garden to No.36 as much of the garden space is taken up by the garage, sheds and a greenhouse. The front garden is mainly laid out with a crazy paving hard standing with occasional shrubs in the perimeter borders. On the other side of Temple Road is a large companion tree which is a Copper Beech. The Beech looks like it is nearing the end of its useful life expectancy as there are signs of branch tip retrenchment. There is a middle aged Cedar in the front of 2A Temple Road and a solitary Lime street tree in Chase Road but few other trees of note with significant landscape scale in near proximity. The area has a character of more densely built form and the few significant trees help soften the environment immensely.
- 3.3 The site is on the busy urban fringe of the town centre where it connects into the residential suburbs. There is a high footfall of pedestrians in the area as Epsom Town Centre is only 350m away and the mainline railway station is within 275m. Equally the area has a high level of vehicle movements as this is a secondary approach route to the town. The tree is visually prominent in the public realm and the high levels of traffic mean it can be seen by many people.
- 3.4 The Holm Oak tree is a middle aged specimen estimated to be 80 years old. The species can have a life expectancy of 200 years and are fairly long lived trees, although this tree does not appear to have grown significantly larger in the last 12 years. This tree has been sensitively crown reduced on a few occasions in the past and as a consequence has a spreading dome shaped crown which is wider than it is tall. Maximum height measurement is 14m while radial spread 8.2-9.5m. The stem diameter at 500mm above ground level measures 885mm.

- 3.5 Condition assessment of the tree has confirmed that it is in a good healthy condition. There is no sign of stem or basal decay. A large stem that arched across the road was removed over 15 years ago. This was undertaken as an emergency as the branch was struck by a high sided vehicle. The pruning cut of the excised stem can be seen at the trees base. There is minor decomposition of the wound surface with small areas of cubical decay but no evidence the decay is colonising deeper into the stem or root plate. Holm Oak wood is durable and resists decay well. The crown is slightly asymmetrical in form, mainly because of the stem removal on the highway side and flattening from competition with the crown of the Beech tree opposite.
- 3.6 The main trunk of the Holm Oak divides at 1.25m into 6 branches. One of the branches that divides again arches over Chase Road and has a notable seam of included bark. This branch would benefit from weight reduction in line with the pavement arc/double yellow lines.
- 3.7 The canopy is dense. Leaf size and colour is normal. Despite the expansive area of hardstanding around the base of the tree it appears to have good vitality.
- 3.8 Holm Oak trees are a Mediterranean species that have been cultivated in this country since the 16th Century. They form stately large trees, and are perfectly hardy in the South of England. They can grow to heights of 20m.

4 Comments from third parties

- 4.1 Not applicable because the tree does not overhang any adjoining neighbours the TPO has only been served on the tree owner.

5 Consultations

- 5.1 Not applicable because the tree does not overhang any adjoining neighbours the TPO has only been served on the tree owner.

6 Relevant planning history

Application number	Decision date	Application detail	Decision
18/00028/REF	Pending	Appeal	Held in abeyance
18/00538/TPO	3/9/2018	Felling of Holm Oak	Refused
13/00744/TPO	04/11/2013	Crown reduction lifting and thinning of Holm Oak	Permitted
07/00406/TPO	5/10/2007	Pruning or felling of Holm Oak	Part Permit Part Refuse
25053	1964	Detached House with garage	Permit

7 Planning Policy

National Policy Planning Framework (NPPF) 2018

Chapter 11 Conserving and enhancing the natural Environment

Core Strategy 2007

Policy CS1 Sustainable Development
Policy CS5 Built Environment

Development Management Policies Document 2015

Policy DM5 Trees and Landscape
Policy DM9 Townscape Character and Local Distinctiveness

8 Planning Consideration

8.1 Amenity Considerations

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

- 8.3 To define what amenity means in practice, the Council's procedure is to use a systematic scoring system to evaluate whether a tree/s has sufficient amenity to justify the serving of a TPO. This also ensures a consistent approach to tree protection across the Borough. In considering the amenity value such factors as the size, age, condition, form, rarity, prominence, screening value, appropriateness to setting and presence of other trees are taken into account.
- 8.4 Before considering the making of this TPO two tree amenity value assessments were undertaken: - The Tree Evaluation Method for Preservation Order (TEMPO), and the Helliwell Appraisal System. These systems were used to evaluate whether a TPO in this case is defensible and justified. Under these appraisal system the tree achieved an exceedingly high score which is felt justified the making of the TPO. The amenity appraisal demonstrates that it is both expedient and appropriate to protect the Holm Oak in the interest of amenity. The tree amenity evaluation appraisals are attached to this report.
- 8.5 The Holm Oak is a healthy large spreading tree with notable dominance to its setting at this busy junction. It makes a pleasant contribution to the amenity of the landscape. The tree is a very eye-catching visual tree feature of the street, its loss would be highly noticeable, and it would create a huge gap in tree cover leaving harsher urban contours. If it were to be removed there is no doubt that it would be missed by the public.
- 8.6 Although a large tree and currently in need of pruning to at least raise the crown, the tree is well apportioned to the site. The spacious front garden affords the tree considerable growing space and it is doubtful it could ever overhang the house. The tree seems to occupier its space and with maintenance is well suited to this position.
- 8.7 Consideration of the Objection
- 8.8 The Objection to the TPO centres on the perceived injustice of the Councils action to place the tree under TPO. In particular the objector raises complaint that the tree owner has been led to believe the tree was protected when it wasn't and how this has placed them under a costly maintenance burden.
- 8.9 Officers agree that the making of a new order in these circumstances on the face of it might appear harsh, but from more detailed investigation it appears only to correct a tree identification error and protect the tree that was originally intended to be protected, indeed which all parties seem to believe was the protected tree for years.

- 8.10 Analysis of the aerial photography from 1969 show two more substantial trees in the side garden of No, 36 Chase Road. One is believed to be the Holm Oak but the other is unknown. However the unknown tree appears to be much closer to the house than what is thought to be the Holm Oak tree. The position of the tree closer to the house doesn't tally with the original plotted position of the Eleagnus in the TPO but the Holm Oak does. Also the tree in the position of the Holm Oak in the aerial photography from 1969 has the same shaped crown in profile except smaller which would be an incredible coincidence if this was a different tree. The 1981 aerial photographs show the tree that was closer to the house has gone but the tree with the same crown shape as the Holm Oak is still there. No application has been approved to fell any protected tree at the property so if the tree intended to be protected is not the Holm Oak it poses the question what happened to the protected Eleagnus?
- 8.11 The cost associated with maintaining the tree is a cost that would be incurred by the applicant even if the tree wasn't protected by TPO. Tree maintenance costs are not generally a material planning consideration. The Planning history indicates that the tree has only had consent for pruning twice excluding the incident of the damaged branch. The costs indicated to not appear that high over a 40 year period.
- 8.12 Officers have sympathy with the tree owner's ongoing maintenance liability but point out that the tree has a decent growing space because of the spatial separation from the house. For a tree in an urban environment it has caused virtually no damage to its hard surface setting. The tree doesn't appear to be causing a high degree of nuisance despite its scale.
- 8.13 In relation to the leaf litter nuisance and other detritus these issues are common place where dwellings are located in areas with mature trees. Although it is a maintenance chore to clear this kind of debris it is generally considered to be part of everyday life and not a reason in itself to prevent the protection of significant trees. The canopy of the tree dominates the side front garden but there are still areas of the garden away from the tree which can be used. The tree causes very little shading impact on the rooms of the house because of the clearance and orientation factors.
- 8.14 Nothing in the objection challenges the assertion the Council makes about the high amenity contribution that the tree provides.

9 Conclusion

- 9.1 The Holm Oak tree is highly visible in the street scene and makes a very important contribution to the verdance of the setting. The tree is something of a landmark, it is well juxtaposed with the built form, of good condition and potential longevity.

- 9.2 Officers believe that the tree definitely merits a TPO on account of its exceptional high amenity value. If the TPO is not confirmed the tree could be felled which would be harmful to the landscape character of the area.
- 9.3 Although there are sensibilities to the tree owners objection, making of the new tree preservation order only appears to correct a previous tree identification error and serves to formalise the protection of a tree which all parties believed to be the case anyway.
- 9.4 Should the TPO be confirmed it is felt this would not unduly prejudice the rights of the tree owner as their felling appeal will still be considered by the Planning Inspectorate. The appeal process normally evaluates both the case for the Council and the case for the Appellant after considering the amenity value of the tree.
- 9.5 It is the Officers view that the objections raised against the making of Tree Preservation Order No. 463 do not override the public interest to protect the trees as an amenity and natural feature.

10 Recommendation

- 10.1 The Tree Preservation Order No. 463 is confirmed without modification.
- 10.2 That Tree Preservation Order No.69 is modified to remove the reference to the Eleagnus T17.

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Ruth Ormella
Head of Planning
Epsom and Ewell Borough council
Town Hall
The parade
Epsom
KT18 5BY



Dear Ms Ruth Ormella:

RE: Tree Preservation Order No 463, 2018 36 Chase Road, Epsom KT19 8LT

I want to object to the TPO issued for the Holm Oak three at the above address, for the reason that there was never a TPO on this tree for the past 40 years where my parents have been living at this property. My parents have been maintaining the tree over the years through the planning permission of the council every 4-5 years incurring cost around £1,500. My parents had the understanding that the tree had a TPO and had to require permission from the council to fell the tree.

When a request was submitted to fell the tree, the permission was refused. My parents appealed to the Enforcement and Specialist Casework Division in Bristol and it was then discovered that the tree had no TPO. Apparently the council's records had a TPO on a different tree and when Mr Jeremy Young visited the premises he said this is the wrong tree and it has no TPO. He then had delivered a new TPO for the tree at the premises without any prior consultation.

We feel that's not a fair process in implementing a TPO regulation.

I therefore, would request you to reconsider this TPO and I would be prepared to meet you in person to discuss it any further.

Yours Sincerely,

A black rectangular redaction box covering the signature of Thomas Montalto.

Thomas Montalto
56 Delaporte Close
Epsom KT17 4AU

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Tree/Site: Holm Oak, 36 Chase Road, Epsom, KT19 8TL.
Surveyor: Jeremy Young. Date 31/10/2018.

Data Sheet for Trees

TREE NUMBER	SCORE	NOTES
1. Size 0 less than 2m ² 0.5 very small 2 - 5m ² 1 small 5 - 10m ² 2 10 - 20m ² 3 20 - 30m ² 4 medium 30 - 50m ² 5 50 - 100m ² 6 large 100 - 150m ² 7 150 - 200m ² 8 very large 200m ² +	8	average spread by height 17m x 14m = 238
2. Expected duration 0 less than 2 years 1 2-5 years 2 5-40 years 3 40-100 years 4 100+ years	4	Life expectancy of Holm Oak 150 -200 years. Holm Oak estimated age 80 years.
3. Position (Importance in the Landscape) Private assessment 0.25 Little importance: trees on remote parts of large country estates 0.5 Some importance: garden trees in groups of no particular individual importance 0.75 Considerable importance: prominent garden trees 1.0 Great importance: main feature or focal point Public assessment 0 No importance: trees not visible from any public vantage point 0.5 Very little importance: trees only seen with difficulty or by a very small number of people 1 Little importance: most trees in woodlands, back gardens or in groups of trees, etc. 2 Some importance: individual roadside trees. Trees close to busy roads. Trees in public parks. 3 Close to public footpaths in grounds of hospitals, colleges etc. Considerable importance: prominent individual trees in well-frequented places such as town centres, shopping centres, etc. 4 Great importance: trees which are of crucial importance as the principal feature of a public place	1	
4. Other trees 0.5 more than 70% of the visual area covered by trees, and at least 100 trees in total 1 more than 30% of the visual area covered by trees, and at least 10 trees in total 2 more than 10% of the visual area covered by trees, and at least 4 trees in total 3 less than 10% of the visual area covered by trees, but at least one other tree present 4 no other trees present in the area under consideration	3	
5. Relation to setting 0 totally unsuitable 0.5 moderately unsuitable 1 just suitable 2 fairly suitable 3 very suitable 4 particularly suitable	3	
6. Form 0.5 Trees which are of poor form 1 trees of average form 2 trees of above average form	1	

8x4x5x3x3x1x33.01 = £47,534.40p



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TREE EVALUATION METHOD FOR PRESERVATION ORDERS

Agenda Item 3
Annex 3

SURVEY DATA SHEET & DECISION GUIDE

Date: 6/10/2015	Surveyor: Jeremy Young
-----------------	------------------------

Tree details

TPO Ref: TPO 463

Tree/Group No:

Species: Holm Oak - Quercus ilex

Owner (if known): Mr and Mrs Montalto

Location: 36 Chase Road

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

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

Score & see report

5

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

Refer to 'Species Guide' section in Guidance Note

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

Score & see report

5

c) Relative public visibility & suitability for TPO:

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

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

Score & see report

5

d) Other factors

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

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

Part 2: Expediency assessment

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

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

Part 3: Decision guide

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

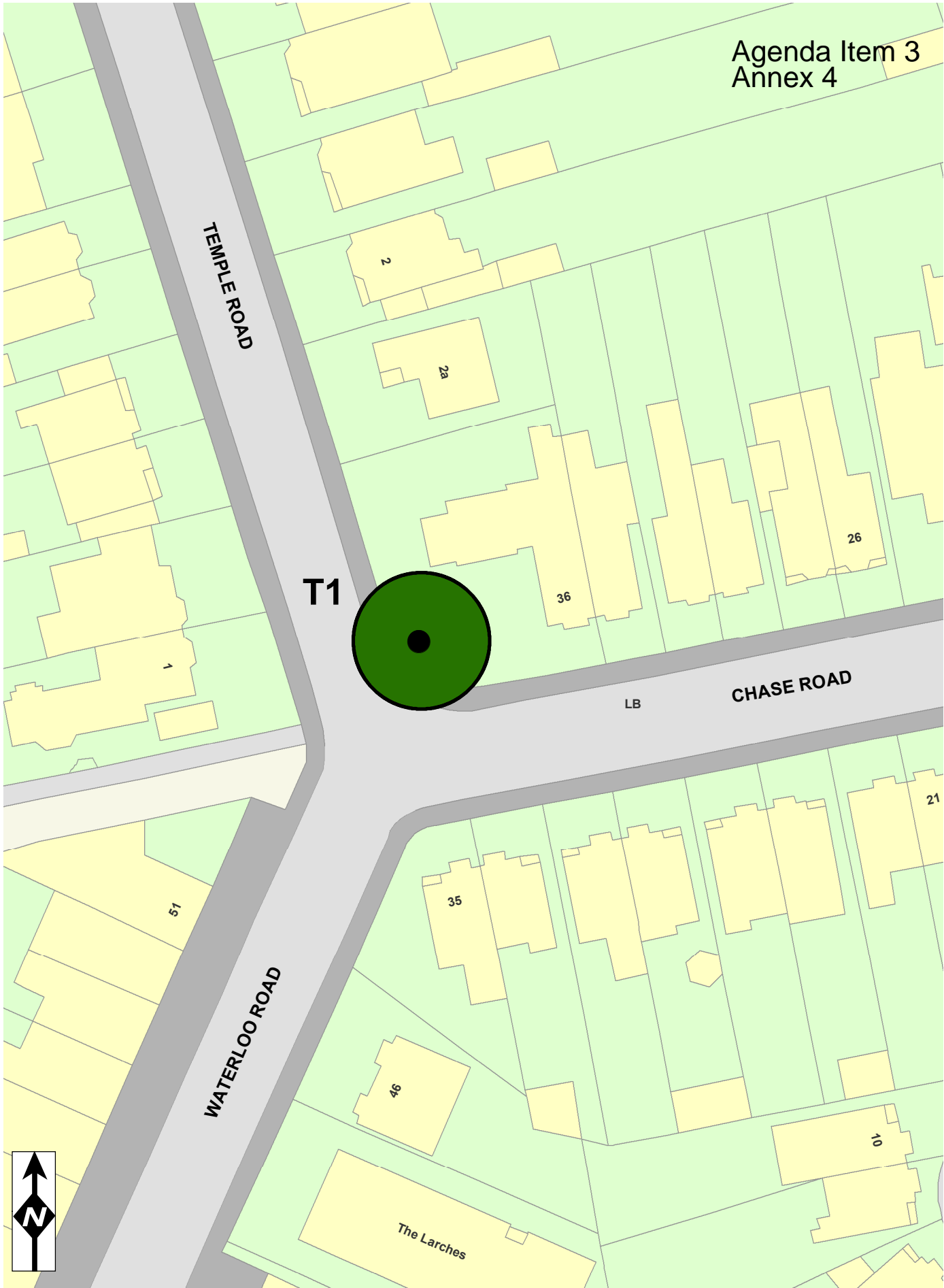
Add Scores for Total:

25

Decision:

TPO recommended

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Created by: Jeremy Young

Reference: TPO 463

Revision No:

Date: 31/10/2018

Tree Preservation Order at - 36 Chase Road, Epsom
T1 - Holm Oak (Quercus ilex)

1:500



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Sunnybank House 39A East Street Epsom KT17 1BL

Variation of Condition 8 (Contaminated land) of planning permission 17/01755/FUL to permit the verification report to be completed pre-occupation rather than pre-commencement.

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=PLQLC7GY0BY00>

2 Summary

- 2.1 This application seeks the variation of Condition 8 (Contaminated Land) of planning application 17/01755/FUL, granted in September 2018 by the Planning Committee, to allow the verification report to be completed at the pre-occupation stage instead of the pre-commencement.
- 2.2 The variation of the condition would not result in the development posing unacceptable risks to workers, neighbours and other offsite receptors, and therefore is not contrary to Policy DM17 of 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 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.

3.4 Bradford House has now been demolished

4 Proposal

4.1 The application seeks the variation of Condition 8 (Contaminated Land). The original condition was worded as follows:

(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

4.2 The proposed amended wording is set out below (changes highlighted in **bold** text):

(8) Unless otherwise agreed by the Local Planning Authority, the following must be undertaken prior to **the occupation of** 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

5 Comments from third parties

- 5.1 The application was advertised by means of a site and press notice, and letters of notification to 17 neighbouring properties. To date (28.03.2019) no letters of objection have been received.

6 Consultations

- 6.1 Contaminated Land Officer: 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
18/01010/REM	06.02.2019	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.	Granted
18/01012/COND	27.10.2018	Details pursuant to Condition 2 (Materials) 3(Landscaping) 7(Waste Management) 12 (Access Control) 15 (CMTP) 17(SuDS) 20 (Site Levels) of planning permission 17/01755/FUL	Under Consideration
18/01098/COND	31.10.2018	Details pursuant to Condition 23 (Management Plan) of planning permission 17/01755/FUL	Discharged

8 Planning Policy

National Policy Planning Framework (NPPF) 2018

Chapter 15: Conserving and enhancing the natural environment

Core Strategy 2007

Policy CS6 Sustainability in New Developments

Development Management Policies Document 2015

Policy DM17 Contaminated Land

9 Planning considerations

Proposed amendment to Condition 8 (Contaminated Land)

- 9.1 The applicant has justified the proposed amendment to condition 8 by stating that the wording used in the original approved application (17/01755/FUL) described the condition as a pre-commencement condition. However, they state that the information required to discharge it can only be provided at the end of the construction period as it refers to the chemical certification analysis of the final top soil dressing provided on the site.
- 9.2 They propose that once the development has been completed they would then complete the soil remediation and landscaping works and present one verification report to the Contaminated Land Officer covering soil remediation approval. Once the verification report has been approved, the condition could be discharged.
- 9.3 The E&E Contaminated Land Officer has considered the proposed amendment and justification and has no objections as the officer acknowledges that *“remedial works would normally be undertaken during the latter parts of the construction process upon nearing completion on site, and this would not be possible with a “pre-commencement” condition imposed”*
- 9.4 It is therefore considered that the proposed variation would not result in the development posing an unacceptable risk to workers, neighbours or any other offsite receptors by the amendment to the contaminated land condition.
- 9.5 The variation in condition will allow the development to progress and is considered to be acceptable.

10 Conclusion

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

11 Recommendation

11.1 Part A

Subject to a new legal agreement (under the same terms as the extant agreement) being completed by 12th July 2019 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.

11.2 Part B

In the event that the section 106 Agreement referred to in Part A is not completed by 12th July 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 the occupation of 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 BH307-1/211/D) shall be used for student accommodation only and for no other purpose (including any other purpose within Use Class Sui Generis 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 BH307-1/211/D) 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 1 in 1yr 2.6 litres/sec, 1 in 30yr 3.5 litres/sec and 1 in 100 year 4 litres/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 university/college students who are enrolled on an educational course within the Borough.

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

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

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

- (23) The development shall be carried out strictly in accordance with the Student Management Plan approved under application 18/01098/COND dated 31.10.2018

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

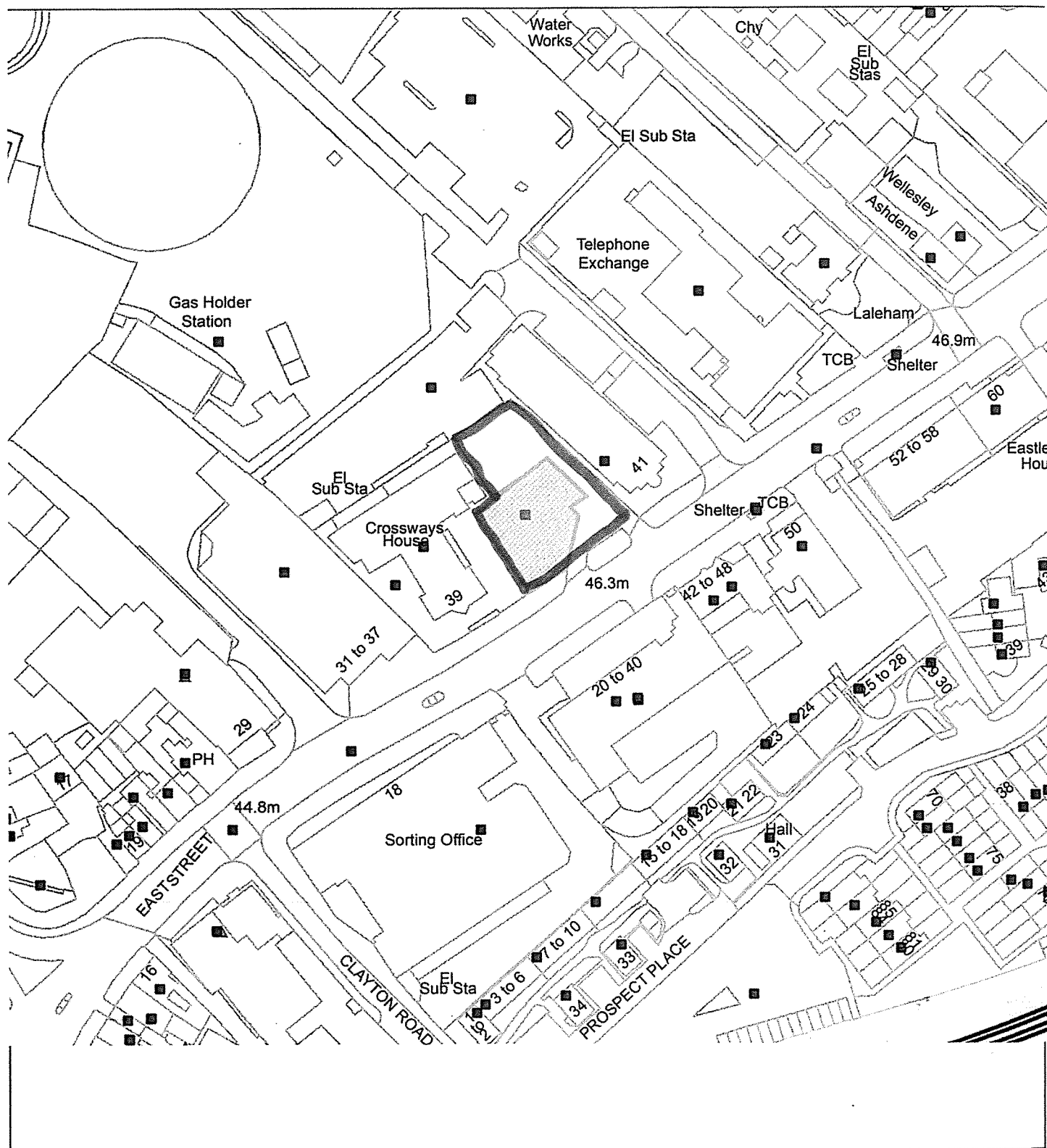
Document (AD) Buildings Regulations (2015), at Appendix A paragraph A1.

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

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) 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.**



Scale : 1:1293

Date	25 March 2019
Comments	Not Set
SLA Number	71

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Nonsuch Park Mansion, Nonsuch Park, Ewell Road, Cheam, Surrey, SM3 8AL

Change of use from offices to sleeping accommodation on the first and second floors to provide bedrooms for the wedding guests using the Grade II* listed Nonsuch Park Mansion.

Ward:	Nonsuch Ward;
Contact Officer:	Tom Bagshaw

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=PJIXLYGYLNI00>

2 Summary

- 2.1 The applicant is applying for planning permission to change the use of the first and second floors this Grade II* Listed Building from an office use to a Hotel (Use Class C1) with associated works. The works include the creation of 6 bathrooms, with 4 intended to be ensuite bathrooms on the first floor to serve bedrooms and various alterations to improve the appearance and habitability of the internals of the property. The details of the second floor are to be required as conditions to be discharged (Condition 7)
- 2.2 The principle of the proposed works are considered to be acceptable and would support the current wedding venue use of Nonsuch Park Mansion whilst bringing a dilapidated area of the listed building back into use. The impact on the significance of the Listed Building is considered in the Listed Building Application report for application 18/00818/LBA.
- 2.3 The proposal is not considered to result in any increase in highways movements and as such no additional parking is required with the proposal.
- 2.4 The proposed new use of the first and second floor will be conditioned to ensure that they are only ever used in conjunction with the ground floor as a wedding or events space and not as separate dwelling units (Condition 3).
- 2.5 No external changes to the proposal are included.

2.6 The application is accompanied by a separate application for Listed Building Consent which is to be referred to the Secretary of State prior to determination. This planning application relates to the change of use of part of the building, and does not trigger the requirement for referral.

2.7 The application is recommended for APPROVAL.

3 Site description

3.1 Nonsuch Mansion is a grade II* listed large country mansion built on the turn of the C18 and C19. It is a relatively well preserved example of Georgian Gothic, building and though it has suffered a little from its use as a school, many historic internal and external features survive.

3.2 The house is built in Nonsuch Park which was the grounds of Nonsuch Palace built by Henry VIII in 1538, which was subsequently demolished in the C17 and now serves as a public park.

3.3 The house is not in a conservation area but is in the setting of a Grade II listed boundary wall and park and at the south western end of the park where the original Nonsuch Palace was located, the site is a scheduled ancient monument. However this is not visible above ground and has no visual impact on the setting the listed building.

4 Proposal

4.1 This application is for change of use from offices to sleeping accommodation. Nonsuch Mansion is a Grade 2* listed building that is used as a wedding venue on the ground floor and the proposal is to convert the top floor into bedrooms for the wedding guests.

5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 4 neighbouring properties. To date (29.03.2019) 0 letters have been received from the public.

6 Consultations

6.1 EEBC Design and Conservation – Made recommendations regarding amendments – following the amendments, stated no objections, subject to conditions.

6.2 SCC Highways – No Objections

7 Relevant planning history

Application number	Decision date	Application detail	Decision
18/00818/LBA	N/A	Internal alterations to enable the upper floor to function as residential space for guests at weddings taking place at the house.	Pending
17/00063/FUL	07.09.2017	Erection of shelter	Permit
12/00385/LBA	30.08.2012	Restoration and rebuilding facade of bothy and reprovision of seat	Permit
09/00817/LBA	21.01.2010	Installation of extract duct from ground-floor kitchen, through first-floor window and terminating on first-floor flat roof behind parapet. Removal of lower half of sash window and replacement with metal panel at exit point of duct	Permit

8 Planning Policy

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework (NPPF) 2018 Paragraphs 189-202

Local Development Framework – Core Strategy 2007

- Policy CS01 – General Policy.
- Policy CS05 – Built Environment
- Policy CS14 – Epsom Town Centre.

Development Management Policies Document – 2015

- Policy DM08 – Heritage Assets.
- Policy DM09 – Townscape Character and Local Distinctiveness.
- Policy DM10 – Design Requirements.

Planning considerations

- 8.1 The Development Plan sets out that high quality development will be expected, which respects, takes advantage of, and enhances the positive elements and distinctive features of the borough. The main issues to consider when making an assessment of the application are the impacts of the proposals upon the character and appearance of the site and surrounding area:

- Principle
- Design and Impact upon Heritage Asset
- Highways
- Community Infrastructure Levy

9 Planning considerations

Principle

9.1 Policy DM08 of the Councils Development Management Policies Document 2015 states that as part of the assessment process the significance of the asset will be taken into account (namely whether it is a designated Heritage Asset* or a non-designated Heritage Asset) when determining whether the impact of any proposed development is acceptable.

9.2 The proposal is for the change of use from an existing Use Class B1 (Office) to Use Class C1 (Hotel). The proposed development would bring back into use internal area of a Grade II* Listed that has since gone unused and fallen into a state of disrepair. Paragraph 196 of the NPPF states that:

‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’

9.3 As such, should the application be considered not to result in the substantial harm to the setting of the heritage asset the proposed development would be looked upon favourably as the proposal would result in the creation of a viable use that works well in conjunction with the ground floor use as a wedding venue. A condition will be attached to this permission (Condition 3) that ensures that the proposed use will only be used in conjunction with the ground floor use of the property.

9.4 Therefore, the proposal would be acceptable in terms of principle subject to the property being acceptable in terms of its impacts upon the heritage asset; highways and CIL.

Impact on the Significance of a Listed Building

- 9.5 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a general duty on the Council as respects listed buildings in exercising its planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As such, officers have given considerable importance and weight to the desirability to preserve the setting of heritage assets, including taking account of archaeological heritage.
- 9.6 The application property is a Grade II* listed country estate house. It has previously been used for various purposes including a museum, a school and a catering/events space. The house was built between 1802 and 1806 in a Tudor gothic style. In 1845 additions were added in a matching style to the south to create a service wing. The building is primarily two storey in height with the tower and service wing being three storeys in height.
- 9.7 The materials of the property are mainly faced with roman cement apart from the later service wing extension which is of red brick with a slate roof. Throughout the building there are octagonal corner turrets crenelated parapets and hood mouldings to the windows. The windows are mainly sash with glazing bars and the ground floor windows have wooden shutters with gothic arched decoration.
- 9.8 The house is of significant historical merit because it was designed by the eminent late Georgian architect Jeffry Wyattville, enlarging the remains of a mid C18 house. It is important and early commission by Wyattville in the Tudor Gothic style, the north front based on illustrations of the demolished Tudor Nonsuch Palace, a style which culminated in Wyattville's improvements to Windsor Castle in the 1820s. The building survives as built, apart from some extensions of circa 1845 in matching style, and has a complete Wyattville interior including a suite of principal rooms with outstanding quality fittings, main staircase and painted ceiling to a first floor room. The building also retains good quality mid C18 and C19 fittings.
- 9.9 The impact of the proposed development on the significance of the Listed Building is considered in further detail within the associated Listed Building Consent application 18/00818/LBA.

Design and Impact upon Heritage Asset

- 9.10 The NPPF promotes attractive environments by creating well-designed buildings in terms of appropriate massing, bulk, materials and details, and in doing so, raising the profile of the borough in a positive way.
- 9.11 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state that The Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.
- 9.12 Policy CS05 also states that the settings of heritage assets such as historic buildings, conservation areas, archaeological remains, ancient monuments, parks and gardens of historic interest will require higher standards of design to protect and enhance these assets.
- 9.13 DM10 (Design Requirements for New Developments) identifies the most essential elements which contribute toward the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced, and includes the following:
- Prevailing development typology, including house type, sizes, and occupancy;
 - Prevailing density of the surrounding area;
 - Scale, layout, height, form, massing;
 - Plot width and format which includes spaces between buildings;
 - Building line build up, set back, and front boundary; and
 - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 9.14 The application proposes to bring back into use the dilapidated first and second floors of the building by creating 9 bedrooms at the first floor 4 bedrooms at the second floor, a dining room, and 6 bathrooms whilst also restoring the key features in the floors including original fireplaces, doors, windows, shuttering, skirting boards, architraves, dado rails and cornices.

- 9.15 The proposed works are all internal with no changes proposed to the exterior of the building. The proposed works would result in the much needed restoration of the upper floors of the Grade II* Listed Building. The EEBC Conservation and Design Officer has not raised any objections to the works, with the acceptability of the internal works to the Grade II* Listed Building works considered in full in the Listed Building Consent Application 18/00818/LBA.

Highways

- 9.16 Surrey County Council Highways Officer has stated that the proposal would not result in any material changes to the property and as such, it has no objections or comments to make.

Community Infrastructure Levy

- 9.17 The scheme is not CIL liable

10 Conclusion

- 10.1 The proposed development would result in the restoration and re-use of an area of Nonsuch Park mansion that has previously fallen into disuse. The proposed change of use and principle of the internal alterations would provide public benefit, supporting the existing use of the ground floor as a wedding venue. The proposal would not result in any material highways impacts of the property and therefore the proposed changes would be considered to be an acceptable development and are recommended for approval.
- 10.2 The impact of the proposed internal works on the significance of the Grade II* Listed Building are considered in the Listed Building Consent Application 18/00818/LBA, which is separately considered and referred to the Secretary of State.

11 Recommendation

- 11.1 This application is recommended for APPROVAL subject to the following conditions.

Conditions:

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

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

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

Proposed floor plan as indicated in revised

Design & Access Statement [received 09.03.2019]

Method statement room 4 [received 09.03.2019]

Photographical Survey [received 09.03.2019]

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

- (3) The proposed bedrooms hereby permitted shall solely be occupied by the members of the public attending the building for events and shall not be used as separate units of accommodation.**

Reason: To ensure the accommodation is an ancillary use to the Sui Generis events venue and does not harm the future amenity of the local area

- (4) All works of making good and repair in association with these works shall match the existing adjacent fabric in material details, finish and design detail, unless otherwise agreed in the plans approved in this planning consent.**

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

- (5) The proposed development shall be carried out in accordance with the survey of works detailed in the design and access statement, method statement and photographic survey [Received 09.03.2019]. Copies of the report should be sent to the Borough library at Bourne Hall.**

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

- (6) Prior to commencement of works a survey with sections through all new openings in walls showing proposed response too, and making good of, cornices, skirting boards and dado rails with detail sections at a scale of 1:2. No works shall commence until these specifications are approved and shall carried out in accordance with the approved specifications.**

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

- (7) Prior to any works to the second floor of the proposed development the applicant should provide a schedule of works and method**

statement for the works to the proposed second floor of the development providing the details set out below. These details shall be submitted to and approved in writing by the local planning authority and the development shall carried out in accordance with the approved specifications.

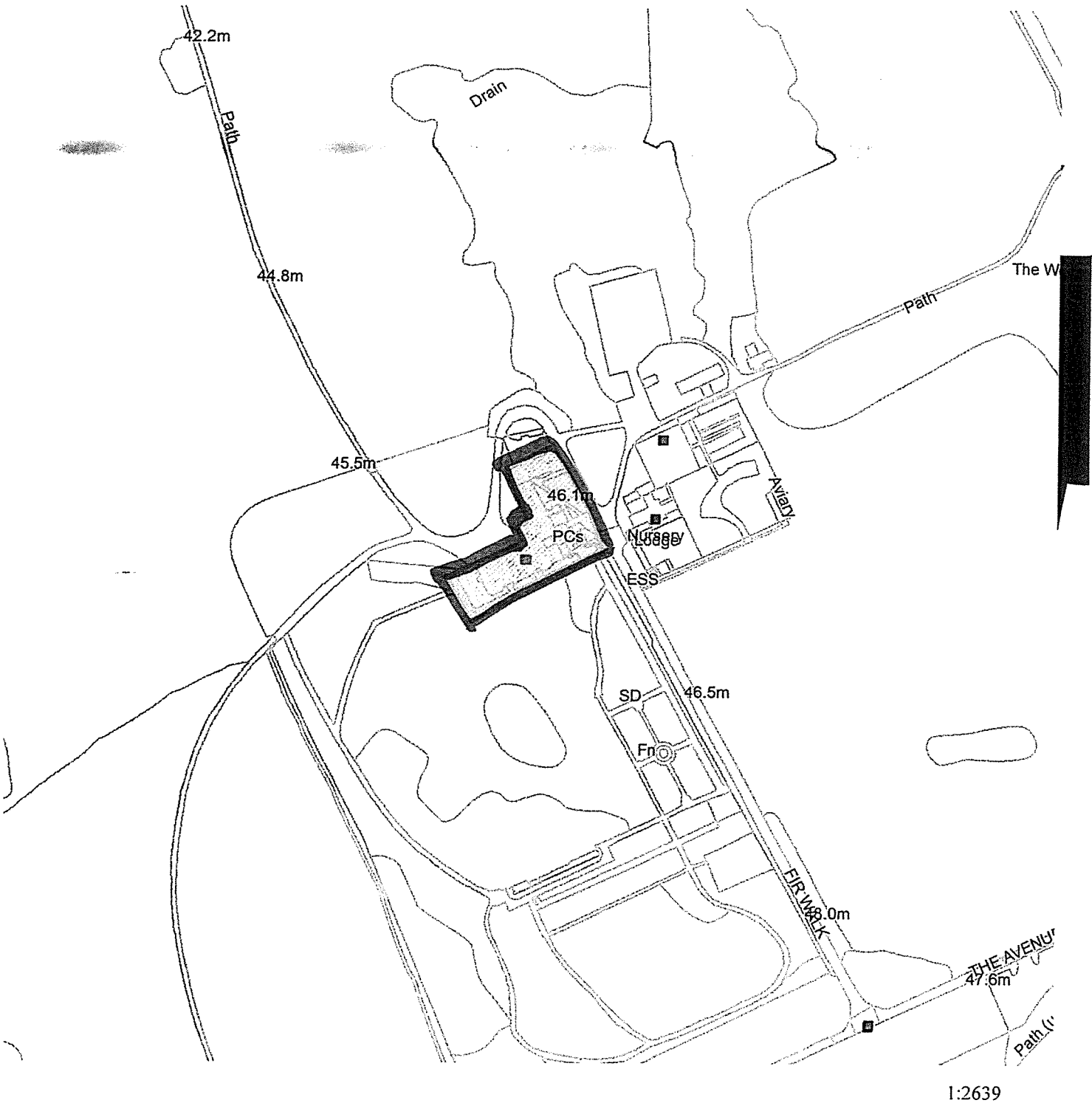
- **Which doors are being retained and where.**
- **What repairs will be carried out to the surviving doors.**
- **What is the historic significance of the fireplaces.**
- **What works of repair/alteration/removal is proposed for the fireplace.**
- **It there any surviving plaster and is this original lath and plaster.**
- **Confirmation of the method of resurfacing the wall – if plaster this should be lath and plaster, matching plaster elsewhere in the building.**

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

Informatives:

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.**
- (2) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.**

- (3) **Please note that this application is tied to the Listed Building Consent application 18/00818/LBA.**



Epsom and Ewell Borough Council

25 March 2019

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Nonsuch Park Mansion, Nonsuch Park, Ewell Road, Cheam, Surrey, SM3 8AL

Internal alterations to enable the upper floor to function as residential space for guests at weddings taking place at the house.

Ward:	Nonsuch Ward;
Contact Officer:	Tom Bagshaw

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=PEKRPZGYKVR00>

2 Summary

- 2.1 The applicant is applying for planning permission to change the use of the first floor of this Grade II* Listed Building from Office (Use Class B1) to Hotel (Use Class C1) with associated works.
- 2.2 Nonsuch Mansion is a grade II* listed building and as such the proposed internal works require listed building consent. The works include the creation of 6 bathrooms 4 intended to be ensuite bathrooms to serve bedrooms and various alterations to improve the appearance and habitability of the internals of the property.

3 Site description

- 3.1 Nonsuch Mansion is a grade II* listed large country mansion built on the turn of the C18 and C19. It is a relatively well preserved example of Georgian Gothic, building and though it has suffered a little from its use as a school many historic internal and external features survive.
- 3.2 The house is built in Nonsuch Park which was the grounds of Nonsuch Palace built by Henry VIII in 1538, which was subsequently demolished in the C17 and now serves as a public park.
- 3.3 The house is not in a conservation area but is in the setting of a grade II listed boundary wall to the park and at the south western end of the park where Nonsuch Palace stood, the site is a scheduled ancient monument. However this is not visible above ground and has no visual impact on the setting the listed building

4 Proposal

- 4.1 This listed building application is for the internal alterations so as to create 6 bathrooms, with 4 of these forming ensuite rooms. The proposal includes internal alterations to the listed fabric, and therefore listed building consent is required.
- 4.2 The applicant is proposing to change the use from offices to sleeping accommodation. Nonsuch Mansion is a Grade 2* listed building that is used as a wedding venue on the ground floor and the proposal is to convert the top floor into bedrooms for the wedding guests. The change of use is the subject of a separate planning application which will, upon completion of consultation periods, be reported to Planning Committee for determination.
- 4.3 The only matters to consider with the proposal is the internal works and alterations to the listed building.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 2 neighbouring properties. To date 26.02.2019) 2 letters have been received regarding:
 - Concerns regarding use of clock room
 - Recognising efforts made to work with original building

6 Consultations

- 6.1 Design and Conservation – Made recommendations regarding amendments – subject to amendments made no objections

7 Relevant planning history

Application number	Decision date	Application detail	Decision
18/01309/FUL	N/A	This application is for change of use from offices to sleeping accommodation. Nonsuch Mansion is a Grade 2* listed building that is used as a wedding venue on the ground floor and the proposal is to convert the top floor into bedrooms for the wedding guests.	Pending
17/00063/FUL	07.09.2017	Erection of shelter	PERMIT
12/00385/LBA	30.08.2012	Restoration and rebuilding facade of bothy and reprovision of seat	PERMIT
09/00817/LBA	21.01.2010	Installation of extract duct from ground-floor kitchen, through first-floor window and terminating on first-floor flat roof behind parapet. Removal of lower half of sash window and replacement with metal panel at exit point of duct	PERMIT

8 Planning Policy

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework (NPPF) 2018 Paragraphs 189-202

Local Development Framework – Core Strategy 2007

- Policy CS01 – General Policy.
- Policy CS05 – Built Environment
- Policy CS14 – Epsom Town Centre.

Development Management Policies Document – 2015

- Policy DM08 – Heritage Assets.
- Policy DM09 – Townscape Character and Local Distinctiveness.
- Policy DM10 – Design Requirements.

9 Planning considerations

Design and Impact Upon Heritage Asset

- 9.1 The NPPF promotes attractive environments by creating well-designed buildings in terms of appropriate massing, bulk, materials and details, and in doing so, raising the profile of the borough in a positive way.
- 9.2 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state that The Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.
- 9.3 Policy CS05 also states that the settings of heritage assets such as historic buildings, conservation areas, archaeological remains, ancient monuments, parks and gardens of historic interest will require higher standards of design to protect and enhance these assets.
- 9.4 DM10 (Design Requirements for New Developments) identifies the most essential elements which contribute toward the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced, and includes the following:
- Prevailing development typology, including house type, sizes, and occupancy;
 - Prevailing density of the surrounding area;
 - Scale, layout, height, form, massing;
 - Plot width and format which includes spaces between buildings;
 - Building line build up, set back, and front boundary; and
 - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.

- 9.5 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a general duty on the Council with respects to Conservation Areas in exercising its planning functions. In considering whether to grant planning permission for development within a Conservation Area, the LPA shall have special regard to the desirability of preserving or enhancing the character or appearance of that area. As such, officers have to give considerable importance and weight to the desirability to preserve the setting of heritage assets, including taking account of archaeological heritage.
- 9.6 Paragraph 185 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.
 - The desirability of new development making a positive contribution to local character and distinctiveness.
 - Opportunities to draw on the contribution made by the historic environment to the character of a place.
- 9.7 Paragraph 195 of the NPPF further states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- The nature of the heritage asset prevents all reasonable uses of the site;
 - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
 - Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - The harm or loss is outweighed by the benefit of bringing the site back into use.

9.8 In determining applications, Paragraph 189 of the NPPF requires local planning authorities to require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The submitted Design and Access statement includes the following statement:

- *Wyatville's L-shaped design follows asymmetrical picturesque principles. It is an early example of the Tudor Gothic style which reached its height with his designs for Windsor Castle³ in the 1820s. The house built by the former owner, John Thompson, still survives albeit incorporated in to the present manor as the kitchen wing and some of the outbuildings.*
- *The rest of the building is of two storeys with further turrets and battlements all faced in Roman cement to the north front. The south front, facing the garden, follows Georgian symmetry. Openings have drip moulds, and some are arched, to complement the Gothic style, but most of the windows are vertically sliding sashes. The south front is built of brick but has Roman cement lined to resemble ashlar.*
- *The northern limb of the L-plan was built as a chapel connecting with the brick service wing of the earlier house. This was found to be the Servants' Hall. The original service wing dated 1806 comprised sculleries, kitchens, larders and a stable block was connected to the dairy by a covered walkway. The pastry larder and game larder were added between 1840 and 1860. A separate Georgian building was converted into the Laundries.*

9.9 Epsom & Ewell Borough Council Design and Conservation Officer has been consulted and made the following comments:

- *It is proposed that room 1 would have a shower room inserted into the back of it. This will disrupt the symmetry of the room around the fire place but not undermine the evidence of the historic plan of the room, therefore this is considered as being of less than substantial harm.*
- *Room 2 will not be altered but the room adjacent to it which is at present used as a kitchen will become another bedroom. There is no objection to this though one door will have to be relocated and a significant amount of kitchen fitting and ventilation equipment will have to be removed, but provided this is done with care and historic features are made good there should not be any harm caused.*
- *Room 3 is to be unaltered and used as a communal lounge*

- *All of the fire places except one late C20 on in room 6 are of some historic interest and must be retained. They are a mix of fireplaces, most appear to be C19 rather than original but must still be retained.*
 - *Room 4 is the room the most historic and interest survives with painted ceiling cornices with Tudor rose bosses and a central rose and the centre of the ceiling decorations. Some of the ceiling is in very poor condition and repairing it to a high standard must be a condition of the works being carried out as well as justifying some less than substantial harm elsewhere in the building.*
 - *It was proposed that the “Clockroom” (it is the room where the mechanism of the clock outside is now visible) be partitioned into two bathrooms serving rooms 4 and 5 and the clock works boxed in. However this will require the introduction of a new door in room 4, which is undesirable because of its significance but also because the clockroom is in itself one of the better rooms. Therefore, it is has been agreed that this room be retained as a single space with the clock enclosed (either in a glass cabinet or in a cabinet with window to make it visible in the room. Room 5, which is a smaller room can then be used as an on suite bathroom.*
 - *In room 6 it is proposed to demolish one stud wall to allow for a larger bathroom and replacing the wall with a neo one further into the room. As the existing wall is not original and, judging by the location of the corners of the room and the location of the fireplace, the new wall will be located closer to where the original one was, there is no objection to this.*
 - *Room 7 will have an on suite shower room under the stairs next to it. This requires the opening up of one new door with minimal harm to the plan and fabric of the room, so provided all material details are made good this too is acceptable.*
 - *The two smallest rooms: room 8 & 9 are not proposed to be changed.*
 - *In most respects this proposal can be acceptable with some minor amendments a discussed above.*
- 9.10 The applicant supplied a Design and Access statement that included the alterations that were suggested by the design and conservation officer.
- 9.11 The proposal is therefore acceptable in terms of its impact upon the heritage asset.

Community Infrastructure Levy

- 9.12 This application is for Listed Building Consent and therefore CIL is not Liable.

10 Conclusion

- 10.1 The proposed development would result in the restoration and improvement of Nonsuch park mansion. The proposal has been amended and on that basis it is considered to cause 'not significant harm' to the heritage asset.
- 10.2 The Local Planning Authority has a planning application before it which proposes the building being put to a use so as to ensure it can be maintained in the future and not fall into disrepair.
- 10.3 The proposed works to the listed building are considered to be acceptable development and is therefore recommended for approval.

11 Recommendation

- 11.1 Permitted Subject to Conditions

Conditions

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

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

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

Proposed floor plan as indicated in revised Design & Access Statement received 03.12.2018

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

- (3) All works of making good and repair in association with these works shall match the existing adjacent fabric in material details, finish and design detail, unless otherwise agreed in the plans approved in this planning consent.

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

- (4) Prior to the commencement of works a survey of the building including a photographic survey shall be prepared to record its condition prior to development and shall assess all areas associated with the works and exposed historic fabric. The said report shall be submitted to the local the planning authority for approval and copies sent to the Borough library at Bourne Hall.

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

- (5) Prior to commencement of works a survey with sections through all new openings in walls showing proposed response too, and making good of, cornices, skirting boards and dado rails with detail sections at a scale of 1:2. No works shall commence until these specifications are approved and shall carried out in accordance with the approved specifications.

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

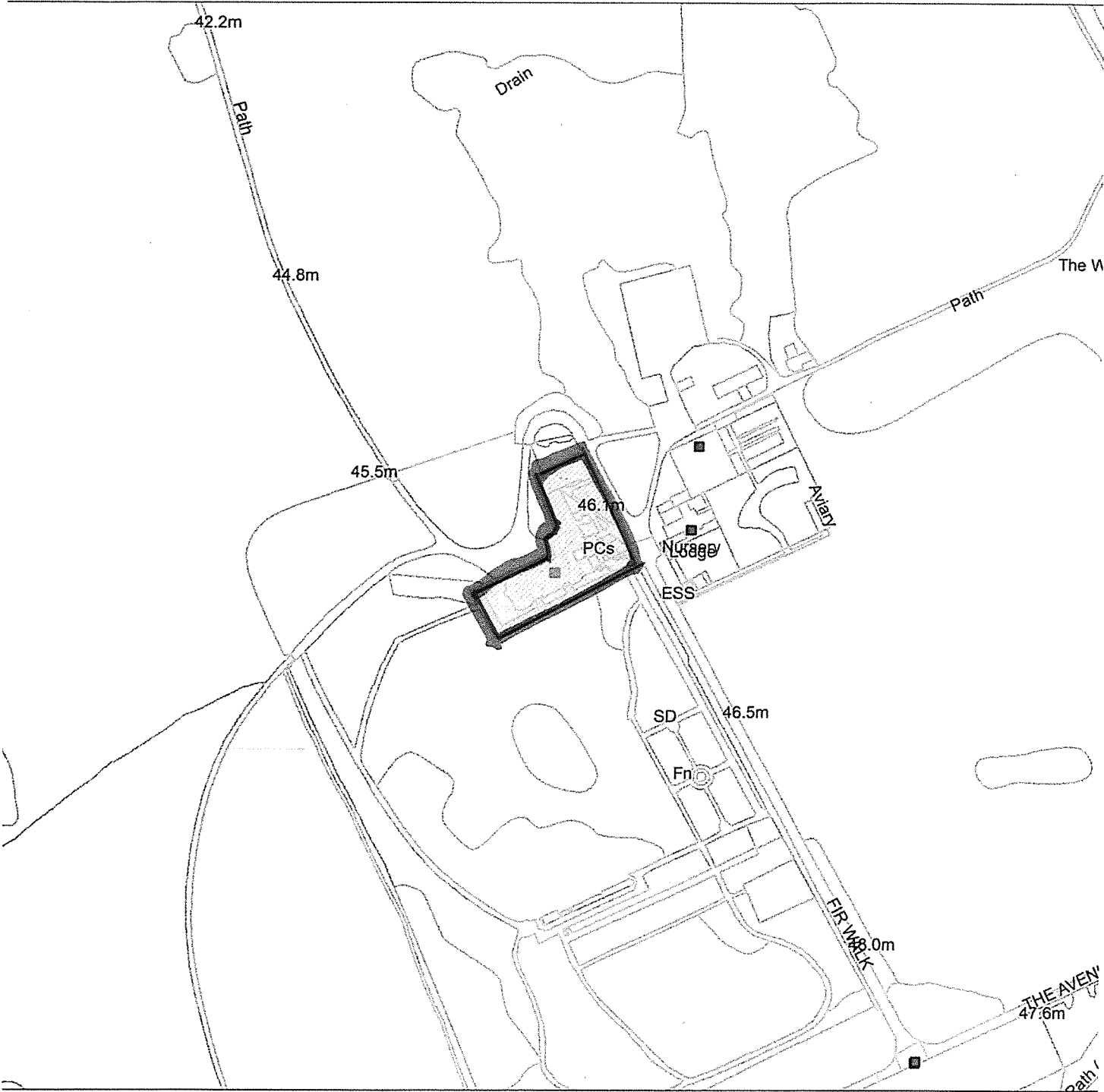
- (6) Prior to the commencement of works a method statement for all repairs to be carried out to room 4 shall be prepared and submitted to and approved by the local planning authority. No works shall commence until these specifications are approved and shall carried out in accordance with them.

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

Informatives:

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
- (2) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of

existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.



Scale : 1:2580

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Organisation	Epsom and Ewell Borough Council
Department	
Comments	
Date	04 March 2019
SLA Number	100023771

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St Ebbas Farm, Hook Road, Epsom, Surrey, KT19 8QW

Construction of a 67m x 25m indoor arena, change the external materials on the existing indoor arena to match proposed arena, construct 6no stable infill to match existing stables and creation of a new car park at Epsom Riding for the Disabled Association.

Ward:	Court Ward;
Contact Officer:	Tom Bagshaw

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=PMGN5GGYM4Z00>

2 Summary

- 2.1 The proposal is for full planning, to construct an indoor equine arena, change the external materials on the existing indoor arena, construct 6 new stables and create a new car park.
- 2.2 The planning application is a major application and therefore has been assessed and reported to the Planning Committee for determination.
- 2.3 The proposal would an increase the maximum capacity of car parking spaces from 25 spaces to 45 spaces including 10 horse boxes
- 2.4 It is recommended that the proposal be supported, and that planning permission be APPROVED subject to conditions.

3 Site description

- 3.1 The site is located on St Ebba's Farm, Epsom, KT19 8QW, with access off Hook Road. The site is in the metropolitan green belt, flanked by St Ebba's Hospital and the Hook Road Arena.
- 3.2 St Ebba's Farm is a 16 acre equestrian property comprised of a traditional yard with 10 stables and 6 day stalls, associated outbuildings, field turn out, car park, outdoor arena 18 x 38m with mast lighting and an Indoor arena 18 x 37m built in the early 1980's. The existing establishment is located in the green belt.

3.3 The Epsom Riding for the Disabled Association (RDA) organisation has been established at St Ebba's Farm since 1978, purchasing the freehold to the property from NHS estates in 2005.

3.4 The site is in Flood Zone 1 and not at risk of flooding.

4 Proposal

4.1 The Epsom Riding for the Disabled Association (RDA) secured ownership of the subject site in 2005 and have been looking to improve the facilities to benefit the riders and the organisation. Having operated from the site since 1978, the RDA have an understanding of what is required to deliver the service required to meet the needs of their customers.

4.2 The applicant is seeking planning permission for a Full Planning Application, which seeks permission for the following:

- The applicant seeks to construct a 67m x 25m indoor equine arena for which meets equestrian competition standards.
- To amend the external materials on the existing indoor arena to match proposed arena.
- To construct 6 infill stables at the existing stable as well as renovating the existing stables.
- The creation of a new car park for customers.
- The proposed arena would be 67 metres in width, 4.1 metres in height to the eaves; 6.9 metres in height to the roof ridge and 25 metres in depth
- The proposed car parking area would be 23 metres in width, 35 metres in depth and would be an approximate total of 805 metres squared
- The proposed infill buildings would be 10.7 metres in width, 3.05 metres in height to the eaves; 5.1 metres in height to the roof ridge and 5.17 metres in depth.

4.3 The planning application is supported by a Planning, Design and Access Statement. The statement sets out that the development intends to increase the capacity of the organisation to offer riding classes to people currently on the waiting list by providing more space for the lessons to take place and the facilities provided being more resilient to varying weather conditions. The facilities will also offer the organisation an opportunity to increase income by providing a space for competitive events have the ability to cater for events that are linked to the charitable nature of the organisation.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 3 neighbouring properties. To date (22.03.2019) 0 letters of objection have been received

6 Consultations

- 6.1 Surrey County Council (SCC) Archaeology – response stated that no requirement for further survey due to the size of the development and it not being within an area of archaeological significance.
- 6.2 SCC Highways: No objection, subject to conditions.
- 6.3 SCC SUDs:
- 6.4 Epsom & Ewell Borough Council (EEBC) Contaminated Land Officer: No objection, subject to conditions (Condition 12, 13 & 14).
- 6.5 EEBC Ecology – No Objections subject to the implementation of a landscaping planning condition (Condition 11).
- 6.6 Natural England: No objections stated.

7 Relevant planning history

Application number	Decision date	Application detail	Decision
14/00120/FUL	18 Jun 2014	Erection of an additional wooden stable block to house 4 horses and provide an open shelter for a horse.	Application Permitted
09/00948/FUL	15 Feb 2010	Erection of two metal storage sheds for the use of Epsom Riding for the disabled	Application Permitted
09/00112/FUL	03 Nov 2009	Floodlighting to riding area. (Four 9m high masts)	Application Permitted

8 Planning Policy

National Policy Planning Framework (NPPF) 2018

Promoting sustainable transport

Paragraph 108

Paragraph 109

Achieving well-designed places

Paragraph 127

Paragraph 130

Paragraph 131

Protecting Green Belt land

Paragraph 133

Paragraph 134

Paragraph 141

Paragraph 143

Paragraph 144

Paragraph 145

Paragraph 146

Paragraph 147

Meeting the challenge of climate change, flooding and coastal change

Paragraph 155

Paragraph 163

Conserving and enhancing the natural environment

Paragraph 170

Paragraph 171

Paragraph 174

Paragraph 175

Paragraph 177

Paragraph 178

Paragraph 180

Paragraph 182

Paragraph 183

Conserving and enhancing the historic environment

Paragraph 189

Core Strategy 2007

Policy CS1 – General Policy

Policy CS2 – Green Belt

Policy CS3 - Biodiversity

Policy CS4 - Open Spaces

Policy CS5 - The Built Environment

Policy CS6 - Sustainability in New Developments

Policy CS13 - Community Facilities

Policy CS16 - Managing Transport and Travel

Development Management Policies Submission Document 2015

Policy DM1 - Extent of the Green Belt

Policy DM4 - Biodiversity and New Development

Policy DM5 - Trees and Landscape

Policy DM6 - Open Space Provision

Policy DM8 - Heritage Assets

Policy DM10 - Design Requirements for New Developments

Policy DM26 - Equestrian related Development in the Green Belt

Policy DM34 - New Social Infrastructure

Policy DM35 - Transport and New Development

9 Planning considerations

Principle

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

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

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and

- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 9.3 Paragraph 141 of the NPPF sets out that once Green Belts have been defined, Local Planning Authorities should plan positively to enhance their beneficial use, such as looking for opportunities to (inter alia) provide for outdoor sport and recreation and retain and enhance landscapes.
- 9.4 The construction of new buildings in the Green Belt is regarded as inappropriate development, in line with paragraph 145 of the NPPF. Exceptions to this include (inter alia) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 9.5 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that valued landscapes should be protected and enhanced.
- 9.6 Policy DM1 (Extent of the Green Belt) of the Development Management Policies Document (2015) sets out that the Green Belt will be maintained along the boundaries of the existing built-up area and extending to the outer Borough boundary as defined in the Epsom and Ewell Borough-wide Local Plan 2000 and as defined in the successor Site Allocations Development Plan Document. Supporting paragraph 2.3 of the Development Management Policies Document (2015) sets out that the main purpose of the Green Belt is to prevent urban sprawl and the coalescence of neighbouring settlements by keeping land permanently open.
- 9.7 The proposed development is for the erection of a 67m x 25m indoor equestrian arena. This use is existing within the site and there is an existing indoor arena already located on the site.
- 9.8 Policies CS13 and DM34 state that applications for new or extensions to social infrastructure and community facilities will be encouraged on the basis that it addresses a deficiency in current provision and will meet the identified needs of the borough.
- 9.9 The applicant is a charity organisation which provides facilities for those with disabilities to ride and interact with horses. The application makes specific reference to the fact that over 200 people volunteer with the organisation and has over 300 registered riders with a waiting list of 150 to join.
- 9.10 Constraints on the currently facilities include:
- Weather suspending riding.

- The current site only accommodates 14 ponies. The acreage and grazing rotation is considered to be able to support additional ponies subject to stable facilities being made available.
- The size of the facilities in relation to demand.
- There is currently only one disabled mounting block which limits time and numbers of riders that can be accommodated in one session.

9.11 The proposal is considered to have a significant community benefit. The intention is to create a riding area that is capable of accommodating a larger number of riders and volunteers and also enable to people to train for competitive equestrian events as currently the facilities do not meet the required standard for competitive use.

9.12 The proposed land use is already established by the existing equestrian use and is considered to be an acceptable use within the context of the green belt. The development would increase the bulk and massing of the site and as such, the development has been accompanied by a visual impacts assessment. Subject to the development not having an unacceptable impact upon the openness of the greenbelt, the development is considered to be acceptable in principle.

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

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

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

10 Design and Impact Upon Green Belt

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

- 10.2 Paragraph 130 of the NPPF sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 10.3 Paragraph 131 of the NPPF stipulates that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 10.4 Policy CS5 (Conserving and Enhancing the Quality of the Built Environment) of the Core Strategy (2007) sets out that the Council protect and seek to enhance the Borough's heritage assets including historic buildings, conservation areas, archaeological remains, ancient monuments, parks and gardens of historic interest, and other areas of special character. High quality design and inclusive design will be required for all developments. Development should:
- Create attractive, functional and safe public and private environments;
 - Reinforce local distinctiveness and complement the attractive characteristics of the Borough; and
 - Make efficient use of land and have regard to the need to develop land in a comprehensive way.
- 10.5 Policy DM10 (Design Requirements for New Development (Including House Extensions) of the Development Management Policies Document states that development proposals will be required to incorporate principles of good design. Development proposals should (inter alia) be adaptable and sustainability designed, subject to aesthetic considerations and incorporate the principles of safe design to reduce the risk of fear of crime.
- 10.6 Policy CS2 (Green Belt) of the Core Strategy (2007) seeks to ensure that the Green Belt continues to serve its key functions and maintain its existing general extent. Strict control will be exercised over inappropriate development, as defined by Government policy.
- 10.7 Paragraph 143 of the NPPF states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

- 10.8 Policy DM26 Equestrian-Related Development in the Green Belt - Where equestrian-related development constitutes inappropriate development in the Green Belt, applicants will be expected to justify any proposal with reference to very special circumstances which clearly outweigh harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations
- 10.9 A Visual Impact Assessment accompanies the proposal to determine the 'appropriateness' of the development within the green belt setting.

Stables

- 10.10 The proposed additional stables would be infill extension to the existing stable block.
- 10.11 The principle bulk of this block is already established on the site and the infill extensions would not be considered to unduly increase the bulk or massing of the existing structures.
- 10.12 The stable extension would extend to the south of the existing stables across an area of existing hard standing. This element of the proposal could be viewed as 'infill' development under the NPPF. Its impact upon openness is not considered significant given its modest size and the relatively enclosed nature of this part of the site
- 10.13 The design and appearance of the stables would be built in a style and appearance that would be in keeping with the existing stables and would be acceptable in this regard

Car Parking

- 10.14 The car parking provision on site would result in a loss of greenspace on the site. However, the openness of greenbelt would be preserved to some degree as the car park would not result in the erection of any covers or structures. The car park would be a gravel material which would give a more natural appearance to the car park. This location of the additional car parking has previously been used as overflow parking for the site and as such precedent for the parking of transit vehicles is considered to be established on the location of the car park.
- 10.15 The car park is intended to accommodate approximately 45 cars. Although the increase in the size of the facility the scheme is expected to result in a negligible increase in vehicles on a day to day basis. This is because the average age of volunteers and rides is below legal driving age and arrive by mini bus from schools. The applicant justifies this by stating that many of the volunteers are doing so as part of their Duke of Edinburgh award. The everyday average number of cars on site is proposed to increase from 19 to 32 on week days and 28 to 42 on weekends.

- 10.16 The increase parking facilities would be in main to accommodate the increase in completion size events. And as such, this car park is only considered to be used at capacity approximately 15 times a year. These events are considered to host an average of 45 vehicles including 20 horse boxes. This is not considered to result in any significant overall increase in cars on a day to day basis and would therefore not be considered to significantly harm the openness of the greenbelt.

Arena

- 10.17 The proposed development of a 67m x 25m indoor arena would be approximately 6.9 metres in height. The riding area would be a portal steel framed building and would be clad in a treated wood finish which would fit in well with the green belt and the wooded area within which the structure would be situated.
- 10.18 It is proposed to maintain the existing indoor arena and construct the new 25m x 67m arena attached to it. The applicant has supplied justification for this as the existing indoor area would provide a suitable overflow riding area to accommodate sessions during poor weather conditions.
- 10.19 The applicant has supplied a landscape visual impact assessment which came to the following conclusion:

The removal of the low value treeline and the introduction of the volume of built mass of the indoor arena would bring about a low to medium magnitude of change across a limited area of medium sensitivity landscape, which is considered by LLD to result in a short term negligible to minor adverse effect on the contribution of vegetation in this location to semi-rural character.

It is considered that the indoor arena would relate well to the existing cluster of buildings within the well tree'd core of St Ebba's Farm and be of comparably small scale considered relative to the context provided by the surrounding mature trees.

LLD consider that subject to the recommendations identified within Section 7.0, including the opportunity recommended to reinforce and strengthen the existing tree line / landscape structure along the eastern edge of the existing indoor arena, the impact is likely to reduce to a residual mid to long-term negligible to minor beneficial effect, due to the improved landscape structure and associated value of functional use within St Ebba's Farm.

Visual Amenity

For moderate sensitivity users of the publicly accessible land of Hook Road Arena it is considered that the type and scale of development would form a minor element in the view, largely obscured behind intervening metal railing. Therefore, a low magnitude of change is expected, resulting in a negligible effect on visual amenity for these receptors.'

- 10.20 The Landscape and Visual Impact Assessment makes recommendations for the scheme to reinforce and strengthen the existing treeline along the eastern edge of the existing indoor arena, which would have a beneficial landscape effect. This is also reflected in the Arboricultural Impact Assessment.
- 10.21 The proposed indoor arena is proposed to be built on the site of the existing car park. Given the existing layout of the site, it is accepted that this location helps to reduce the impact of the structure on the openness of the Green Belt.
- 10.22 Officers upon reviewing the visual impact assessment largely agree with the above conclusions. The development would adjoin existing structures which to some degree would serve to lessen its impacts upon the greenbelt as a degree of height and massing is established in the location already. The scheme has been designed in effort to lessen its visual impacts and would sit well within its context. Nonetheless the development would result in harm to the openness of the greenbelt and thus in usual circumstances would be deemed to be unacceptable.
- 10.23 The proposed development is considered to have an impact upon the openness of the green belt. As such, the application should be assessed against Policy DM26 and Paragraph 146 of the NPPF to determine whether in this context the application would be subject to special circumstances in regards to its equestrian and community benefits in the Green Belt.

Special Circumstances

- 10.24 The applicant has provided a list of reasons to support the need of the development. The proposed development would increase the capacity of the RDA which would allow for a larger space for riding sessions, accommodate sessions in all weathers and increase the size of the herd to accommodate additional users. This would be a great benefit for up to 150 people who currently occupy the waiting list.
- 10.25 The additional space will provide a quality competition area that the RDA can hire out or host competitions to improve the areas reputation as a centre of equestrian activity.
- 10.26 The increase facilities can be hired out which will support the main charity led use of the site.

- 10.27 The applicant has demonstrated within the design and access statement that there is significant demand for the equestrian use within this greenbelt setting by highlighting the current demand for the site. Its constraints at present and the potential opportunities that the increase in facilities would provide a significant community benefit.

Design and Impact upon the Green Belt Conclusion

- 10.28 The proposed infill extension would be set within the existing block of stable and would be considered to not result in any unacceptable impacts in terms of the increase in the appearance of the bulk of the stables from the wider area.
- 10.29 The proposed car park would be created using natural materials that would appear to give a natural appearance and would not unduly reduce the greenspace provision the site. The number of cars on site on a day to day basis is considered to increase by approximately 13. The increase in car parking numbers is not considered to have an unacceptable impact upon the openness of the Greenbelt.
- 10.30 The proposed scale and massing of the area would result in harm to the openness of the Greenbelt. However, being assessed against Policy DM26 of the Development Management Policies Document 2015 the proposed development is considered to result in a significant community benefit by providing a competition level Equestrian Facility and freeing up capacity to accommodate riding facilities for the up to 150 people who currently occupy the waiting list.
- 10.31 Due to the impact of the development of the greenbelt the application is referred to the Secretary of State

11 Transport

- 11.1 Paragraph 108 of the NPPF sets out that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 11.2 Paragraph 109 states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Access

- 11.3 Access to the car park and the site would be retained in the same way as it is currently in use from hook road.
- 11.4 The access arrangement to the site would be unchanged.

Trip Generation and Parking

- 11.5 The applicant has provided justification within the transport statement of the proposed trip generation. Within their justification they alluded to the fact that the Epsom RDA is located adjacent to the Hook Road Area which is hired out for event such as car boot sales which generate up to 6000 visitors.
- 11.6 Surrey County Council Highways have made no objections to this justification and as such the proposed trip generation is considered to be acceptable in this regard.
- 11.7 The proposed maximum capacity of the onsite parking provision is intended to increase from 25 vehicles and 10 horse boxes on competition days to 45 vehicles and 20 horse boxes.
- 11.8 The average number of vehicles on site in a day is expected to increase from 29 to 54 however, this car parking level is expected over the course of a working day.
- 11.9 In order to accommodate this increase a new car park is proposed with this development. The proposed car park does not have an allocated set number of car parking spaces. However, the proposed car park has been assessed by both Epsom and Ewell Borough Council Planning Officers Officer and Surrey County Council Highways Officers and there are no reservations regarding the proposed car parks capability to provide the maximum capacity of car parking requirements. Surrey County Council Highways officer has however requested details of the parking layout to be submitted to and discharged by the council prior to occupation of the development.

Transport Conclusion

- 11.10 The proposed car park is not considered to result in any unacceptable impacts to car parking provision. The total increase in 20 spaces would be accommodated by creating a designated parking area. This area has previously been utilised as overflow parking for event times and this application seeks to make it into a dedicated parking area. The access to the site remains unchanged.
- 11.11 It is considered that the creation of this space would form an important part of the suitable future use of this development and is acceptable in this regard.

12 Contaminated Land

- 12.1 The site is not located on any known contaminated Land.
- 12.2 Nonetheless the sites size and proximity to two known contaminants (Environmental health references: 03/00018/CLHIST St. Ebbas Hospital; 08/00019/CLPETR (petrol storage)) has prompted the councils Contaminated Land Officer to require precautionary conditions. Subject to conditions, the application is considered to be acceptable in terms of contamination.

13 Sustainable Development

- 13.1 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF sets out that there are three overarching objectives to achieving sustainable development, which includes an environmental objective. Development should contribute to protecting and enhancing the natural, built and historic environment, making effective use of land and helping to improve biodiversity.
- 13.2 Policy CS1 of the Core Strategy (2007) expects development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development. Changes should protect and enhance the natural and built environment and should achieve high quality sustainable environments for future generations.
- 13.3 The proposed arena will be located on the existing car park at the Epsom RDA. The proposal includes the removal of some low value shrubbery however, the landscaping scheme includes details of plant species and numbers that will increase the biodiversity value of the site.
- 13.4 The site has reached its capacity in terms of its community use and as such for it to sustainably accommodate the demand the use of the site has required expansion. The proposed development would increase capacity allowing the site to accommodate the capacity for the 150+ occupants of the waiting list. As such the proposal would increase the social sustainability of the site.
- 13.5 The proposed competition venue would create a further income source for the Riding for the Disabled which is a not for profit charity. This would improve financial viability of the site to provide its own income and as such help achieve greater economic sustainability.
- 13.6 In summary the proposal would result in an increase in the biodiversity value of the site which at present has mainly low value amenity grassland as vegetation including some common plants and trees.
- 13.7 It would improve access to the facilities for all those who are on the waiting list some of which have occupied this list since as far back as 2014 (Taken from design and access statement page 3)

- 13.8 The scheme would provide an income source for the charity which would help keep the service maintained and pay for other up keeping costs.
- 13.9 As such the scheme meets the three areas of sustainable development as set out within the NPPF Paragraph 8.

14 Ecology

- 14.1 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality.
- 14.2 Paragraph 175 of the NPPF sets out that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 14.3 Policy CS3 (Biodiversity and Nature Conservation Areas) of the Core Strategy (2007) sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of National and Local biodiversity action plans in terms of species and habitat. Development that would harm Site of Special Scientific Interest (SSSIs) will not be permitted unless suitable measures are put in place and it has been demonstrated that the benefits of a development would outweigh the harm caused. The nearest SSSI is approximately 1.3 miles away and the proposal is not located within a buffer zone and as such would not be affected by the proposed development.
- 14.4 An ecological impact assessment was submitted accompanying the application

'Fauna'

- 14.5 The buildings on site were assessed for their suitability to support a bat roost, no evidence of bats or any potential roost sites were recorded within any building on site. A total of five trees were identified as containing potential roost features; these trees are to be retained within the scheme.
- 14.6 Trees, hedges, and shrubs around the site provide suitable nesting opportunities for common bird species. Pigeons were recorded nesting on rafters within Building B01 while 6 no. active swallow nests were noted within Building B03.

- 14.7 If any clearance of hedgerows is going to occur this would need to occur outside of the main breeding period (March to August) or under the supervision of a suitably qualified ecologist. This would be required as a condition should the application be approved (Condition 11).

'Flora'

- 14.8 There are a number of habitats that are protected, due to being a habitat of principal importance as designated under the Natural Environment and Rural Communities Act 2007.
- 14.9 The site is dominated by improved grassland and hard standing with areas of amenity grassland and introduced shrub. The plant species on site were common and widespread species; no rare or unusual species are recorded on site

Ecology Conclusion

- 14.10 The development can proceed without any further survey or mitigation with regard to biodiversity law. However Epsom & Ewell Borough Council Development Management Policy DM4 states *'Whether or not there are any species or habitats that enjoy statutory protection, every opportunity should be taken to secure net benefit to the Borough's biodiversity.'* As such, plant species to be included in the planting scheme will be selected to have a high ecological value. Details of the plant species will be required as a condition to be discharged.
- 14.11 Epsom and Ewell Borough Councils ecology officer has stated that they are satisfied that ecological mitigation measures can be dealt with via a landscaping plan (Condition 11).

15 Trees and Landscaping

- 15.1 Chapter 15 of the NPPF concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.
- 15.2 Paragraph 175 of the NPPF sets out that development resulting in the loss or deterioration or irreplaceable habitats such as ancient woodland and ancient or veteran trees should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 15.3 Policy DM5 (Trees and Landscape) of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia):
- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and

- Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.
- 15.4 All recommended tree works are detailed within LLD1494-ARB-SCH-001 – Existing Tree Schedule. This sets out that the following trees would be removed:
- The proposed new carpark would require the removal of a low-value hawthorn (T 03);
 - The low-value treeline to the centre-east of the site (TL 13) would require removal to accommodate the proposed new indoor arena.
 - A low-value hawthorn (T 18) would require removal to accommodate the proposed stable extension.
- 15.5 A low-value treeline (TL 13) and two low-value trees (T 03 and T 18) are proposed for removal. The majority of the trees on the site would be retained. A number of trees would require protection through the use of no-dig construction methods and permeable surface treatments to hard surfaces.
- 15.6 The impact of the loss of the trees proposed for removal would be low; the trees do not provide screening within the site or to other surrounding areas. The trees are of low overall value and not of notable form or size. The loss would result in a minimal loss of bird nesting habitat.
- 15.7 Tree protection measures of no-dig construction and operation zones with ground protection are proposed to minimise the requirement for tree removal. Further mitigation is proposed in the form of replacement native tree planting.
- 15.8 Where trees, hedgerows or other landscape features are removed, appropriate replacement planting will normally be required. Consideration should be given to the use of native species as well as the adaptability to the likely effects of climate change.

Landscaping

- 15.9 The application includes a trees retention and protection plan. A detailed landscaping plan (Condition 4) will be discharged in collaboration with the Boroughs ecology officer. This will be expected to see a net increase in trees and shrubs on site including species which have a high biological value.
- 15.10 Epsom and Ewell borough Council's Trees and Landscaping Officer has confirmed they are happy to request a detailed landscaping plan via condition (Condition 4).

Trees and Landscaping Conclusion

- 15.11 The proposed development via the inclusion of an appropriate condition will result in a net increase in trees and shrubs on site. This would offset the proposed loss of green space resulting from the introduction of carriage ways around the site.
- 15.12 The root protection areas of trees to be retained in these plans will be protected by the inclusion of conditions.
- 15.13 The proposed development is therefore considered to be acceptable in terms of trees and landscaping.

16 Archaeology

- 16.1 The site area to be assessed does not cover greater than 0.4 hectares and the site is not located within an area of archaeological significance. As such, there is no further statutory requirement for archaeological assessment in this case.

17 Flooding

- 17.1 Chapter 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. Paragraph 155 stipulates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraph 163 sets out that when determining any planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 17.2 Policy CS6 (Sustainability in New Developments) of the Core Strategy (2007) sets out that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development – both new build and conversion. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development (inter alia):
- Has no adverse effects on water quality, and helps reduce potential water consumption for example by the use of water conservation and recycling measures and by minimising off-site water discharge by using methods such as sustainable urban drainage; and
 - Avoids increasing the risk of, or from, flooding.
- 17.3 The site is located in a flood risk zone 1 (Low probability – NPPF Flood Zone Classifications).

- 17.4 Therefore the neither the sequential test nor the exceptions test need to be applied.
- 17.5 The development site is considered to be classed as 'Less Vulnerable' (Lowest level of flood risk) within the development compatibility table sections.
- 17.6 The proposed development is not considered to result in the creation of hard surfaces that would result in a significant amount of ground water surface runoff.
- 17.7 The proposed development is therefore considered to be acceptable in terms of flood risk.
- 17.8 The applicant has provided a details of the Sustainable Urban Drainage System (SUDS) and a detailed implementation strategy. These are considered to be acceptable and their implementation would be required by condition 9
- 17.9 The nature of the proposal and its location within a Flood Zone 1 would result in little to no flood risk and is therefore considered to be acceptable in this regard.

18 Community infrastructure Levy

- 18.1 The proposed application would not be CIL liable as it would not be development type that requires a CIL contribution.

19 Conclusion

- 19.1 The proposed development is considered to be acceptable in regards to all the assessment criteria and would meet an identified need for additional space identified by the applicant in the design and access statement. Further, technical investigations have confirmed that the site is suitable for the use in terms of environmental factors of contamination, ecology and biodiversity, trees and landscaping
- 19.2 Detailed assessment of the proposal in relation to its scale, nature or location in relation to the openness of the greenbelt has been undertaken. The conclusion of this assessment is that the proposed development would be of a bulk and massing that would ordinarily not be supported by the Council's Core Strategy or the NPPF. However, the significant community benefits brought by the development would be considered to outweigh the impact's to the openness of the Green Belt which meets the very special circumstances set out in Policy DM26 and Paragraph 143 of the NPPF

- 19.3 The proposed highways impacts would be negligible and the proposed increase in traffic generation has been accommodated for within the site so as to not increase impacts on the local highway network. Conditions are recommended so that the proposal is acceptable and achieves the requirements of the planning policy framework.
- 19.4 The proposed development is set well within the boundaries of the site and is not considered to result in any impacts to the residential amenity of any neighbouring properties.
- 19.5 The application has been assessed and considered to be acceptable development, achieving policies and good design reinforcing the importance of the use of the site and the associated community benefits

20 Recommendation

- 20.1 Part A: Refer to Secretary of State with a recommendation to Grant Planning Permission, subject to the proposed conditions.
- 20.2 Part B: Following confirmation from the Secretary of State that the matter is not to be called in, delegation be given to the Head of Planning to determine the application in accordance with 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:**

Proposed Arena Plan - DwgA2001

Proposed Elevation - DwgA2100

Proposed Elevation & Section – DwgA2101

Proposed Roof Plan – DwgA2002

Proposed Site Plan – DwgA2000

Stable Infill Elevations – DwgA3001

Stable Infill Plans – DwgA3000

Traffic Statement

Planning, Design & Access Statement

Landscape and Visual Impact assessment

Arboricultural Impact assessment

Existing Tree Schedule
Ecological Impact Assessment
Tree retention and protection plan
Surface water assessment
Lighting 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) 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 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 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.

- (6) 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.

- (7) The development hereby approved shall be carried out in accordance with the Tree Retention and Protection Plan (Drawing No – LLD1494-ARB-DWG002. 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.

- (8) 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.

- (9) The development hereby permitted shall be carried out in accordance with the Drainage Strategy (Preliminary Surface Water Drainage Strategy) provided by STM environmental [19.12.2018]. 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.

- (10) The development hereby permitted shall be carried out in accordance with the Arboriculture Method Statement (Arboricultural Impact Assessment and Method Statement) provided by LIZARD [10.10.2019]. The approved development shall be implemented in accordance with the approved strategy prior to the first use/or occupation of the development 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) 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.

- (12) Following any necessary demolition and prior to the commencement of any further development, the following shall be undertaken in accordance with current best practice guidance:

- (a) A desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas and contaminants with the potential to impact sensitive receptors on and off-site. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and
- (b) 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.

Reason: To prevent harm to human health and pollution of the environment.

- (13) Prior to any occupation of the site, the approved remediation scheme prepared under Condition 1 must be carried out in accordance with its terms. Following completion, a verification report that demonstrates the effectiveness of the remediation carried

out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To prevent harm to human health and pollution of the environment.

- (14) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. In that event, prior to any occupation of the site, an investigation and risk assessment must be undertaken and where remediation is deemed necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To prevent harm to human health and pollution of the environment

- (15) Bat, swift and bird boxes are to be installed on the two dwellings, to enhance the biodiversity interest of the site. The boxes shall be installed 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.

- (16) The development hereby approved shall not be first utilised until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and 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, and to accord with the National Planning Policy Framework 2018, DM 35 Transport and New Development and DM 37 Parking Standards of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

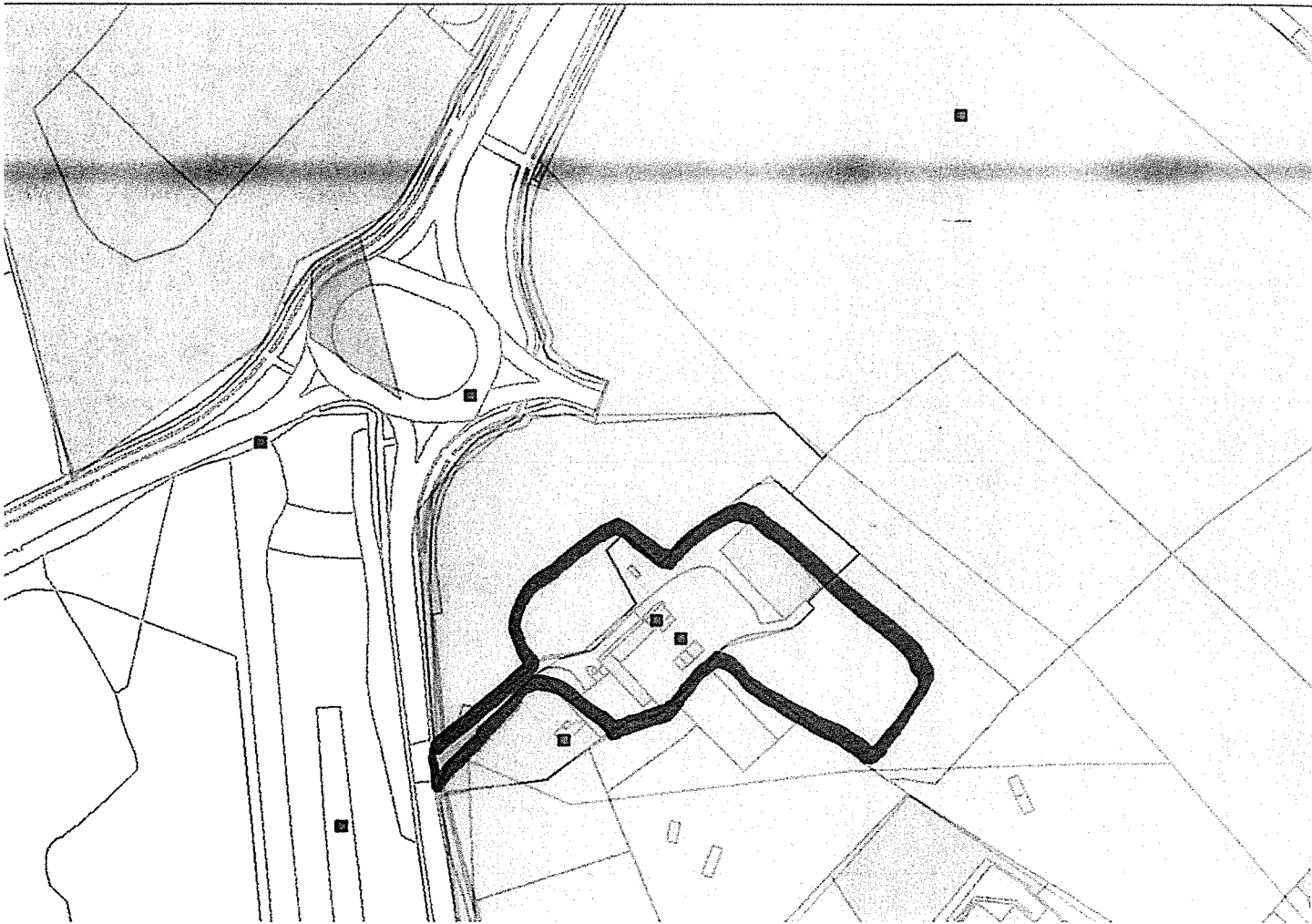
Informatives:

- (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) 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>.**
- (3) 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 un-cleaned 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).**
- (4) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.**

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Riding For The Disabled

St Ebbas Farm, Hook Road



Scale : 1:2639

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Organisation	Epsom and Ewell Borough Council
Department	
Comments	
Date	25 March 2019
SLA Number	100023771

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Lower Mill, Kingston Road, Ewell

Demolition of existing office building and redevelopment to provide 53 no. extra-care apartments with associated facilities (within Class C2), including conversion and alteration of the Grade II Listed Mill House and Granary Buildings, with parking, access, landscaping and other associated works

Ward:	Woodcote Ward
Contact:	Ginny Johnson, Officer

1 Plans and Representations

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PDR5H KGYKR700>

2 Summary

- 2.1 This application seeks Full Planning Permission to demolish an existing vacant office building and redevelopment of the Application Site ('The Site') to provide 53 no. extra-care apartments within four buildings with undercroft parking and associated facilities, falling within Use Class C2. This application also seeks to convert and alter two vacant Grade II Listed Buildings at the Site: Mill House and The Granary. The proposal seeks to provide parking at ground and basement level, access, landscaping and other associated works.
- 2.2 The description of development for which Full Planning Permission is sought is as follows:
- "Demolition of existing office building and redevelopment to provide 53 no. extra-care apartments with associated facilities (within Class C2), including conversion and alteration of the Grade II Listed Mill House and Granary Buildings, with parking, access, landscaping and other associated works. (Listed Building Consent)"*
- 2.3 A Listed Building Consent application has also been submitted in tandem with this Application, under ref: 18/00865/LBA.

- 2.4 The principle of development at the Site is considered acceptable. The Site currently offers vacant office accommodation in a location considered too remote for most office occupiers. The commercial space itself is too fragmented and alternative uses within the existing buildings are unviable.
- 2.5 The Site is located within a 'Built Up Area', which is an area deemed appropriate for housing development. There is a shortfall of specialist retirement housing in the Borough and the provision of 53 no. extra-care apartments is considered appropriate at this Site.
- 2.6 The proposal seeks four new buildings at the Site, with internal and external alterations to the Listed Buildings. The proposed buildings have been designed to create a functional layout for the extra-care apartments, whilst optimising the Site and respecting the Listed Buildings and Conservation Area.
- 2.7 The proposal is considered to create a distinguishable, yet sensitively designed development. The proposed buildings are considered to integrate well into the Site, creating a sense of place within this part of the Borough.
- 2.8 The Local Planning Authority issued a screening opinion for the proposal on 26.09.2018. This confirmed that the proposed development did not meet the thresholds identified under Schedule 2 of the Environmental Impact Assessment Regulations (2017). As such, an Environmental Impact Assessment was not a scheme requirement.
- 2.9 The application is recommended for **APPROVAL**, subject to the competition of a Section 106 Agreement and subject to Planning Conditions.
- 2.10 The grant of Planning Permission would involve a "departure" from the Development Plan as the majority of the Site is identified as "Strategic Open Space" in line with the Local Plan Proposals Map. Any resolution to approve the application would need to be referred to the Secretary of State (SoS), who may decide to determine the application, under call-in powers.

Site Description

- 2.11 The Application Site ('The Site') comprises land and three vacant buildings, two of which are Grade II Listed. The Site is broadly 'L' shaped and measures approximately 0.55 hectares in size. It is accessed via Kingston Road.
- 2.12 The Site comprises a Gross Internal Area of 1,762sqm. A brief overview of the existing and vacant buildings on the Site is provided below:

- Mill House

Mill House is a Grade II Listed Building, located to the South-East of the Site. It is Georgian in style and two storeys in height, with a Basement and rooms at roof level. It is visible from the Site's main access, via Kingston Road.

The Site was historically used for milling operation and Mill House remains the only link to the Site's past use. In the late 20th Century, Mill House was converted to an office building. During this conversion, a large extension was added to the rear of the building, providing further office space.

In accordance with information provided by Historic England, the Listing details of Mill House is provided below:

"Early C18. Two storeys, colour washed brick, four sash windows in cased frames. Central door case with hood on shaped brackets, ornamental fanlight. Capped parapet, hipped old tile roof with two flat topped dormers. Large plain stacks. Attractive building set back from road in grounds. The Mill itself has been demolished; the present building was the attached house. Interior has staircase with turned balusters".

- 2.13 Internally, Mill House has undergone numerous changes to its layout, excluding its Basement, suggesting that here best represents its original layout.

- The Granary

The Granary is a Grade II Listed Building, located to the North-East of the Site. It is historically connected to Mill House, presumably as a granary. It is two storeys in Site and cannot be seen from the Site's main access, via Kingston Road.

In accordance with information provided by Historic England, the Listing details of The Granary is provided below:

"Early C19. Red brick. Hipped slate roof with overhanging eaves. 2 storeys. 2 ranges of fixed windows with glazing bars. Loft door set in continuous panel with, and above, entrance door".

Externally, The Granary has retained much of its original form. Internally, the layout of the buildings holds very limited significance.

- Office Building

A relatively large vacant office building is located to the rear of Grade II Listed Mill House and is therefore not overly visible from the Site's access, via Kingston Road. It is two storeys in height and dates back

to the 1980s, with associated car parking at Ground and Basement level.

- 2.14 The Site is largely level, although it does drop from the existing access at the East of the Site towards the railway line, at the West of the Site. Beyond the Western boundary, the Site rises sharply up an embankment to a railway line.
- 2.15 The boundaries of the Site are well vegetated, with tree planting. Part of the Northern boundary of the Site is formed by an existing brick wall. This wall also forms the rear boundary of the rear gardens on Meadow Walk, which adjoin the Site to the North.
- 2.16 The surrounding area predominately comprises residential dwellings and open space. To the North of the Site, is Meadow Walk, which typically comprises two storey detached houses, located in sizeable plots. To the East of the Site is Kingston Road, which is typically lined with two storey semi-detached and detached residential dwellings. A number of independent shops are also located on Kingston Road. A dense woodland and the Hogsmill River is immediately to the South of the Site and train tracks with a large area of open space beyond is to the West of the Site.
- 2.17 There are a number of Statutory Listed Buildings in the surrounding Area. Details are provided below:
- 25 and 27 Kingston Road is Grade II Listed, located to the North-East of the Site
 - 29 and 31 Kingston Road is Grade II Listed, located to the North-East of the Site
 - 80 and 82 Kingston Road is Grade II Listed, located to the South-East of the Site.
- 2.18 The Site benefits from good transport links. Ewell By-Pass (A240) is located approximately 0.4 kilometres to the North of the Site, which provides vehicular access to Tolworth to the North-West and Epsom to the South-East. Stoneleigh Train Station is located approximately 1.2 kilometres to the North-East of the Site, Ewell West Train Station is located approximately 0.9 kilometres to the South-West of the Site and Ewell East Train Station is located approximately 2 kilometres to the South-East of the Site.
- 2.19 The nearest bus stops are located on Kingston Road, which provide services to Kingston and Epsom.
- 2.20 The Site is designated as Strategic Open Space and a Built Up Area. It is also located within the Ewell Village Conservation Area.

- 2.21 The Site is within Flood Zone 1 (Low Probability of Flooding). The Southern Side of the Site, which is adjacent to the Hogsmill River, and a small localised area on the West of the Site are located within Flood Zone 2 (Medium Probability of Flooding) and Flood Zone 3 (High Probability of Flooding).

3 Proposal

Application Proposal

- 3.1 The application seeks to demolish the existing 1980s style vacant office building and redevelop the Site to provide 53 no. extra-care apartments with associated facilities, falling within Use Class C2. This application also seeks to convert and alter the Grade II Listed Buildings: Mill House and The Granary Building. The proposal seeks to provide parking, access, landscaping and other associated works.
- 3.2 The proposed extra-care apartments will provide accommodation for the elderly. The extra-care model is also known as 'assisted living' or 'care apartments', which gives residents the opportunity to retain independence, whilst also receiving care assistance. The residents will be provided with flexible care packages, to suit their specific needs.
- 3.3 Building 1 is Ground and First floor with a recessed Second floor. It measures 10 metres in height, 23.5 metres in width and 19.5 metres in depth. It is sited approximately 33 metres from no. 25 Meadow Walk.
- 3.4 Building 2 is ground, first and second with a recessed third floor. It measures 12 metres in height, 20.9 metres in width and 19.4 metres in depth. It is sited approximately 40 metres from no. 29 Meadow Walk.
- 3.5 Building 3 is ground, first and second with a recessed third floor. It measures 12 metres in height, 25.3 metres in width and 30.8 metres in depth. It is sited approximately 35 metres from no. 35 Meadow Walk.
- 3.6 A basement runs below Buildings 1-3, to deliver 'back of house' services.
- 3.7 Building 4 provides accommodation at ground and first floor, with rooms in the roof. It takes a faceted form and measures 9.6 metres in height and approximately 28.2 metres in width. Building 4 is sited just over 20m from no. 2 Meadow Walk.
- 3.8 The proposed schedule of accommodation is provided within the below table:

Schedule of Accommodation – Extra-Care										
Floor	Ground		First			Second		Third		Total
Beds	1	2	1	2	3	1	2	1	2	

The Granary	1	0	1	0	0	0	0	0	0	2
The Mill House	1	0	0	0	1	0	0	0	0	2
Building 1	0	0	1	3	0	2	0	0	0	6
Building 2	2	2	1	3	0	1	3	2	0	14
Building 3	2	4	1	5	0	1	5	4	1	23
Building 4	0	2	0	2	0	2	0	0	0	6
Sub-Total	6	8	3	14	1	6	8	6	1	
Total	14 Apt		18 Apt			14 Apt		07 Apt		53
Parking Spaces	43 Parking Spaces (including 5 disabled)/17 Cycle Spaces (9 Sheffield Stands)									

- 3.9 A Listed Building Consent application has also been submitted in tandem with this application, under ref: 18/00865/LBA.

Layout

- 3.10 The proposal seeks to erect three new buildings to the rear of the Grade II Listed “Mill House” (known as Buildings 1, 2 and 3) and a further building to the rear of the Grade II Listed “The Granary” (known as Building 4).
- 3.11 Buildings 1-3 are proposed to be linked at Ground floor level, to enable future residents to access communal facilities, which are found within Building 1.
- 3.12 Buildings 1-3 increase in height, with Building 1 designed to be lower in height than Mill House. The Ground Floor level of Building 1-3 matches the existing lower level of Mill House (sunken by approximately 1m from Mill House’s entrance level). Buildings 2 and 3 are proposed to increase in height.

3.13 Building 1 is Ground and First floor with a recessed Second floor, and Buildings 2 and 3 are Ground, First and Second with a recessed Third floor. A Basement is proposed to run below Buildings 1 – 3 to deliver 'back of house' facilities and car parking. Building 4 provides accommodation at Ground and First floor, with rooms at the roof.

3.14 The proposal seeks to convert Mill House and The Granary into C2 Use:

Mill House

- 1 x one bedroom apartment at Ground Floor
- 1 x two bedroom apartment at First Floor
- 1 x one bedroom Guest Suite at First Floor

The Granary

- 1 x one bedroom apartment at Ground Floor
- 1 x one bedroom apartment at First Floor.

Access

3.15 Access to the Site will remain as existing, via Kingston Road.

4 Procedural Matters

4.1 The proposed development is a departure from the development plan and accordingly the consultation procedure as set out in The Town and Country Planning (Consultation) (England) Direction 2009 has been undertaken. In addition to neighbour notification letters, 1 site notice was erected near to the site and a press notice for the proposal was published.

4.2 The proposal is of a type and scale of development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and as such the applicant made an application to screen the proposal. The LPA confirmed on 26 September 2018 that the development proposal would not require an EIA.

5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 20 neighbouring properties. To date (13.02.2019) 246 letters of representation has been received in response to this proposal, regarding:

- Height, scale and mass
- Traffic generation and inadequate parking spaces
- Ecological Impact
- Loss of trees
- Concerns of construction
- Impact on Infrastructure.

6 Consultations

The following Statutory Consultees were consulted:

Contamination (Internal) (13.03.2019) – recommend condition (Condition 4)

Surrey County Council (Flood Authority) (17.09.2018) – the following documents should be referred to as part of any future submissions or discharge of planning conditions:

- Flood Risk Assessment, PBA, August 2018, Revision C, ref: 43797/4001
- Proposed drainage statement for redevelopment of Lower Mill, Ewell, JPP, August 2018, ref: 9946K/WRA/RS/001B

SCC Flood Authority is satisfied that the proposed drainage scheme meets the requirements set out in the aforementioned documents and can recommend planning permission be granted, that suitably worded conditions are applied to ensure that the SuDs Scheme is properly implemented and maintained throughout the lifetime of the development. See Conditions 9 and 10.

Surrey County Council (Heritage Conservation Team: Archaeology) (10.09.2018) - acknowledged that the applicant submitted an Archaeological Desk Based Assessment. Given the archaeological potential of the site, there is need for further archaeological work in respect of the application. That work should take form of an Archaeological Evaluation. Recommended a condition. Condition 3.

Environment Agency (13.12.2018) – no objection, subject to conditions. See Conditions 11, 12 13 and 14.

Surrey County Council (Highways) (22.01.2019) – CHA are able to support the application and it is not considered to impact highway safety, subject to planning conditions.

7 Relevant planning history

There is an extensive planning history relating to the Site. The below sets out the most recent and relevant applications pertaining to the Site:

Reference	Description of Development	Decision	Decision Date
17/00842/LBA	Installation of temporary covering (boarding) to windows and	Granted	6 February 2018

	doors to prevent vandalism		
06/00931/FUL	Works to entrance including new block paving, installation of new bollards and raised fence	Granted	17 January 2007
06/00659/FUL	Erection of 2.4m high palisade fence to river side	Granted	20 October 2006

8 Planning Policy

National Policy Planning Framework (NPPF) 2018

Chapter 2	Achieving sustainable development
Chapter 5	Delivering a sufficient supply of homes
Chapter 6	Building a strong, competitive economy
Chapter 9	Promoting sustainable transport
Chapter 11	Making effective use of land
Chapter 12	Achieving well-designed places
Chapter 14	Meeting the challenge of climate change, flooding and coastal change
Chapter 15	Conserving and enhancing the natural environment
Chapter 16	Conserving and enhancing the historic environment

Core Strategy 2007

CS3	Biodiversity and Designated Nature Conservation Area
CS4	Open Spaces and Green Infrastructure
CS5	Conserving and Enhancing the Quality of the Built Environment
CS6	Sustainability in New Developments
CS7	Providing for Housing and Employment Development
CS8	Broad Location of Housing Development
CS9	Affordable Housing and meeting Housing Needs
CS16	Managing Transport and Travel

Development Management Policies Document (2015)

DM4	Biodiversity and New development
DM5	Trees and Landscape
DM8	Heritage Assets
DM9	Townscape Character and Local Distinctiveness
DM10	Design Requirements for New Developments (including House Extensions)

DM13	Building Heights
DM17	Contaminated Land
DM21	Meeting Local Housing Needs
DM24	Employment Uses Outside of Existing Employment Policy Areas
DM36	Sustainable Transport for New Development

Revised Developer Contributions Supplementary Planning Document (2014)

Planning considerations

- Principle of Proposed Development
- Provision of accommodation for older people
- Design and Heritage
- Visual Impact
- Neighbouring Amenity
- Quality of Accommodation
- Affordable Housing
- Highway and Parking
- Refuse and Recycling
- Trees and Landscaping
- Ecology
- Flood Risk and Drainage
- Contamination
- Archaeology
- Sustainability
- Legal Agreements.

Principle of Proposed Development

8.1 The three key principles to consider for this application are:

- Loss of Employment Uses;
- Development on Strategic Open Space; and

- Development directly affecting Listed Buildings

Loss of Employment

- 8.2 Chapter 6 of the NPPF relates to building a strong, competitive economy. Paragraph 80 of the NPPF sets out that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 8.3 Policy DM24 (Employment Uses Outside of Existing Employment Policy Areas) sets out that outside of employment locations and Epsom Town Centre, proposals resulting in the loss of employment floor space will not be granted planning permission unless there is genuine evidence, including that the site has been marketed without success, that the site, as it stands, is no longer suitable for its existing or other employment uses. The Council will require that the site has been marketed for a minimum period of 18 months at an appropriate rate for its location and condition.
- 8.4 Policy DM24 further states that where the loss of existing employment floor space can be demonstrated, new mixed-use redevelopment will be allowed provided that the development provides for a mix of uses, including a significance element of employment generating uses.
- 8.5 A Marketing History Report (dated 5 May 2017) accompanies the Planning Application. This report sets out that Lower Mill is a unique and attractive property, but that its location is too remote for most office occupiers. Furthermore, the commercial space itself is too fragmented for today's office users. Alternative users were considered for the Site, including schools, charities and medical users/therapy centres, however it has been demonstrated that the Site is no longer suitable for either its existing office use or other employment users.
- 8.6 It is considered that the applicant has attempted to market the existing vacant office building, with no success. It has therefore been demonstrated that the Site is no longer suitable for its existing use or other employment uses. The proposed Care Home seeks to employ approximately 12 members of staff and therefore complies with Policy DM24.

Strategic Open Space

- 8.7 The majority of the Site is identified as Strategic Open Space in line with the Local Plan Proposals Map. Policy CS4 (Open Spaces and Green Infrastructure) sets out that emphasis will continue to be placed on protecting and enhancing Strategic Open Spaces. These areas provide a particularly important recreational, amenity and wildlife resource.

- 8.8 The Site comprises two vacant Grade II Listed Buildings and an office, formally supporting employment uses. The Site has been demonstrated as no longer suitable for either its existing use or other employment uses, in line with the Marketing History Report (dated 5 May 2017).
- 8.9 The proposal seeks to provide landscaping as part of the scheme, including mown lawns, a bees and birds garden and numerous plant species. The applicant also proposes a financial contribution towards a Woodland Management Plan, for improvements and enhancements to the woodland, which falls within the Council's ownership, to the South of the Hogsmill River.
- 8.10 It is considered that the proposal seeks to enhance the Strategic Open Space designation at this Site, by bringing the Site back into use, providing landscaping as part of the scheme, but also contributing towards the improvement and enhancement of the woodland, which is to the South of the Hogsmill River.

Development directly affecting Listed Buildings

- 8.11 The application seeks to convert and alter two Listed Buildings at the Site, to bring them into a viable use that is compatible with the provision of extra-care apartments.
- 8.12 A separate Listed Building Consent Application (ref: 18/00865/LBA) has been submitted in tandem with this application. This sets out that the alterations to the Listed Buildings is considered acceptable and whilst the proposed heights and massing of the new four buildings will result in a minor adverse impact on the sitting of the Listed Buildings and Conservation Area, the buildings have been designed well to respond positively to the woodland character of the Site.

Provision of accommodation for older people

- 8.13 Chapter 11 of the NPPF relates to the effective use of land. Paragraph 117 of the NPPF sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 8.14 Chapter 5 of the NPPF encourages the delivery and supply of homes.
- 8.15 Policy CS7 (Providing for Housing and Employment Development) sets out that Borough seeks the provision of sufficient housing.

- 8.16 Paragraph 3.11.1 of the Core Strategy sets out that new housing development in Epsom and Ewell will be focused in locations that perform best in sustainability terms. Policy CS8 (Providing for Housing and Employment Development) sets out that that new housing development will be located within the defined built up area of Epsom and Ewell and within the three hospital clusters. Within these areas, the emphasis will be on the re-use of suitable previously developed land (including the re-use of conversion of existing buildings) for housing. Subject to other policies, planning consent will be given for development within the built up areas, including infilling, redevelopment and conversion.
- 8.17 Policy DM21 (Meeting Local Housing Needs) sets out that planning permission will be granted for specialised forms of residential accommodation, subject to the following requirements being met:
- That the application documentation includes clear and robust evidence that demonstrates that there is a need for the new accommodation; and
 - The delivery of the new accommodation does not result in an over-provision of that particular type of accommodation; and
 - The design of the proposal is demonstrated as being sufficiently flexible to readily accommodate conversion to other appropriate uses, either residential or non-residential, in the event that the need for the permitted use declines.
- 8.18 The Site is located within a 'Built Up Area', which in accordance with Policy CS8, is an area deemed appropriate for housing development. The Site is also considered to comprise previously development land.
- 8.19 An 'Evidence of housing demand and supply' report accompanies the application, dated September 2017. This appraises the potential demand for specialist retirement housing in Epsom and Ewell. It sets out that there is a shortfall of specialist retirement housing in the Borough and that specifically, that there is a need for between 151 and 247 apartments. The modelling relates to the position at 2018.
- 8.20 This proposal seeks to promote an effective use of land at the Site, which complies with the objective of Paragraph 117 of the NPPF. Specifically, it seeks to provide 53 no. extra-care apartments, which will contribute towards the need for specialist retirement housing in the Borough. The proposal is therefore considered to comply with the principle of Policy DM21.

- 8.21 The Standard Method Calculation indicates a high demand for new housing in the new plan period. The provision of 'extra-care' at the Site falls under Use Class C2 (Residential Institution). It does not fall under Use Class C3 (Dwellinghouse). The "Housing Delivery Test Measurement Rule Book", dated July 2018, is the basis of calculating the 'net homes delivered' for communal accommodation, including Care Homes. In accordance with this guidance, the 53 bedrooms proposed at the Site would be calculated as 29 additional homes.
- 8.22 In summary, the Site is located within a 'Built Up Area', where housing development is deemed appropriate. An 'Evidence of housing demand and supply' report accompanies the application (September 2017) that set out that there is a shortfall of specialist retirement housing in the Borough. The redevelopment of the Site for extra-care apartments is therefore considered appropriate and complies with Policy DM21.

Sustainable Communities

- 8.23 Policy DM21 (Meeting Local Housing Needs) sets out that the Council will grant planning permission for specialised forms of residential accommodation subject to the following requirements being met:
- That the application documentation includes clear and robust evidence that demonstrates that there is a need for the new accommodation; and
 - The delivery of the new accommodation does not result in an over-provision of that particular type of accommodation; and
 - The design of the proposal is demonstrated as being sufficiently flexible to readily accommodate conversion to other appropriate uses, either residential or non-residential, in the event that the need for the permitted use declines.
- 8.24 Supporting paragraph 4.9 of Policy DM21 sets out that it is important that the Council ensures that new housing developments provide a choice and mix of housing so that the Borough continues to be comprised of balanced and sustainable communities.
- 8.25 The Site seeks to demolish an existing vacant office building, which is too remote for most office occupiers and its commercial space too fragmented for today's office users. The application proposed to redevelop the Site to provide 53 no. extra-care apartments with associated facilities, which will contribute towards the need for specialist retirement housing in the Borough.
- 8.26 The Site is located in close proximity to Ewell Village, which has a commercial centre. The Site also benefits from good transport links, with Ewell By-Pass (A240) located approximately 0.4 kilometres to the North of the Site, providing vehicular access to Tolworth to the North-West and Epsom to the South-East. Furthermore, four train stations are in close proximity to the Site and a number of bus stops located on Kingston Road, providing regular services to Kingston to the North-East and Epsom to the South-East of the Site.

- 8.27 It is considered that the demolition of the existing vacant office building and redevelopment of the Site to provide extra-care apartments is appropriate. Furthermore, the Site is located in close proximity to Ewell Village and benefits from good transport links. It is therefore considered that the Site has adequate access to services and facilities required to support sustainable communities. The proposal is considered to comply with Policy DM21.

Design and Heritage

- 8.28 Chapter 12 of the NPPF relates to the achievement of well-designed places.
- 8.29 Paragraph 124 sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 8.30 Paragraph 127 of the NPPF sets out that Planning Decisions should ensure that developments (inter alia) function well, are visually attractive, are sympathetic to local character and history and establish or maintain a strong sense of place.
- 8.31 Paragraph 131 of the NPPF sets out that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 8.32 Chapter 16 of the NPPF relates to the conservation and enhancement of the historic environment.
- 8.33 Paragraph 192 of the NPPF sets out that in determining applications, local planning authorities should take account of (inter alia) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic viability.
- 8.34 Policy CS5 (The Built Environment) sets out that the Council will protect and seek to enhance the Borough's heritage assets including historic buildings and conservation areas. Development should:
- Create attractive, functional and safe public and private environments;
 - Reinforce local distinctiveness and complement the attractive characteristics of the Borough; and
 - Make efficient use of land and have regard to the need to develop land in comprehensive way.

- 8.35 Policy DM8 (Heritage Assets) sets out that the Council will resist the loss of Heritage Assets and every opportunity to conserve and enhance them should be taken by new development.
- 8.36 Policy DM9 (Townscape Character and Local Distinctiveness) sets out that Planning Permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance.
- 8.37 The Site is within the Ewell Village Conservation Area. The Ewell Village Conservation Area Map sets out that Mill House is a Listed Building, a Focal Building and an Importance View. The Granary is recognised as a Listed Building, in accordance with the Map. As such, any proposed development at the Site should respect these Listed Buildings and the view of Mill House from the access.

Layout

- 8.38 Buildings 1-3 are positioned to the rear of Mill House. These will be set back from the Northern Site boundary, with the rear gardens at Meadow Walk behind.
- 8.39 The Ground floor level of Buildings 1-3 matches the existing lower level of the Mill House (sunken by approximately 1 metre from Mill House's entrance level). Building 1 is lower in height than Mill House and buildings 2 and 3 are proposed to increase in height towards the North-West of the Site. This ensures that Mill House retains a prominent feature within the Site.
- 8.40 Amended drawings were submitted to the Council on 07.12.2018 that sought to alter the massing of Building 1. To provide a degree of visual separation from the view in front of The Granary and the view in front of the access off Kingston Road, Building 1 was amended and the building line was brought back to the line established by Mill House. This in turn reduced the perceived bulk of Building 1 and ensured that the heritage value of Mill House was retained and respected.
- 8.41 Building 4 is proposed to the rear of The Granary and comprises a faceted footprint. The siting of the proposed four buildings are considered to optimise the Site.

Height and Mass

- 8.42 Concerns have been raised regarding the proposed height and massing of the proposed buildings. Currently, a large office building is located to the rear of Mill House and comprises a relatively large footprint.
- 8.43 The proposed four buildings have been designed to create a functional layout for the extra-care apartments. Buildings 1-3 are proposed to the rear of Mill House and Building 4 is proposed to the rear of The Granary.

- 8.44 Building 1 comprises Ground and First floors, with a recessed Second floor. Buildings 2 and 3 comprise Ground, First and Second Floors with a recessed Third floor. A Basement is proposed to run below Buildings 1-3 to deliver 'back of house' facilities and car parking. Building 4 provides accommodation at Ground and First floor, with rooms in the roof.
- 8.45 The Ground floor level of Buildings 1-3 matches the existing lower level of the Mill House (sunken by approximately 1 metre from Mill House's entrance level). Building 1 will measure approximately 10 metres in height and Buildings 2 and 3 measure approximately 12 metres in height. These buildings were broken up as a result of pre-application discussions, to allow for permeability of views through the Site from Meadow Walk. Building 4 will measure approximately 9.6 metres in height.
- 8.46 It is considered that the proposed height and massing of the proposed buildings is acceptable, given that these seek to optimise the Site, allow for permeability of views from Meadow Walk, respect the Listed Buildings and retain distance from Site boundaries.

Design and Materials

- 8.47 The core materials for the new buildings were discussed at pre-application stage. The core materials proposed comprise a mix of facing brick and kebony, which is a natural wood. These materials were considered to respond positively to the woodland setting of the Site.
- 8.48 To ensure privacy to the properties located at Meadow Walk, oriel windows are proposed on the Northern boundary on Buildings 1 -3. This restricts views and therefore limits potential overlooking. There are no balconies proposed on the elevation fronting Meadow Walk, to ensure no adverse impact on neighbouring amenity.
- 8.49 The Hogsmill River elevation of Buildings 1-3 is South facing. This elevation benefits from large windows, set within timber cladding. Balconies are proposed on this elevation, allowing residents to benefit from views of the Hogsmill River and beyond.
- 8.50 Building 4 also comprises facing brickwork and timber cladding. It comprises balconies and roof dormers.
- 8.51 The design of the four buildings and core materials proposed are respond positively to the Listed Buildings, Conservation Area and woodland setting of the Site.

Heritage

- 8.52 Buildings 1-3 have been designed specifically to deliver specialist accommodation for the elderly, which has dictated the design of the buildings. Buildings 1-3 seek to retain separation distances from relevant boundaries, but it is acknowledged that these will impact Mill House.

- 8.53 Building 4 comprises a faceted footprint, breaking up its mass. The North flanking elevation of Building 4 fronts The Granary. This comprises a facing red brick wall, a window at Ground Floor Level, a window at First Floor Level and a window at Third Floor Level. It is acknowledged that Building 4 will impact The Granary, however it is considered that its faceted design limits this impact.
- 8.54 A Heritage Statement, dated July 2018, accompanies the application. This assesses the significance of both the Grade II Listed Buildings, in line with the requirement of Policy DM8. The Heritage Statement also notes that the proposed development results in a minor adverse impact on the Listed Buildings given the overall increase in height and massing of the proposed scheme. It also sets out that the proposed scheme will have a minor beneficial impact on the significance of the Listed Buildings, given that they will be provided with a viable use, along with improvements to their fabric, significance and setting.
- 8.55 In summary, given the Site's existing layout, which includes the positioning of the Listed Buildings, the location of the proposed four buildings is considered appropriate, seeking to optimise the Site. The proposed heights of the four buildings will have a minor adverse impact on the significance of the Listed Buildings, however these buildings will be provided with a viable use, along with improvements to their fabric, outweighing the harm of the heights and mass of the proposed buildings. When weighing up the planning balance, it is considered that the scheme presents an opportunity to bring the Site into use, creating a functional environment with a strong sense of place. This is considered to outweigh any adverse impact on the Listed Buildings and Conservation Area.
- 8.56 The proposal is also subject to a Listed Building Consent application (18/00865/LBA), which imposes all Conditions required to ensure an acceptable conversion and alterations of the Listed Buildings. These conditions do not need to be imposed as part of this application.

Visual Impact

- 8.57 Chapter 12 of the NPPF relates to the achievement of well-designed places. Paragraph 127 of the NPPF sets out that planning decisions should ensure that developments are (inter alia) visually attractive as a result of good architecture and layout and are sympathetic to local character, including the surrounding built environment and landscape setting.
- 8.58 Policy DM9 (Townscape Character and Local Distinctiveness) sets out that Planning Permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance. In assessing this, the following will be considered:
- compatibility with local character and the relationship to the existing townscape and wider landscape;
 - the surrounding historic and natural environment;

- the setting of the proposal site and its connection to its surroundings; and the inclusion of locally distinctive features and use of appropriate materials.

8.59 Policy DM10 (Design Requirements for New Developments, including House Extensions) sets out that development proposals will be required to incorporate principles of good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or area which should be respected, maintained or enhanced include, but are not limited, to the following:

- prevailing development typology, including housing types and sizes;
- prevailing density of the surrounding area;
- scale, layout, height, form (including roof forms), massing;
- plot width and format which includes spaces between buildings;
- building line; and
- typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.

8.60 In May 2018, the Licensing Planning Policy Committee took a decision to set aside Policy DM13 (Building Heights). This was on the basis of the policy restricting opportunities for growth in the Borough.

8.61 The proposal seeks to retain the existing access to the Site, off Kingston Road. This is the main viewpoint of the Site from the street scene. The existing courtyard will be retained at the front of the Site with Mill House located behind this. Buildings 1-3 are proposed to be located to the rear of Mill House.

8.62 Amended drawings were submitted to the Council on 07.12.2018 that sought to alter the massing of Building 1. To provide a degree of visual separation from the view in front of The Granary and the view in front of the access off Kingston Road, Building 1 was amended by bringing the building line back to the line established by Mill House. This in turn reduced the perceived bulk of Building 1 from the main viewpoint of the Site from Kingston Road.

8.63 The Ground floor level of Buildings 1-3 matches the existing lower level of the Mill House (sunken by approximately 1 metre from Mill House's entrance level). Building 1 is lower in height than Mill House and buildings 2 and 3 increase in height towards the North-West of the Site. Given the separation distance between Building 1 and Mill House, it is not considered to adversely impact the view of the Site from the street scene. Instead, Mill House remains a focal building from this viewpoint.

8.64 The Granary is located to the North-East of the Site and is not visible from the access off Kingston Road. Building 4 is to be located to the rear of The Granary and will not be visible from the Site's access.

- 8.65 The Site's surrounding area predominately comprises residential dwellings and open space. To the North of the Site is Meadow Walk, which typically comprises two-storey detached houses. Buildings 1 to 3 are proposed to be located to the rear of Mill House and will be visible from Meadow Walk. Buildings 1-3 have been designed to incorporate principles of good design to create distinguishable, yet sensitively designed buildings.
- 8.66 Building 4 is proposed to the rear of The Granary and in close proximity to the Site's boundary to the North. Building 4 will therefore be viewable from the street scene. This building is two storeys in height and comprises a faceted form, breaking up its visual impact from the street scene. The building incorporates principles of good design to ensure that it integrates with its surroundings.
- 8.67 To the South of the Site is a dense woodland and the Hogsmill River. Beyond this is Epsom Sports Club. Given the woodland setting, Buildings 1-3 will be visually screened from views from the South of the Site. As such, the proposed buildings benefit from large windows on the Southern Elevations of Buildings 1-3. The proposals are not considered to adversely impact the views enjoyed from Epsom Sports Club.
- 8.68 To the West of the Site is a railway track, with open space located beyond this. The rear elevation of Building 3 is therefore most relevant. This again incorporates principles of good design and will not adversely impact the views from the open space located beyond the railway track.
- 8.69 In summary, the proposed buildings have been carefully designed to optimise the Site and limit any adverse visual impact from Meadow Walk and Kingston Road. Through the imposition of Condition 2 relating to plans, an acceptable outcome is secured. The proposal is therefore considered to comply with Policy DM9 and DM10.

Neighbouring Amenity

- 8.70 Policy DM9 (Townscape Character and Local Distinctiveness) sets out that Planning Permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance. In assessing this, the following will be considered:
- compatibility with local character and the relationship to the existing townscape and wider landscape;
 - the surrounding historic and natural environment;
 - the setting of the proposal site and its connection to its surroundings; and the inclusion of locally distinctive features and use of appropriate materials.

8.71 Policy DM10 (Design Requirements for New Developments, including House Extensions) sets out that development proposals will be required to incorporate principles of good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or area which should be respected, maintained or enhanced include, but are not limited, to the following:

- prevailing development typology, including housing types and sizes;
- prevailing density of the surrounding area;
- scale, layout, height, form (including roof forms), massing;
- plot width and format which includes spaces between buildings;
- building line; and
- typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.

8.72 In May 2018, the Licensing Planning Policy Committee took a decision to set aside Policy DM13 (Building Heights). This was on the basis of the policy restricting opportunities for growth in the Borough.

8.73 The Site seeks to demolish the existing vacant office building, which is no longer considered viable. This is a 1980s build and comprises a relatively large footprint to the rear of Mill House. New buildings 1 to 3 are proposed to be located to the rear of Mill House and will comprise a larger footprint than the existing office building. Building 4 is proposed to the rear of The Granary.

8.74 The Ground floor level of Buildings 1-3 matches the existing lower level of the Mill House (sunken by approximately 1 metre from Mill House's entrance level). Building 1 will measure approximately 9.5 metres in height from Ground Floor Level and Buildings 2 and 3 measure approximately 12 metres in height from Ground Floor Level. Building 4 will measure approximately 8.5 metres in height from Ground Floor Level.

8.75 The Site's surrounding area predominately comprises residential dwellings and open space. To the North of the Site is Meadow Walk, which typically comprises two-storey detached dwellings. To the East of the Site is Kingston Road, which is typically lined with two storey semi-detached and detached residential dwellings and independent shops. There are no residential properties that would be impacted by the development to the South or West of the Site.

8.76 The proposed buildings seeks to maintain separation distances from the rear boundaries of the existing residential properties located on Meadow Walk. Approximate distances are provided below:

- Building 1 is sited nearly 33 metres from no. 25 Meadow Walk;
- Building 2 is sited nearly 40m from no. 29 Meadow Walk;
- Building 3 is sited over 35m from no. 35 Meadow Walk; and
- Building 4 is sited just over 20m from no. 2 Meadow Walk.

- 8.77 It is acknowledged that the proposed buildings will be visible by residential properties located on Meadow Walk. As such, it is important to consider the heights and design of the proposed buildings.
- 8.78 Buildings 1-3 are considered to incorporate principles of good design, including a flat roof and appropriate materials palette. This includes multi-red brick facing brick work, timber cladding and oriel privacy windows, which provide a degree of privacy for neighbouring residents on Meadow Walk. This in turn helps to create a distinguishable, yet sensitively designed buildings.
- 8.79 Building 4 will be located to the rear of The Granary and will be viewable from residential properties located at Meadow Walk. This building is two storeys in height and comprises a faceted form, which breaks up its visual impact from Meadow Walk. The building will comprise several different materials, including multi-red brick facing brickwork and grey reconstituted slate roof tiles, to ensure that it assimilates within its immediate surroundings.
- 8.80 In considering potential amenity impacts to neighbouring properties, construction noise has been considered. The accompanying Construction Environmental Management Plan, dated 26 November 2019, sets out strict hours of construction to minimise any potential harm to neighbouring properties. Subject to Planning Permission being granted, this document shall be Conditioned (Condition 5).
- 8.81 Given the quality of design, heights and proposed separation distances to be retained from nearby residential dwellings, the proposal is not considered to adversely impact the residential amenity enjoyed at Meadow Walk. It therefore complies with Policies DM9 and DM10.

Quality of Accommodation

- 8.82 The proposal seeks to provide 53 no. extra-care apartments with associated facilities. This comprises:
- 21 x 1 bedroom apartments;
 - 31 x 2 bedroom apartments; and
 - 1 x 3 bedroom apartments.
- 8.83 The total GIA of the proposed development is 5383sqm, with a total GEA of 7048sqm. The proposed apartments provide independent accommodation, with a bedroom, en-suite bathroom, kitchen and lounge/diner within each unit.
- 8.84 In addition to the individual apartments, the proposed development incorporates communal facilities, including a restaurant and kitchen, a wellness and fitness suite, hairdressing and beauty salon, a snug and a club room. The development also includes a guest suite within Mill House, allowing visitor stay.

8.85 The proposed scheme of accommodation is provided below:

Schedule of Accommodation – Extra-Care										
Floor	Ground		First			Second		Third		Total
Beds	1	2	1	2	3	1	2	1	2	
The Granary	1	0	1	0	0	0	0	0	0	2
The Mill House	1	0	0	0	1	0	0	0	0	2
Building 1	0	0	1	3	0	2	0	0	0	6
Building 2	2	2	1	3	0	1	3	2	0	14
Building 3	2	4	1	5	0	1	5	4	1	23
Building 4	0	2	0	2	0	2	0	0	0	6
Sub-Total	6	8	3	14	1	6	8	6	1	
Total	14 Apt		18 Apt			14 Apt		07 Apt		53
Parking Spaces	43 Parking Spaces (including 5 disabled)/17 Cycle Spaces (9 Sheffield Stands)									

8.86 Nationally Described Space Standards are not applicable to proposed C2 Uses. The bedrooms proposed within the apartments vary in size between 8.15m² and 19.95m². The majority of apartments also benefit from a terrace.

8.87 Given that Nationally Described Space Standards are not applicable for C2 Uses, the Council has considered the proposed areas of the bedrooms within each apartment and the provision of private amenity space. It is considered that the floor-spaces of the proposed apartments are acceptable, along with the proposed private amenity space.

8.88 The development would not be able to convert to a full unrestricted C3 Use, without Planning Permission.

Affordable Housing

- 8.89 Chapter 5 of the NPPF relates to the delivery of a sufficient supply of homes. Paragraph 61 sets out that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including affordable housing).
- 8.90 Paragraph 62 of the NPPF sets out that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be on-site unless:
- a) Off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - b) The agreed approach contributes to the objective of creating mixed and balanced communities.
- 8.91 Policy CS9 (Affordable Housing and meeting Housing Needs) sets out that the Council has a target that overall, 35% of new dwellings should be affordable. Residential development of 15 or more dwellings gross (or on sites of 0.5ha or above) should include at least 40% of dwellings as affordable.
- 8.92 Supporting paragraph 3.12.11 sets out that where there are specific and overriding site constraints, or where development-specific issues inhibit the provision of affordable housing, off site provision or financial contributions may be acceptable.
- 8.93 Paragraph 8.9 of the Revised Developer Contributions Supplementary Planning Document (2014) sets out that the Council will apply Policy CS9 to extra-care housing. The Government has confirmed that there is no distinction between these sorts of proposal and other open market housing.
- 8.94 The proposal is subject to the provision of affordable housing. The applicant has undertaken a Viability Assessment, which has been independently reviewed by two Viability Consultants, for the Council. The independent reviews confirm that the scheme cannot support on-site affordable housing. A financial contribution of £422,251 has been proposed, which is subject to a review mechanism to assess the Ground Rent Assessment.
- 8.95 The above commuted sum would be secured through a Section 106 Agreement. It is recommended that a review mechanism is included within the Section 106 Agreement, in the event that Government Legislation changes with regard to Ground Rent Assessments.

Highway and Parking

- 8.96 Chapter 9 of the NPPF relates to the promotion of sustainable transport.

8.97 Paragraph 108 Of the NPPF sets out that in assessing applications for development, it should be ensured that:

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

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

8.99 Policy CS16 (Managing Transport and Travel) encourages development proposals that foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should (inter alia) provide safe, convenient and attractive accesses for all, including the elderly, disabled, and others with restricted mobility. Development proposals should be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. Furthermore, development proposals must ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, not materially increase other traffic problems.

8.100 Policy DM36 (Sustainable Transport for New Development) sets out that to secure sustainable transport patterns across the Borough, the Council will (inter alia) prioritise the access needs of pedestrians and cyclists in the design of new developments and require new development to provide on-site facilities for cyclists as appropriate, including showers, lockers and secure, convenient cycle parking, in accordance with standards.

8.101 Policy DM37 sets out that developments will have to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.

8.102 A full Transport Assessment accompanies the application, dated August 2018. This sets out that the Site is located within a highly accessible location, with numerous local amenities and public transport available. A wider array of services are available within Epsom Town Centre.

8.103 The Transport Assessment sets out that the Site will continue to be accessed via the existing access. This measures 5 metres in width, which accords with Manual for Streets guidance.

- 8.104 The Transport Assessment sets out that the proposal would result in a decrease of vehicle trips in comparison to the former use of the Site. Specifically, Table 6 of the Transport Assessment sets out that the proposed development is anticipated to result in a reduction of 165 trips over a 12 hour period. As such, the proposals would result in an overall betterment to the operation of the local highway network.
- 8.105 The Parking Standard for Residential Development Supplementary Planning Document does not specifically provide parking standards for Care Homes. As such, the Transport Assessment sets out that the standards outlined by Surrey County Council's Vehicular and Cycle Parking Guidance (January 2012) for Care Homes was considered.
- 8.106 Surrey County Council (Highways) was formally consulted as part of this application. The Highways Authority queried a number of operation points during the application's determination and requested a greater level of detail from the applicant on these aspects, which are summarised below. The applicant provided revised drawings on 29.01.2019, to address the comments raised by the Highways Authority. A formal response was provided by the Highways Authority on 23.01.2019 with no objections, subject to Planning Conditions.

Car Parking Provision

- 8.107 The proposal provides 43 parking spaces, including 5 disabled spaces. 39 car parking spaces are to be located underground and will be accessed via a ramp at Building 3. 24 of the spaces are for residents and the remaining are for visitors and staff.
- 8.108 Surrey County Council (Highways) initially commented that the proposal had insufficient parking, however the applicant confirmed that the majority of residents are unlikely to drive and therefore would not require a parking space each. In the Extra-Care Industry, the benchmark for car parking is to allocate an average of 0.4 spaces per apartment, which calculates as 24 car parking spaces for this Site. The provision of 24 resident spaces is therefore appropriate.

Servicing

8.109 To accommodate servicing arrangements, the Site provides two drop-off/turning head areas: the courtyard and the drop-off point, which is shown on the Proposed Site Plan (APL004 Rev G). These areas provide adequate space for vehicles servicing the Site (including refuse vehicles, emergency vehicles and deliveries). Apart from refuse vehicles, all other refuse vehicles would be able to use either area.

8.110 In the event that the drop-off point is in use, the courtyard area would provide space for a further two vehicles.

8.111 Subject to Planning Permission being granted, Surrey County Council (Highways) has recommended a Condition, which requires a Service Management Plan. This will ensure that management arrangements are in place to facilitate deliveries and waste collection with the Site.

8.112 *Waste Collection*

8.113 Surrey County Council (Highways) initially commented that inadequate information had been submitted with the application in respect of waste collection. This aspect has now been addressed and waste collection will be undertaken within the Site. A refuse vehicle is able to enter and exit the Site in forward gear, with no impact on the public highway or Meadow Walk. A Tracking Plan (ref: 020.0374.006 Rev A) was provided to Surrey County Council by the applicant, demonstrating that a refuse vehicle can turn on Site and enter and exit the Site in forward gear, with no impact on the public highway or Meadow Walk.

8.114 Should Planning Permission be granted, a Condition is included, requiring a Service Management Plan, which requires specific details of waste collection within the Site.

8.115 *Emergency Access and Disabled Spaces*

8.116 Due to the height restriction (2.25 metres), an ambulance will not access the Basement Car Park. Surrey County Council (Highways) noted this, but required further information regarding Blue Badge parking bays within the Basement. A revised Proposed Basement Plan (APL006 Rev I) was prepared by the applicant reconfiguring the disabled spaces at Basement Level, so that these are located towards the entrance of Building 3, with a minimum headroom of 2.6 metres.

8.117 18 Cycle Spaces are proposed as part of this application. Surrey County Council (Highways) initially commented that the ramp gradient within the basement was inappropriate for cycle access. The applicant responded to this, relocating cycle spaces to Ground Floor. These are shown on the proposed Ground Floor Plan, ref: APL007 Rev I.

- 8.118 In summary, the proposed development is anticipated to result in a reduction of 165 trips over a 12 hour period, providing an overall betterment to the operation of the local highways network. Surrey County Council (Highways) was formally consulted as part of this application and raised a number of operation points during the application's determination period. The applicant responded accordingly and subject to Planning Conditions, Surrey County Council (Highways) has set out that the Application is not considered to impact highway safety. The application is considered to comply with Policies CS16, DM27 and DM36.

Refuse and Recycling

- 8.119 Policy CS6 (Sustainability in New Developments) sets out that proposals for development should result in a sustainable environment. To conserve natural resources, waste should be minimised and recycling encouraged. Development should incorporate waste management processes.
- 8.120 Surrey County Council (Highways) was formally consulted as part of this Planning Application. During the Application's determination, Surrey County Council commented that inadequate information had been submitted in respect of waste collection. This aspect was addressed by the applicant accordingly. Waste collection shall be undertaken within the Site and a refuse vehicle is able to enter and exit the Site in forward gear, with no impact on the public highway or Meadow Walk. A Tracking Plan (ref: 020.0374.006 Rev A) was provided to Surrey County Council by the applicant, demonstrating that a refuse vehicle can turn on Site and enter and exit the Site in forward gear, with no impact on the public highway or Meadow Walk.
- 8.121 Should Planning Permission be granted, Surrey County Council has recommended a Planning Condition, which requires a Service Management Plan. The Condition sets out that the development shall not be occupied, unless and until, management arrangements are in place to facilitate deliveries and waste collection within the Site.
- 8.122 In summary, waste collection will be undertaken within the Site. Surrey County Council (Highways) was formally consulted as part of this Application and has recommended a Condition, subject to Planning Permission being granted, requiring a Service Management Plan. This ensures that management arrangements are in place to facilitate deliveries and waste collection within the Site. The proposal is considered to comply with Policy CS6.

Trees, Landscaping and Open Space

- 8.123 Chapter 15 of the NPPF concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.
- 8.124 Paragraph 175 of the NPPF sets out that development resulting in the loss or deterioration or irreplaceable habitats such as ancient woodland and ancient or veteran trees should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 8.125 Policy SC4 (Open Spaces and Green Infrastructure) sets out that emphasis will continue to be placed on protecting and enhancing the Borough's Strategic Open Spaces.
- 8.126 Policy DM5 (Trees and Landscape) of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia):
- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and
 - Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.
- 8.127 Policy DM5 further states that where trees, hedgerows or other landscape features are removed, appropriate replacement planting will normally be required. Consideration should be given to the use of native species as well as the adaptability to the likely effects of climate change.
- 8.128 The Site is designated as 'Strategic Open Space'. A Landscape Plan accompanies this Application. The Landscape Plan proposes mown lawns, a bees and birds garden and numerous plant species as part of the scheme.
- 8.129 An updated Tree Survey and Impact Assessment was provided by the applicant on 07.12.2018, ref: 1055-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-Rev0. This sets out that the proposals seek to retain trees in key locations and remove trees to allow space for the development. It also proposes new tree planting as part of the development proposals. A Tree Protection Plan accompanies the application, ref: 1055-KC-XX-YTREE-TPP01RevD. This sets out that 29 trees that were surveyed will be removed as part of the application.

- 8.130 The Tree Survey and Impact Assessment sets out that the proposed four buildings are to be located in areas of open space, where there are few trees. The proposed Basement at Building 3 extends marginally within the root protection area of trees 46, 49 and 50.
- 8.131 The Tree Survey and Impact Assessment sets out that the majority of the trees proposed for removal are of low quality and value. Two trees proposed to be removed are of moderate quality (32 and 59) with their loss unavoidable due to building footprints. Trees are proposed to be coppiced along the boundary of the stream to provide room for the proposed development, allowing for improved light levels. Ash trees are also proposed to be removed, in light of the impact of Ash Dieback. Their removal will facilitate the planting of a mix of native species on the Site.
- 8.132 The Tree Survey and Impact Assessment sets out that where proposed hard surfaces coincide with Root Protection Areas, specialist measures shall be deployed to minimise harm to the trees. The report confirms that services and utilities can be remotely sited from the trees or, if they need to be located within root protection areas, specialist measures can be deployed for their installation to minimise harm to retained trees.
- 8.133 Epsom and Ewell's Arboricultural Officer has objected to the proposed development as the scheme will have construction challenges that will impact trees, however these are not subject to Tree Protection Areas. The following Arboricultural and landscaping issues arise from the scheme:
- The scale of the proposed development necessitates the removal of a large number of trees on Site, which denudes the pleasant woodland character. The proposed residential accommodation will not integrate well or be harmonious with the woodland setting and in turn will create harm to amenity
 - The proposed development threatens to damage retained trees on Site because the tree protection measures are not comprehensive and in some areas un-viable due to construction intensity, inevitable excavation damage and lack of construction access/working space
 - There is insufficient provision for amenity space within the Site to create a pleasant living environment and allow compensatory planting to restore the lost treescape
 - A tight spatial separation between the trees and the proposed buildings will initially cause shading concerns from residents and then potential fears over tree safety.
- 8.134 Having regard for the above four bullet points, the following assessment is made.

- 8.135 In order to facilitate the development, 29 trees are proposed to be lost, the majority of which are of low significance. The accompanying Tree Survey and Impact Assessment sets out that measures can be deployed to minimise risk to retained root protection areas, which will be controlled by condition. This is considered a robust approach to minimise risk.
- 8.136 In its current form, the Site does not offer a functional space due to its abandoned nature. The proposal seeks to replant trees, to provide a diverse portfolio of tree cover. The ash trees are also to be removed, which is considered favourably as this will allow for the planting of a mix of native species on the Site. The provision of tree planting and landscaping is considered to be of a scale and design that compliments the scheme. This will create a sense of place and enhance the Site's designation as 'Strategic Open Space'.
- 8.137 The proposal seeks to provide private amenity space for residents, but also mown lawns, which can be enjoyed by both residents and visitors. The scheme benefits are considered to outweigh concerns over tree loss.
- 8.138 A considerable amount of attention has been given to the issue of trees and landscaping. A Tree Survey and Impact Assessment has been carried out and Conditions are proposed to resolve any potential harm to existing trees on Site. In addition to the on-site solutions, the Applicant has proposed a financial contribution to Epsom and Ewell Borough Council towards a Woodland Management Plan. This will allow for improvements and enhancements to the trees located to the South of the Hogsmill River.
- 8.139 Regulation 122 of the CIL Regulations sets out the limitations on the use of Planning Obligations. It is unlawful for a Planning Obligation to be taken into account when determining a planning application for a development, which does not meet all of the following tests:
- It is necessary to make the development acceptable in planning terms;
 - It is directly related to the development; and
 - It is fairly and reasonable related in scale and kind to the development.
- 8.140 Officers consider that the Woodland Management Plan Contribution is Regulation 122. Whilst not strictly meeting the first two criteria, it is fairly and reasonable related in scale and kind of the development. As such, the contribution towards a Woodland Management Plan is appropriate.
- 8.141 Having regard to the comments raised, the assessments carried out, the Conditions proposed and the solutions presented, it is considered that the scheme should be supported and should not be refused on this matter. The proposal is considered to comply with Policies CS4 and DM5.

Ecology

- 8.142 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality.
- 8.143 Paragraph 175 of the NPPF sets out that development whose primary objective is to conserve or enhance biodiversity should be supported, while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 8.144 Policy CS3 (Biodiversity and Nature Conservation Areas) of the Core Strategy (2007) sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of National and Local biodiversity action plans in terms of species and habitat. Development that would harm Grade 3 Sites of Nature Conservation Interests (SNCIs) will not be permitted unless suitable measures are put in place and it has been demonstrated that the benefits of a development would outweigh the harm caused.
- 8.145 Policy DM4 (Biodiversity and New development) seeks to ensure that new development takes every opportunity to enhance the nature conservation potential of a Site and secure a net benefit to biodiversity. It sets out that development affecting existing or proposed nature conservation sites and habitats of international, national or local importance will only be permitted if:
- The development would enhance the nature conservation potential of the site or is proven to be necessary for the conservation management of the site; or
 - There is no alternative location for the development and there would be no harm to the nature conservation potential of the site; or
 - There are imperative reasons of overriding public interest for the development.
- 8.146 Elsewhere in the Borough, development affecting any site or building that supports species protected by Law including their habitats, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the identified species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity.
- 8.147 A Preliminary Ecological Appraisal, Bat Survey and “summarising letter” accompanies this application.
- 8.148 The Preliminary Ecological Appraisal, dated August 2018, sought to assess the overall ecology position of the Site and the likelihood of the proposed development to impact species. It sets out that twelve Phase I habitat types were recorded during the field survey. Habitats with potential to support protected species were also identified.

- 8.149 The Preliminary Ecological Appraisal sets out that within the survey area there are habitats suitable for reptiles and mature trees with some bat potential. Furthermore, the buildings within the survey area are considered to have some suitability for bats.
- 8.150 A Bat Assessment Survey of Buildings and Trees and Bat Activity Survey, dated August 2018, accompanies the application. This sets out that no roosting bats were identified during the surveys, however The Granary was found to have low-moderate potential to support bats and 2 sycamore trees that will be felled as part of the development were found to have a high potential to support bats. Due to the potential, precautionary mitigation is recommended to this area.
- 8.151 A letter was prepared by Ecology Services, dated 15 August 2018, summarising the findings of the Preliminary Ecological Appraisal and Bat Assessment. The summary of recommendations contained within the Preliminary Ecological Appraisal and Bat Assessment Survey shall be controlled by Planning Condition, subject to the application being considered favourably. In addition, the provision of integrated bat boxes and swift bricks are also required as part of this Condition. This is considered a robust approach to ensure that the ecological value to the Site is both conserved and enhanced.
- 8.152 In summary, a Preliminary Ecological Appraisal and Bat Survey accompanies the application. These reports set out recommendations for the Site, to ensure that the ecological value of the Site is conserved and enhanced. The proposals are considered to conform to Policies CS3 and DM4.

Flood Risk and Drainage

- 8.153 Chapter 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. Paragraph 155 stipulates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraph 163 sets out that when determining any planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 8.154 Policy CS6 (Sustainability in New Developments) of the Core Strategy (2007) sets out that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development – both new build and conversion. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development (inter alia):

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

8.155 The Site is within Flood Zone 1 (Low Probability of Flooding). The Southern Side of the Site, which is adjacent to the Hogsmill River, and a small localised area on the West of the Site are located within Flood Zone 2 (Medium Probability of Flooding) and Flood Zone 3 (High Probability of Flooding).

8.156 A Flood Risk Assessment, dated August 2018, accompanies the application. It confirms that the proposed built development will fall within Flood Zone 1 (Low Probability of Flooding).

8.157 The Environmental Agency (EA) initially objected to the Proposal, on 18 October 2018 in relation to the proposed development's proximity to the existing watercourse. As a standard requirement, the EA seeks a minimum 8m buffer. The EA was not satisfied that sufficient information had been provided by the Application indicating the proposed offset of the development to the Hogsmill River and mitigation for the potential loss of biodiversity as a result of the proposed development.

8.158 The applicant prepare two documents to address the above matters. Firstly, a letter from PPA, dated 31 October 2018, relates to the suggestion of an 8m buffer. It highlighted that the proposals provide improves accessibility along the length of the Hogsmill River and that the proposed buildings are set further back from the existing. Secondly, a Mitigation and Management Plan was prepared, dated 01/11/2018. This details the importance ecological features of the Site and the management principles for the pre-construction, construction and operational phase of the development.

8.159 Correspondence between the Applicant and Environment Agency confirmed offset distances between the top of the riverbank and the proposed development. This indicates the proposed buildings are a minimum of 6 metres from the top of the bank (compared to a minimum of 4.6 metres for the existing building). The EA provided a response on 13.12.2018, confirming it had no objections to the scheme as submitted, subject to conditions.

- 8.160 A letter accompanies the application, dated 20 August 2018, which relates to the potential drainage of the Site. The Site currently has existing drainage and outfalls to an existing watercourse. This letter sets out the proposed drainage strategy. An existing 150mm foul water sewer is located to the east of the site. It is proposed that the foul water will be collected within the basements of buildings 1, 2 and 3. A pumping station will be provided within the basement to pump the foul water to a suitable chamber within the site. The remaining foul water from the building will ultimately outfall via gravity into the Thames Water's sewer manhole to the east of the site.
- 8.161 A formal response from Surrey County Council (SUDS) was received on 17.09.2018, confirming that the proposed drainage scheme is acceptable. Conditions and Informatives are recommended, subject to the approval of the Planning Application.
- 8.162 In summary, the proposed development is considered to comply with Policy CS6.

Contamination

- 8.163 Policy DM17 (Contaminated Land) sets out that where it is considered that land may be affected by contamination, planning permission will only be granted for development provided that the following criteria are satisfied:
- all works, including investigation of the nature of any contamination, can be undertaken without escape of contaminants which could cause unacceptable risk to health or to the environment;
 - it is demonstrated that the developed site will be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.
- 8.164 A Site Investigation Report, dated September 2017, accompanies this application. It confirms that conditions on Site do not represent a significant risk of harm to users and therefore no remedial works are required. However, it sets out that it would be prudent to put in place a Discovery Strategy, in the unlikely event that unforeseen potential contamination is identified during groundworks.
- 8.165 A letter, dated 7 March 2019, provides supplementary advice with regards to ground gas risk. This was provided in support of a request from the Applicant that the wording of the proposed Contamination Land Condition previously suggested by Epsom and Ewell's Contamination Officer was changed, to allow for demolition on Site to be carried out prior to the Site Investigation, Risk Assessment and any necessary remediation.

8.166 In summary, the letter sets out that further sampling is required and that until a gas risk assessment is carried out, gas measures will not be designed into the buildings. However, the supplementary information provided was reviewed by Epsom and Ewell's Contamination Land Officer, who confirmed no objection to the proposed development, subject to a pre-occupation Condition being imposed should Planning Permission be granted.

8.167 The proposal is considered to comply with Policy DM17.

Archaeology

8.168 Chapter 16 of the NPPF refers to the conservation and enhancement of the historic environment. Paragraph 189 states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

8.169 Policy CS5 (Conserving and Enhancing the Quality of the Built Environment) of the Core Strategy (2007) sets out that the Council will protect and seek to enhance the Borough's heritage assets including (inter alia) archaeological remains. The settings of these assets will be protected and enhanced.

8.170 Policy DM8 (Heritage Assets) of the Development and Management Policies seeks to resist the loss of Heritage Assets and instead promote the opportunity to conserve and enhance these. Specifically, on any major development site of 0.4ha or greater, applicants are required to undertake prior assessment of the possible archaeological significance of a site and the implications of the proposals.

8.171 An Archaeological Desk-Based Assessment, dated August 2017, accompanies the application. It sets out that the proposed development is not identified as having an impact on any designated archaeological assets and that it has a generally low archaeological potential.

8.172 In summary, an Archaeological Desk-Based Assessment sets out that the proposed development is not identified as having an impact on any designated archaeological assets and it has low archaeological potential. A Condition was recommended, subject to Planning Permission being granted. It is considered to conform with Policy CS5.

Sustainability

- 8.173 Chapter 2 of the NPPF relates to achieving sustainable development. Paragraph 8 of the NPPF sets out that there are three strands to achieving sustainable development, including an environmental objective. This is for development to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 8.174 Policy CS6 (Sustainability in New Developments) sets out that proposals for development should result in a sustainable environment. The Council will ensure that new development (inter alia) minimise the use of energy in scheme, minimises the emission of pollutants into the wider environment, minimises the energy requirements of construction and incorporates waste management processes.
- 8.175 A Sustainable Design Statement accompanies the application, dated 17.08.2018. This sets out that the project U-values are improved by at least 35% over the Building Regulations Limiting Standards. A range of energy generation methods are considered and a CHP boiler is proposed.
- 8.176 The proposed scheme has sought to integrate sustainability into the design of the proposal and it is considered to comply with Policy CS6.

Community Infrastructure Levy

- 8.177 The scheme would be CIL liable.

Vacant Building Credit

- 8.178 Vacant Building Credit (VBC) sits as a separate process to a Financial Viability Assessment. The Planning Application passes each of the tests set by the National Planning Guidance, relating to VBC.
- 8.179 The application site does benefit from Vacant Building Credit and this has been established to be the equivalent of 14 affordable housing units.

9 Conclusion

- 9.1 There have been a substantial number of comments received regarding the proposed development at the Site. The Applicant has worked proactively with the Local Planning Authority to deliver a scheme that provides many benefits and a financial contribution, as a result of a Viability Assessment.

- 9.2 The principle of development at this Site has been addressed. The Site currently offers vacant office accommodation in a location considered too remote for most office occupiers. The commercial space itself is too fragmented and alternative uses within the existing buildings are unviable.
- 9.3 With a shortfall of specialist retirement housing in the Borough, the provision of 53 no. extra-care apartments is considered favourably at this Site. It is considered that the proposal will enhance the Site's "Strategic Open Space" designation, by providing new tree coverage and landscaping, but also enhancements to the woodland South of the Hogsmill River.
- 9.4 The alterations to the Listed Buildings on the Site have been dealt with by a separate Listed Building Consent applications, which has been submitted in tandem with this Application.
- 9.5 It is recommended that the scheme is supported and referred to the Secretary of State.

Legal Agreements

- 9.6 The following Heads of Terms are proposed:
- A financial contribution of £10,000 towards a Woodland Management Plan, for improvements and enhancements to the woodland in the Council's ownership, immediately to the South of the Hogsmill River and the Application Site
 - A financial contribution of £422,251 in lieu of on-site affordable housing provision
 - A review mechanism is included, in the event the Government Legislation changes with regard to Ground Rent Assessments.

10 Recommendation

- 10.1 **Part A:** Refer to Secretary of State with a recommendation to Grant Planning Permission, subject to the Section 106 Agreement being signed by 13 July 2019 and the proposed conditions.
- 10.2 **Part B:** Following confirmation from the Secretary of State that the matter is not to be called in, delegation be given to the Head of Planning to determine the application subject to Section 106 Agreement being signed by 13 July 2019, and securing:

- A financial contribution of £10,000 towards a Woodland Management Plan, for improvements and enhancements to the woodland in the Council's ownership, immediately to the South of the Hogsmill River and the Application Site
- A financial contribution of £422.251 in lieu of on-site affordable housing provision
- A review mechanism is included, in the event the Government Legislation changes with regard to Ground Rent Assessments.

and in accordance with the proposed conditions listed below.

10.3 **Part C:** In the event the Section 106 Agreement referred to in Part B is not completed by 13 July 2019 the Head of Planning is 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 housing or 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 strict accordance with the approved drawings:**

APL001 Rev B – Site Location Plan – dated July 2018

APL006 Rev I – Proposed Basement Plan – dated July 2018

APL 012 Rev E – Proposed Elevation A – dated July 2018

APL 013 Rev E – Proposed Elevation B – dated July 2018

APL 014 Rev D – Proposed Elevations C, D, E, F, G, H – dated July 2018

APL008 Rev H – Proposed First Floor Plan – dated July 2018

APL007 Rev I – Proposed Ground Floor Plan – dated January 2019

APL005 Rev G – Proposed Landscape Plan – dated July 2018

APL 019 Rev C – Existing and Proposed Elevations – dated July 2018

APL018 Rev C – Existing and Proposed Floor Plans – dated July 2018

APL021 Rev C – Existing and Proposed Internal Elevations 1 – dated July 2018

APL022 Rev C – Existing and Proposed Internal Elevations 2 – dated July 2018

APL011 Rev F – Proposed Roof Plan – dated July 2018

APL009 Rev J – Proposed Second Floor Plan – dated July 2018

APL017 Rev C – Proposed Section – dated July 2018

APL004 Rev G – Proposed Site plan – dated July 2018

APL016 Rev C – Proposed Site Section 1-3 – dated July 2018

APL 010 Rev H – Proposed Third Floor Plan – dated July 2018

APL015 Rev B – Proposed Elevations J, K, L, M, N, O, P, Q – dated July 2018

APL020 Rev B – Sections and Photographic Record – dated July 2018

APL023 Rev B – Existing and Proposed Plans, Elevations and Photos Outhouse – dated July 2018

APL003 Rev B – Existing Plans and Elevations – dated July 2018

APL024 Rev B – Existing and Proposed Elevations, Details Outhouse – dated July 2018

APL028 Rev A – Existing and Proposed Gate and Bin Store – dated July 2018

1055-KC-XX-YTREE-TPP01RevD – Tree Protection Plan – dated July 2018

1055-KC-XX-YTREE-TCP01RevA – Tree Constraints Plan – dated May 2018

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) No development shall take place until the applicant has submitted a programme of archaeological work in accordance with a Written Scheme of Investigation which has been approved by the Planning Authority.

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 in accordance with Policy CS5 of the Core Strategy (2007).

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

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

- (5) Any demolition and construction works shall be undertaken in accordance with the Construction Environmental Management Plan, dated 26 November 2018, or as updated, and agreed in writing with the Local Planning Authority.

Reason: To ensure the safe operation of the development both during the demolition and throughout the construction phase of the development.

- (6) The proposed development shall be carried out in accordance with the recommendations of the Bat Assessment Survey of Buildings and Trees and Bat Activity Survey, dated August 2018 and the Preliminary Ecological Appraisal, dated August 2018. In addition, integrated bat boxes and swift bricks shall be installed on the proposed buildings, to enhance the biodiversity interest of the site. The boxes and bricks shall be installed prior to the occupation of the development hereby approved and thereafter maintained.

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

- (7) No development, other than demolition, shall commence until a scheme of hard and soft landscaping has been submitted to the Local Planning Authority for approval, which shall include indications of all existing trees on the land, and details of any to be

retained, together with measures for their protection, in the course of development. The scheme shall indicate the location and species of plants and trees to be planted on the site. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees of planted removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

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.

- (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) The development hereby permitted (excluding demolition) 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 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 Greenfield discharge rate of 2.5l/s (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

- (10) Prior to 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 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.

- (11) 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 to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters (the site is located over a Secondary Aquifer, within SPZ3 and adjacent to the Hogsmill River).

- (12) 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 the Controlled Waters. The development shall be carried out in accordance with the approved 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.

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

Reason: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling of other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. 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.

- (14) No development shall take place until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:

- Details of maintenance regimes
- Details of any new habitat created on site and/or buffers around water bodies

- **Details of management responsibilities**

Reason: To ensure that the wildlife areas are protected and managed appropriately. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy and adopted Policy DM4 in the Development Management Policies Document (2015) of the Epsom and Ewell Local Plan.

- (15) Prior to the occupation of the development a Travel Plan 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 then the approved Travel Plan Statement shall be implemented prior to occupation and, thereafter maintain and develop the Travel Plan Statement to the satisfaction of the Local Planning Authority, to include:**
- (a) Details of the secure, covered and step-free provision of parking for bicycles within the development at ground floor, for staff, residents and visitors,**
 - (b) Details of access and availability to electric vehicle charge points within the site,**
 - (c) Contact details of the Travel Plan Statement coordinator, and**
 - (d) Information pack to be appended to submitted Travel Plan Statement, to include information being provided to residents / staff / visitors regarding the availability of and whereabouts of local public transport / walking / cycling / car sharing clubs / car clubs**

Reason: required in recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy Framework 2018

- (16) The development hereby approved shall not be occupied unless and until at least nine of the available parking spaces are provided with electric charging points in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.**

Reason: required in recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy Framework 2018

- (17) (a) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans to be submitted to and approved in writing by the Local Planning Authority for vehicles to be parked and for the loading and unloading of 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] area(s) shall be retained and maintained for their designated purpose.**

(b) The existing vehicle and turning courtyard area at the premises (as shown on the application drawings) shall be permanently retained and maintained for the designated purpose.

Reason: required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

(18) No development shall commence until a Construction Transport Management Plan has been submitted to and approved by the Local Planning Authority, 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 (see restricted vehicle movement hours below);**
 - (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) HGV movements to or from the site shall not take place between the hours of 8.00 to 9.15 am and 4.45 to 6.00 pm only nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Meadow Walk and Kingston Road during these times,**
 - (k) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority.**
- Only the approved details shall be implemented during the construction of the development.**

Reason: required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

(19) The development hereby approved shall not be first occupied unless and until management arrangements are in place to facilitate deliveries and waste collection within the site, details to include:

- (a) The types of vehicles to be used and hours of their operation;**
- (b) The design of loading/delivery areas within the development site;**
- (c) The dimensions and layout of loading area(s) and turning space(s) and how these will be kept clear of non-service related vehicles,**
- (d) Management of loading bay and turning area to ensure service vehicles can enter and exit the site in forward gear;**
- (e) Details of management of service vehicle access and loading area within the site when an emergency response vehicle is on-site and;**

(f) Details on how service and waste collection vehicles will be undertaken in relation to the car park entry control mechanism, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented.

Reason: required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

- (20) The development hereby approved shall not be first occupied unless and until management arrangements are in place for the management of general car parking provision are outlined within the site, to include details of:

(a) How the car parking spaces will be designated, assigned and managed for staff, residents, visitors, Blue Badge Holders and Electric Vehicles, to ensure car parking does not take place on the public highway,
(b) Contact details of who will be responsible for the car park management plan and day to day access operations
(c) Details on how the car park access control proposals will operate, in particular at times when unloading/ loading and waste collection is taking place,
(d) Details on how cyclists will be restricted from accessing the car park ramp (due to its steep gradient), and
(e) Details on how the height restriction will be managed to ensure oversized vehicles do not access the vehicle ramp on entry to the basement car park,
have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented.

Reason: required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

- (21) No operations involving the bulk movement of earthworks materials to or from the development site shall commence unless and until facilities have be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority to so far as is reasonably practicable prevent the creation of dangerous conditions for road users on the public highway. The approved scheme shall thereafter be retained and used whenever the said operations are undertaken.

Reason: required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

- (22) Details of any external plant or machinery (including to mechanical ventilation systems) shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The

development shall proceed only in accordance with those approved details.

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

- (23) Prior to the first occupation, an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme before the occupation and retained thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties, visual amenity and to mitigate impacts on ecology in accordance with Policy CS3, CS5 of the Core Strategy (2007) and Policies DM4, DM9 and DM10 of the Development Management Policies 2015.

- (24) Sample panels of all of the external materials demonstrating the colour, texture, face bond and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved details before the building is occupied.

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

Informatives:


- (1) 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) If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.
- (3) If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will

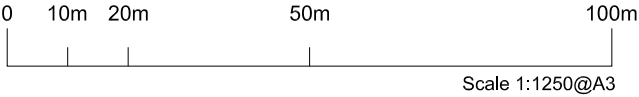
require proof of surface water treatment to achieve water quality standards.



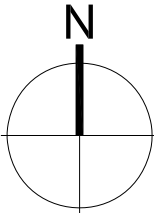
Application Site Address:

Lower Mill
Kingston Road
Ewell
Surrey
KT17 2AE

 - Application Boundary



Revision			
A	13-07-2018	JW	- Draft Planning Set - Updated to team comments recieved 4-07-2018
B	27-07-2018	JW	Planning Issue Drawing. Red Line Boundary updated.



project name:	LOWER MILL EXTRA CARE, KINGSTON ROAD, EWELL		
drawing reference:	SITE LOCATION PLAN		
	date:	JULY 2018	
	sheet:	drawn:	GH
	scale:	checked:	JW
job number:	drawing number:	revision:	
M9487	APL001	B	
status:	PLANNING ISSUE		
cad ref:	M9487_APL001_Site Location Plan_1-1250_A3.dwg		

Use figured dimensions only. All levels and dimensions to be checked on site. This drawing is to be read in conjunction with all other relevant drawings and specifications. Hunters is a trading name of Hunter & Partners Limited. © Hunter & Partners Limited. All rights reserved.



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Agenda Item 8

Annex 1

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Lower Mill, Kingston Road, Ewell, Surrey, KT17 2AH

Demolition of existing office building and redevelopment to provide 53 no. extra-care apartments with associated facilities (within Class C2), including conversion and alteration of the Grade II Listed Mill House and Granary Buildings, with parking, access, landscaping and other associated works. (Listed Building Consent)

Ward:	Ewell Ward;
Contact Officer:	Ginny Johnson

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=PF70Q9GY08I00>

2 Summary

- 2.1 This application seeks Listed Building Consent to convert and alter two existing and vacant Grade II Listed Buildings at the Application Site.
- 2.2 The description of development for which Listed Building Consent is sought is as follows:

“Demolition of existing office building and redevelopment to provide 53 no. extra-care apartments with associated facilities (within Class C2), including conversion and alteration of the Grade II Listed Mill House and Granary Buildings, with parking, access, landscaping and other associated works. (Listed Building Consent)”

- 2.3 A Full Planning Application has also been submitted in tandem with this Application, under ref: 18/00743/FUL.
- 2.4 The proposal seeks to convert and alter two Listed Buildings, to bring them into a viable use that is compatible with the provision of extra-care apartments at the Application Site.
- 2.5 The proposed heights and massing of the new four buildings is considered to result in a minor adverse impact to the setting of the Listed Buildings and the Conservation Area. The proposed buildings comprise an appropriate materials palette, which is considered to respect the Listed Buildings and respond positively to the woodland character of the Site.

- 2.6 The proposal is considered to comprise a well-designed development, which is appropriate to its context in terms of urban form and materials. As such, Listed Building Consent is considered favourably by Officers.
- 2.1 It is recommended that consent be granted for this Listed Building application. The matter of planning permission for the use and associated Section 106 Agreement is the subject of a separate assessment.

3 Site description

Site Context

- 3.1 The Application Site ('The Site') comprises land and three vacant buildings, two of which are Grade II Listed. The Site is broadly 'L' shaped and measures approximately 0.55 hectares in size. It is accessed via Kingston Road.
- 3.2 The total existing floorspace on the Site comprises a Gross Internal Area of 1,762sqm. A brief overview of the three existing and vacant buildings on the Site are provided below:

Mill House

- 3.3 Mill House is a Grade II Listed Building, located to the South-East of the Site. It is Georgian in style and two-storeys in height, with a Basement and rooms at Roof level. It is visible from the Site's main access, via Kingston Road.
- 3.4 The Site was historically used for milling operations and Mill House remains the only link to the Site's past use. In the late 20th Century, Mill House was converted to an office building. During this conversion, a large extension was added to the rear of the building, providing further office space.
- 3.5 In accordance with information provided by Historic England, the listing details of Mill House is provided below:

"Early C18. Two storeys, colour washed brick, four sash windows in cased frames. Central door case with hood on shaped brackets, ornamental fanlight. Capped parapet, hipped old tile roof with two flat topped dormers. Large plain stacks. Attractive building set back from road in grounds. The Mill itself has been demolished; the present building was the attached house. Interior has staircase with turned balusters".

- 3.6 Internally, Mill House has undergone numerous changes to its layout, excluding its Basement, suggesting that here best represents its original layout.

The Granary

- 3.7 The Granary is a Grade II Listed Building, located to the North-East of the Site. It is historically connected to Mill House, presumably as a Granary. It is two storeys in height and cannot be seen from the Site's main access, via Kingston Road.
- 3.8 In accordance with information provided by Historic England, the listing details of The Granary is provided below:
- “Early C19. Red brick. Hipped slate roof with overhanging eaves. 2 storeys. 2 ranges of fixed windows with glazing bars. Loft door set in continuous panel with, and above, entrance door”.*
- 3.9 Externally, The Granary has retained much of its original form. Internally, the layout of the buildings holds very limited significance.
- 3.10 The Site is largely level, although it does drop from the existing access at the East of the Site towards the railway line, at the West of the Site. Beyond the Western boundary, the Site rises sharply up an embankment to a railway line.
- 3.11 The boundaries of the Site are well vegetated. Part of the Northern boundary of the Site is formed by an existing brick wall. This wall also forms the rear boundary of the rear gardens on Meadow Walk, which adjoin the Site to the North.
- 3.12 The surrounding area predominately comprises residential dwellings and open space. To the North of the Site, is Meadow Walk, which typically comprises two storey detached houses, located in sizeable plots. To the East of the Site is Kingston Road, which is typically lined with two storey semi-detached and detached residential dwellings. A number of independent shops are also located on Kingston Road. A dense woodland and the Hogsmill River is immediately to the South of the Site. Train tracks with a large area of open space beyond is to the West of the Site.
- 3.13 There are a number of Statutory Listed Buildings in the surrounding Area. Details are provided below:
- 25 and 27 Kingston Road is Grade II Listed, located to the North-East of the Site
 - 29 and 31 Kingston Road is Grade II Listed, located to the North-East of the Site
 - 80 and 82 Kingston Road is Grade II Listed, located to the South-East of the Site.

- 3.14 The Site benefits from good transport links. Ewell By-Pass (A240) is located approximately 0.4 kilometres to the North of the Site, which provides vehicular access to Tolworth to the North-West and Epsom to the South-East. Stoneleigh Train Station is located approximately 1.2 kilometres to the North-East of the Site, Ewell West Train Station is located approximately 0.9 kilometres to the South-West of the Site and Ewell East Train Station is located approximately 2 kilometres to the South-East of the Site.
- 3.15 The nearest bus stops are located on Kingston Road, which provide services to Kingston and Epsom.
- 3.16 The Site is designated as Strategic Open Space and a Built Up Area. It is also located within the Ewell Village Conservation Area.
- 3.17 The Site is within Flood Zone 1 (Low Probability of Flooding). The Southern Side of the Site, which is adjacent to the Hogsmill River, and a small localised area on the West of the Site are located within Flood Zone 2 (Medium Probability of Flooding) and Flood Zone 3 (High Probability of Flooding).

4 Proposal

Application Proposal

- 4.1 The application seeks to demolish the existing 1980s style vacant office building and redevelop the Site to provide 53 no. extra-care apartments within four building with undercroft parking and associated facilities, falling within Use Class C2. This application also seeks to convert and alter the existing and vacant Grade II Listed Buildings: Mill House and The Granary Building. The proposal seeks to provide parking at ground and basement level, access, landscaping and other associated works.
- 4.2 The proposed extra-care apartments will provide accommodation for the elderly. The extra-care model is also known as 'assisted living' or 'care apartments', which gives residents the opportunity to retain independence, whilst also receiving care assistance. The residents will be provided with flexible care packages, to suit their specific needs.
- 4.1 Building 1 is Ground and First floor with a recessed Second floor. It measures 10 metres in height, 23.5 metres in width and 19.5 metres in depth. It is sited approximately 33 metres from no. 25 Meadow Walk.
- 4.2 Building 2 is ground, first and second with a recessed third floor. It measures 12 metres in height, 20.9 metres in width and 19.4 metres in depth. It is sited approximately 40 metres from no. 29 Meadow Walk.
- 4.3 Building 3 is ground, first and second with a recessed third floor. It measures 12 metres in height, 25.3 metres in width and 30.8 metres in depth. It is sited approximately 35 metres from no. 35 Meadow Walk.

- 4.4 A basement runs below Buildings 1-3, to deliver 'back of house' services.
- 4.5 Building 4 provides accommodation at ground and first floor, with rooms in the roof. It takes a faceted form and measures 9.6 metres in height and approximately 28.2 metres in width. Building 4 is sited just over 20m from no. 2 Meadow Walk.
- 4.6 A Full Planning Application has also been submitted in tandem with this application, under ref: 18/00743/FUL.

Layout

- 4.7 The proposal seeks three new buildings to the rear of the Grade II Listed "Mill House" (Buildings 1, 2 and 3) and a further building to the rear of the Grade II Listed "The Granary" (Building 4).
- 4.8 Buildings 1-3 are proposed to be linked at Ground floor level, to enable future residents to access communal facilities, which are found within Building 1.
- 4.9 Buildings 1-3 increase in height, with Building 1 designed to be lower in height than Mill House. The Ground Floor level of Building 1-3 matches the existing lower level of Mill House (sunken by approximately 1m from Mill House's entrance level). Buildings 2 and 3 are proposed to increase in height.
- 4.10 The proposal seeks to convert Mill House and The Granary into C2 Use:

Mill House

- 1 x one bedroom apartment at Ground Floor
- 1 x two bedroom apartment at First Floor
- 1 x one bedroom Guest Suite at First Floor

The Granary

- 1 x one bedroom apartment at Ground Floor
- 1 x one bedroom apartment at First Floor.

- 4.11 The proposed alterations to **Mill House** comprise:

Internal

- 4.12 The proposal seeks to demolish existing internal walls and doors at Ground Floor level. The proposal seeks to reconfigure the Ground Floor, including inserting new internal walls, to provide for a one bedroom apartment. A new platform lift is proposed from Ground to First Floor Level.
- 4.13 A further two bedroom apartment is proposed at First Floor level. To facilitate this, existing internal walls are proposed to be demolished and new internal walls proposed. A Guest Suite is also proposed at First Floor.

- 4.14 A section of an existing internal wall is proposed to be demolished at Second Floor level.

External

- 4.15 External alterations at Mill House include removing the existing link to the rear of the building with the 1980s office building.

- 4.16 The proposed alterations to **The Granary** comprise:

Internal

- 4.17 The proposal seeks to demolish internal walls and existing doors at Ground Floor Level. New internal walls are proposed at Ground Floor Level, to allow for the provision of a one bedroom apartment. A Platform Lift is proposed from Ground Floor to First Floor Level, within the proposed entrance.

- 4.18 The proposal seeks to demolish an internal wall and remove existing doors at First Floor Level. The proposal seeks to insert new internal walls, to allow for a one bedroom apartment.

External

- 4.19 External alterations are proposed to The Granary. The proposal seeks to remove the existing access steps to the building and the Air Conditioning Unit, vents and a post. The application proposes two timber front doors and a new decorative hoist on the South Elevation. All modern windows are proposed to be replaced with sliding sash windows

- 4.20 The Granary Building will be accessed via an elevated platform to allow for step-free access.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 29 neighbouring properties. To date (21.03.2019) 9 letters of objection have been received regarding the proposed development. Concerns regard:

- Proposed height of new buildings and impact on Listed Building
- Impact of development on Conservation Areas.

- 5.2 A Site Notice was displayed at the Application Site. The Listed Building Consent Application was also published in the Local Newspaper.

Statutory Consultations

- 5.3 Historic England: no comment.

6 Relevant planning history

6.1 There is an extensive planning history relating to the Site. The below sets out the most recent and relevant applications pertaining to the Site:

Reference	Description of Development	Decision	Decision Date
17/00842/LBA	Installation of temporary covering (boarding) to windows and doors to prevent vandalism	Granted	6 February 2018
06/00931/FUL	Works to entrance including new block paving, installation of new bollards and raised fence	Granted	17 January 2007
06/00659/FUL	Erection of 2.4m high palisade fence to river side	Granted	20 October 2006

7 Planning Policy

National Policy Planning Framework (NPPF) 2018

Chapter 12 Achieving well-designed places

Chapter 16 Conserving and enhancing the historic environment

Core Strategy 2007

Policy CS5 The Built Environment

Development Management Policies Submission Document November 2014

Policy DM8 Heritage Assets

Policy DM9 Townscape Character and Local Distinctiveness

Policy DM10 Design Requirements for New Developments (including House Extensions)

8 Planning considerations

- 8.1 The Development Plan sets out that high quality development will be expected, which respects, takes advantage of, and enhances the positive elements and distinctive features of the borough. The following assessment addresses matters relevant to the listed building consent. Wider issues that are other material planning considerations are the subject to a separate application and assessment (ref: 18/00743/FUL).

Planning Policy

- 8.2 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a general duty on the Council as respects listed buildings in exercising its planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As such, officers have given considerable importance and weight to the desirability to preserve the setting of heritage assets, including taking account of archaeological heritage.
- 8.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a general duty on the Council with respects to Conservation Areas in exercising its planning functions. In considering whether to grant planning permission for development within a Conservation Area, the LPA shall have special regard to the desirability of preserving or enhancing the character or appearance of that area. As such, officers have to give considerable importance and weight to the desirability to preserve the setting of heritage assets, including taking account of archaeological heritage.
- 8.4 Chapter 16 of the NPPF relates to the conservation and enhancement of the historic environment. Paragraph 185 of the NPPF states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment. This strategy should take into account:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.
 - The desirability of new development making a positive contribution to local character and distinctiveness.
 - Opportunities to draw on the contribution made by the historic environment to the character of a place.

- 8.5 Paragraph 189 of the NPPF states that Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. A Heritage Statement accompanies this application, which reviews the significance of the Site and its buildings. A "Significance Assessment" is contained within Chapter 7, which states the following:

Lower Mill

"The earliest surviving aspect of the building takes the form of a timber-framed structure which forms the rear, south-western range. This structure clearly pre-dates the remainder of the house and using the adjoining chimney stack has been dated to the late 16th or early 17th century. The exterior of this range has been rendered although elements of the timber framing are still visible internally. It is clear that the internal frame has been adapted and strengthened during the 20th century.

The next phase dates to the 18th century when the brick structure was first constructed (as pictured in Figure 4 in Section 5). This structure was three bays wide on the eastern elevation and entered from elsewhere, although at this point there is no evidence of where the original entrance lay. The basement of the Mill House likely spans the width of this older brick building. As evidenced by the change from English bond to Flemish bond brickwork, the 18th century aspect of the Mill House was later extended to the north and the fenestration on the eastern façade was adjusted in order create a symmetrical frontage and allow for the entrance to be positioned on the eastern façade.

Previously, the Mill was located directly to the south of the Mill House; however, this was demolished after a fire in 1938. In the late 20th century the Mill House was converted to an office building. During this conversion, a large extension was added to the Mill House to provide further office space. The building is currently vacant as there has been no interest in the site as an office building. The building has been vandalised and its condition is beginning to suffer from reduced maintenance.

Internally, the building has undergone numerous changes to its layout, resulting from the alterations to the structure as discussed above. With the re-fronting and extension to the original brick building, probably occurring during the 19th century, the interior layout is likely to also have been altered to reflect the building's new orientation and scale. Although these changes do not appear to have occurred in the basement suggesting that here best represents the original layout."

The Granary

"Externally, the building has retained much of its original form with no external extensions. It appears, however, that the front door was relocated during the 1980s alterations from the centre to the right-hand side. In the 1974 list

description, the building is described as having a “loft door set in continuous panel with, and above, entrance door”, both of which are now lost. The location of these doors was on the front elevation where the central window bay is recessed and boarded. Across the building, the fenestration was changed during the 1980s re-development of the site, altering it from fixed windows with multiple glazing bars (probably in cast iron) to large-pane, centre pivot windows. The latter have given the building a rather blank appearance.

Internally, the layout of the building holds a very limited significance. At ground floor level, the layout was heavily altered as part of the works undertaken during the 1980s discussed above. The beams holding the first-floor level span across the building from front to back, with intermediate posts supporting spreader beams, and kneelers where they adjoin the external walls. Both floors were almost certainly open-plan in nature, with the ground floor only interrupted by the support posts”.

- 8.6 Paragraph 192 of the NPPF sets out that in determining applications, local planning authorities should take account of (inter alia) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic viability.
- 8.7 Paragraph 195 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) The nature of the heritage asset prevents all reasonable uses of the site;
 - b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
 - c) Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - d) The harm or loss is outweighed by the benefit of bringing the site back into use.
- 8.1 Chapter 12 of the NPPF relates to the achievement of well-designed places. Paragraph 124 sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 8.2 Paragraph 127 of the NPPF sets out that Planning Decisions should ensure that developments (inter alia) function well, are visually attractive, are sympathetic to local character and history and establish or maintain a strong sense of place.
- 8.3 Paragraph 131 of the NPPF sets out that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 8.4 Policy CS5 (The Built Environment) sets out that the Council will protect and seek to enhance the Borough's heritage assets including historic buildings and conservation areas. Development should:
- Create attractive, functional and safe public and private environments;
 - Reinforce local distinctiveness and complement the attractive characteristics of the Borough; and
 - Make efficient use of land and have regard to the need to develop land in comprehensive way.
- 8.5 Policy DM8 (Heritage Assets) sets out that the Council will resist the loss of Heritage Assets and every opportunity to conserve and enhance them should be taken by new development.
- 8.6 Policy DM9 (Townscape Character and Local Distinctiveness) sets out that Planning Permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance.
- 8.7 The Site comprises two Listed Buildings and is located within the Ewell Village Conservation Area. The Ewell Village Conservation Area Map sets out that Mill House is a Listed Building, a Focal Building and an Importance View. The Granary is recognised as a Listed Building, in accordance with the Map. As such, any proposed development at the Site should respect these Listed Buildings, particularly the view of Mill House from the access point.

Internal and external alterations to The Granary and The Mill

- 8.8 The proposal seeks to convert Mill House and The Granary into residential use.

- 8.9 The proposed alterations to **Mill House** comprise:

Internal

- 8.10 The proposal seeks to demolish existing internal walls and doors at Ground Floor level. The proposal seeks to reconfigure the Ground Floor, including inserting new internal walls, to provide for a one bedroom apartment. A new platform lift is proposed from Ground to First Floor Level.

- 8.11 A two bedroom apartment is proposed at First Floor level, with a guest suite. To facilitate this, existing internal walls will be demolished and new internal walls inserted.
- 8.12 A section of an existing internal wall is proposed to be demolished at Second Floor level.
- 8.13 Epsom and Ewell Borough Council's Design and Conservation Officer provided formal comments with regards to the internal alterations proposed at Mill House. The Design and Conservation Officer stated that the changes proposed to this Listed Building are extensive, however the majority of the proposed changes are considered acceptable, in principle.
- 8.14 Of importance, the Design and Conservation Officer raised concerns regarding the insertion of a lift, into an "earlier part" of the building. The Design and Conservation Officer suggested that the lift should be omitted from the proposal. On balance, it is considered that the provision of a lift is an important element of this proposal. It will allow for safe access from Ground Floor to First Floor Level. Whilst the lift may adversely impact a small part of this Listed Building, it is considered important to bring this building back into use, which is encouraged by Paragraph 192 of the NPPF.
- 8.15 In summary, there are several alterations proposed to Mill House, which will help to bring this Listed Building into viable use, which is encouraged by National Planning Policy.

External

- 8.16 Various 'making good' external alterations are proposed at Mill House. Of importance, the application seeks to remove the existing link to the rear of the building, which attached to the 1980s office building. The external changes proposed are considered to enhance the aesthetic value of this Listed Building.
- 8.17 The proposed alterations to **The Granary** comprise:

Internal

- 8.18 The proposal seeks to demolish internal walls and doors at Ground Floor Level. New internal walls are proposed at Ground Floor Level, to allow for the provision of a one bedroom apartment. A Platform Lift is proposed from Ground Floor to First Floor Level, within the entrance.
- 8.19 The proposal seeks to demolish an internal wall and remove doors First Floor Level. The proposal seeks to insert new internal walls, to allow for a one bedroom apartment.

- 8.20 The Granary has few internal architectural features that are of significance. There were no objections raised to the proposed internal alterations by Epsom and Ewell Borough Council's Design and Conservation Officer.

External

- 8.21 The proposal seeks to remove the existing access steps to the building, the Air Conditioning Unit, vents and a post. The application proposes two timber front doors and a new decorative hoist on the South Elevation. All modern windows are proposed to be replaced with sliding sash windows
- 8.22 The Granary Building will be accessed via an elevated platform to allow for step-free access.
- 8.23 Epsom and Ewell Borough Council's Design and Conservation Officer provided formal comments with regards to the external alterations proposed to The Granary. Should Listed Building Consent be approved, the proposed swing jib (otherwise referred to as a Hoist) should be conditioned, to ensure that its design is appropriate to this Listed Building. This is contained within Condition 4.

Assessment of internal and external alterations to The Granary and The Mill

- 8.24 On balance, the internal and external alterations proposed at both the Listed Buildings are considered favourably. The proposed alterations will improve the fabric, significance and setting of the Listed Buildings, whilst bringing these buildings into viable use. The proposal is considered to comply with Policies CS5, DM8 and DM9.

Proposed Buildings 1-4

- 8.25 Proposed new buildings 1 to 3 are proposed to be located behind the Grade II Listed Mill House. The Ground floor level of Buildings 1-3 matches the existing lower level of the Mill House (sunken by approximately 1 metre from Mill House's entrance level). Building 1 is lower in height than Mill House and buildings 2 and 3 are proposed to increase in height towards the North-West of the Site.

- 8.26 Buildings 1-3 have been designed specifically to deliver specialist accommodation for the elderly, which has driven the design of the buildings. Buildings 1-3 do not span the total width of the Site, seeking to retain separation distances from relevant boundaries. The applicant submitted amended drawings on 07.12.2018 that sought to alter the massing of Building 1. To provide a degree of visual separation from the view in front of The Granary and the view in front of the access off Kingston Road, Building 1 was amended and the building line was brought back to the line established by Mill House. This in turn reduced the perceived bulk of Building 1 and ensured that the heritage value of Mill House is retained and respected, in conformity with Policies CS5 and DM8.
- 8.27 Building 4 is proposed to be located to the rear of The Granary and takes a faceted footprint, which breaks up its mass. The North Flanking Elevation of Building 4 will be most visible from The Granary. This comprises a facing red brick wall, a window at Ground Floor Level, a window at First Floor Level and a window at Third Floor Level. It is considered that Building 4 will have a minor adverse impact on The Granary since this area does not currently comprise a building, however it is considered that its design and material palette limits this impact.
- 8.28 A Heritage Statement, dated July 2018, accompanies the application. This assesses the significance of both the Listed Buildings, in line with the requirement of Policy DM8. The Heritage Statement does acknowledge that the proposed development results in a minor adverse impact on the Listed Buildings given the overall height and massing of the proposed buildings. However, the proposal brings numerous benefits to Site, including the provision of extra-care apartments, which is much needed within the Borough, seeking to outweigh this minor adverse impact.
- 8.29 Epsom and Ewell's Conservation Officer formally commented that the scale of development proposed will impact the setting of the Listed Buildings, due to the massing of the proposed new buildings. The Design and Officer commented that the scale of the proposed buildings will occupy the Site to a greater extent than existing, however the provision of undercroft car parking is look upon favourably.
- 8.30 It is considered that the proposed four buildings will have a minor adverse impact on the setting of the Listed Buildings and Conservation Area. However, on balance, the proposal will bring the Listed Buildings into use, provide extra-care apartments on the Site, which are required within the Borough. The proposal is considered to comply with Policies CS5, DM8 and DM9.

Materials

- 8.31 The core materials for the new buildings were discussed at pre-application stage. The core materials proposed comprise a mix of facing brick and kebon, which is a natural wood. These materials were considered to respond positively to the woodland setting of the Site.
- 8.32 Epsom and Ewell Borough Council's Design and Conservation Officer has raised concerns regarding the materials palette, which are thought to contribute to incoherent forms and a busy finish. Officers acknowledge that the new buildings are proposed in a contrasting appearance, however this creates a high quality design that respects the privacy of adjacent neighbours, responds to the setting of the Listed Buildings and which fits into the woodland setting of the Site. The Applicant has worked proactively with the Local Planning Authority to deliver a scheme that provides many benefits and the material palette proposed is considered acceptable.
- 8.33 In summary, the proposed materials are considered appropriate and are not considered to adversely impact the Listed Buildings on the Site, or the Conservation Area. The proposal is considered to comply with Policies CS5, DM8 and DM9.

9 Conclusion

- 9.1 The internal and external alterations proposed at both Listed Buildings are considered favourably. The proposed alterations will improve the fabric, significance and setting of the Listed Buildings, whilst bringing these buildings into viable C2 Use.
- 9.2 The proposed heights and massing of the new four buildings is considered to result in a minor adverse impact to the setting of the Listed Buildings and Conservation Area. However, the proposed buildings are considered to comprise an appropriate materials palette, which responds positively to the woodland character of the Site.
- 9.3 The proposal is considered to comprise a well-designed development, which is appropriate to its context in terms of urban form and materials. As such, this Listed Building Consent application is considered favourably.

10 Recommendation

- 10.1 **Grant** Listed Building Consent, 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:

APL001 Rev B – Site Location Plan – dated July 2018

APL006 Rev I – Proposed Basement Plan – dated July 2018

APL 012 Rev E – Proposed Elevation A – dated July 2018

APL 013 Rev E – Proposed Elevation B – dated July 2018

APL 014 Rev D – Proposed Elevations C, D, E, F, G, H – dated July 2018

APL008 Rev H – Proposed First Floor Plan – dated July 2018

APL007 Rev I – Proposed Ground Floor Plan – dated July 2018

APL005 Rev G – Proposed Landscape Plan – dated July 2018

APL 019 Rev C – Existing and Proposed Elevations – dated July 2018

APL018 Rev C – Existing and Proposed Floor Plans – dated July 2018

APL021 Rev C – Existing and Proposed Internal Elevations 1 – dated July 2018

APL022 Rev C – Existing and Proposed Internal Elevations 2 – dated July 2018

APL011 Rev F – Proposed Roof Plan – dated July 2018

APL009 Rev J – Proposed Second Floor Plan – dated July 2018

APL017 Rev C – Proposed Section – dated July 2018

APL004 Rev G – Proposed Site plan – dated July 2018

APL016 Rev C – Proposed Site Section 1-3 – dated July 2018

APL 010 Rev H – Proposed Third Floor Plan – dated July 2018

APL015 Rev B – Proposed Elevations J, K, L, M, N, O, P, Q – dated July 2018

APL020 Rev B – Sections and Photographic Record – dated July 2018

APL023 Rev B – Existing and Proposed Plans, Elevations and Photos Outhouse – dated July 2018

APL003 Rev B – Existing Plans and Elevations – dated July 2018

APL024 Rev B – Existing and Proposed Elevations, Details Outhouse – dated July 2018

APL028 Rev A – Existing and Proposed Gate and Bin Store – dated July 2018

1055-KC-XX-YTREE-TPP01RevD – Tree Protection Plan – dated July 2018

1055-KC-XX-YTREE-TCP01RevA – Tree Constraints Plan – dated May

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) **Sample panels of all of the external materials demonstrating the colour, texture, face bond and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved details before the building is occupied.**

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) **Prior to installation, details of the proposed Hoist on the South Elevation of the Granary shall be submitted to and approved to the Local Planning Authority.**

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

Informative:

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

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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 for a temporary 1 year period.

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 to allow deliveries between 08:00-21:00 on a Sunday. The delivery hours on Monday's to Saturday's between 06:00-21:00 would be unchanged.
- 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.
- 2.3 The proposed 4 hour extension to the Sunday "delivery window", is not considered to have a harmful impact on neighbour amenity. However, in order to allow Council to ensure against potential impact of the extended delivery period, a temporary variation of Condition 11 is considered to be appropriate for a 12 month period, so that compliance can be demonstrated.
- 2.4 **The temporary variation of Condition 11 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 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 in bold**):

- (12) **Between 12th July 2019 and the 12th July 2020**, 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.

From the 13th July 2020, 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

- 4.3 The applicant has stated in support of the proposed variation of condition that: *“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 (01/02/2019) no letters of objection have been received.

6 Consultations

- 6.1 Highways: No objection
- 6.2 Environmental Health Officer: No objection and has stated that although the noise from deliveries will be clearly audible in flats 7 and 8 when their windows are open, this is not enough to warrant a refusal. The delivery management plan being proposed is acceptable subject to a condition 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
14/00471/FUL	22.08.2014	Single-storey ground floor extension to approved food store (ref. 13/00520/FUL), creation of additional residential unit (9 units created in total), and associated car parking and landscaping works.(Amended drawings received 08.08.2014)	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.
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) **Annexe 2** 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 The appeal refusal also related to a proposed extension from 9pm to 11pm on Monday to Saturday which the Inspector had concerns with. The Inspector however raised no concerns with deliveries being received before 9pm.
- 9.13 The submitted Noise Report sets out that: *"between 17:00 and 21:00 hrs the existing noise climate on a Sunday is no different from existing noise levels on Saturday or a weekday. The impact of noise from deliveries on a Sunday and Bank Holidays is therefore considered to no greater than other days"*.
- 9.14 It is acknowledged 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
- 9.15 The proposed DMP could be conditioned ensuring enforceability, and sets out a clear route to remedy any breach. It would also provide clear instructions for in-store staff and delivery drivers to ensure they are mindful of minimising noise and disturbance throughout the time the store is receiving deliveries during this extended period.
- 9.16 Officers consider that this would be an effective form of mitigation which would address any amenity concern during the proposed extended period.
- 9.17 The proposed variation of the condition, supported by a Delivery Management Plan would address the Inspector's grounds for refusal and would therefore comply with Policy DM10.

- 9.18 Notwithstanding the above, officers consider that given the sensitive location of the site, a 12 month temporary permission would be more appropriate. This would allow the Council to re-assess the impact of the extended delivery hours after the expiration of the permission, having regard for any issues that arise over the year. The applicant has agreed to the proposed temporary condition.

Community Infrastructure Levy

- 9.19 The scheme would not be CIL liable.

10 Conclusion

- 10.1 The proposed increase in hours of delivery on Sunday's, supported by a Delivery Management Plan, would be considered to not lead to an unacceptable increase in noise and disturbance and therefore would be considered to not prejudice the enjoyment of the occupiers of Flats Nos. 7 and 8 Kingston Court.

11 Recommendation

11.1 Part A

Subject to a new legal agreement (under the same terms as the extant agreement) being completed and signed by 12th July 2019:

The Committee authorise the Head of Planning to grant planning permission subject to the conditions detailed in paragraph 11.3 below.

11.2 Part B

In the event the S106 Agreement referred to in Part A is not completed by 12 July 2019, the Head of Planning be authorised to refuse the application for the following reason:

In the absence of a completed legal agreement under section 106 of the Town and Country Act (as Amended) the applicant has failed to comply with Policy CS6 of the Core Strategy 2007

Conditions:

- (1) The variation hereby permitted shall commence within 3 months of the permission being granted, expiring on 12th July 2020.**

Reason: To enable the Council to re-assess the impact of the extended delivery hours on the amenity of Flats No 7 and 8 Kingston Court in accordance with Policies DM10 of the Development Management Policies 2015.

- (2) Details and samples of materials used in the development shall be in accordance with the materials samples and details approved under application 13/01717/COND dated 10 June 2014**

Reason To enable the Local Planning Authority to exercise control over the type and colour of the materials so as to secure a satisfactory appearance in the interests of the visual amenities and character of the locality as required by Policy DM9 and DM10 of the Development Management Policies Document 2015 and CS5 of the Core Strategy (July 2007).

- (3) Hard and Soft Landscaping shall be in accordance with the materials samples and details approved under application 13/01360/COND dated 18 June 2014**

Reason To ensure the provision and maintenance of landscaping as required by Policy DM5 and DM10 of the Development Management Policies Document 2015 and CS5 of the Core Strategy (July 2007).

- (4) The tree protection measures shall be accordance with the Arboricultural Method Statement and Tree Protection Plan by Barrell Tree Consultancy dated September 2013 approved under application 13/01717/COND dated 10 June 2014**

Reason: To ensure satisfactory protection of trees in the interest of amenity as required by policy DM5 of the Development Management Policies Document 2015

- (5) The acoustic fence shall be erected in accordance with the details approved under application 13/01717/COND dated 10 June 2014**

Reason: In order to safeguard against the emission of noise and protect the amenities of the occupants of the proposed development as required by Policy DM10 of the Development Management Policies Document 2015

- (6) The retail element of the scheme hereby permitted shall be used only for purposes within Use Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.**

Reason: In order to sustain the viability and vitality of the Ruxley Lane Secondary Town Centre shopping area as required by Policy DM30 of the Development Management Policies Document 2015

- (7) No tobacco products, loose confectionary, greeting cards, lottery tickets or scratch cards shall be sold from the premises at any time.**

Reason: To ensure that the nature of the retail store remains complimentary to the role and function of existing convenience retailers, and sustains and enhances the vitality of the Ruxley Lane Secondary Town Centre in accordance with Policy DM30 of the Development Management Policies Document 2015

- (8) The store shall at no time include a delicatessen counter, in-house bakery, fish counter or meat counter from which products are sold.**

Reason: To ensure that the nature of the retail store remains complimentary to the role and function of existing convenience retailers, and sustains and enhances the vitality of the Ruxley Lane Secondary Town Centre in accordance with Policy DM30 of the Development Management Policies Document 2015

- (9) At least 80% of the net sales floorspace hereby permitted shall only be used for the sale of convenience goods, toiletries and non-durable household goods.**

Reason: To ensure that the development meets the identified need in Epsom for a supermarket in accordance with Policy DM30 of the Development Management Policies Document 2015

- (10) 10. The retail units hereby permitted shall not be open to customers outside the hours of 08:00 to 22:00 on Mondays to Saturdays and 10:00 to 16:00 on Sundays.**

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

- (11) Between 12th July 2019 and the 12th July 2020, 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.**

From the 13th July 2020, 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

- (12) No home delivery service shall be carried out from the development hereby permitted without the prior consent of the Local Planning Authority.**

Reason: In order that the Local Planning Authority can be satisfied with the effect of any such service on the operation of the service yard and on traffic generation 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

- (13) The level of noise from all fixed plant installed on the site shall not exceed 35dB LAeq 5 minutes between the hours of 23:00 - 07:00 and 40 dB LAeq 1 hour between 07:00 - 23:00. All relevant determinations shall be made at the boundary of the nearest noise-sensitive property.

Reason: In order to safeguard against the emission of noise and protect the amenities of the occupants of the proposed development as required by Policy DM10 of the Development Management Policies Document 2015

- (14) Any air conditioning, ventilation, refrigeration or other plant or equipment shall be installed in accordance with the noise attenuation details approved under application 14/01727/COND dated 10 April 2015

Reason: In order to safeguard against the emission of noise and protect the amenities of the occupants of the proposed development as required by Policy DM10 of the Development Management Policies Document 2015

- (15) The service area and waste management plan shall be kept in operation in accordance with the details approved under application 13/01360/COND dated 18 June 2014

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 Core Strategy 2007

- (16) All refuse shall be stored in lidded containers and in a well-ventilated area in accordance with details approved under application 13/01360/COND dated 18 June 2014

Reason: To secure a satisfactory form of development in the interests of the amenities of the occupiers of the adjoining properties as required by Policy DM10 of the Development Management Policies Document 2015

- (17) Floodlighting, street lighting or car park lighting shall be carried out in accordance with the approved details and retained thereafter in accordance with details approved under application 13/01360/COND dated 18 June 2014

Reason: In order to minimise light pollution in accordance with Policy CS6 of the Core Strategy 2007

- (18) The retail area hereby permitted shall not be subdivided at any time to form separate sales units without the prior permission of the Local Planning Authority.**

Reason: In order that the Local Planning Authority can be satisfied that the development meets the need in Epsom for a supermarket in accordance with Policy DM30 of the Development Management Policies Document 2015

- (19) Signage shall be erected and maintained in accordance with details approved under application 13/01717/COND dated 18 June 2014**

Reason: In order that car parking provided within the development site is efficiently used to the benefit of all town centre users in accordance with Policy CS16 of the Core Strategy 2007

- (20) Car parking and store surveillance shall be carried out in accordance with the details approved under application 14/01727/COND dated 10 April 2015**

Reason: In the interests of safety in accordance with Policy DM10 of the Development Management Policies Document 2015

- (21) The car park shall be managed as a short-stay shoppers' car park, in accordance with a Management Plan approved under application 14/01727/COND dated 10 April 2015**

Reason: In order that car parking provided within the development site is efficiently used to the benefit of all town centre users, in accordance with Policy CS16 of the Core Strategy 2007.

- (22) Prior to the occupation of the development (other than as necessary in order to create access), the proposed vehicular access to Kingston Road shall be constructed and provided with visibility zones in accordance with the approved plans. The accesses shall be maintained to a specification to be agreed in writing with the Local Planning Authority and the visibility zones 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 and to accord with the provisions of Policy CS16 of the Core Strategy 2007

- (23) Before the development hereby permitted is first occupied, the existing residential accesses from the site to Kingston Road shall be permanently closed and any kerbs, verge and footway fully reinstated 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

- (24)** The development shall not be occupied until space has been laid out within the site in accordance with the approved plans for 70 cars and a minimum of 26 cycles to be parked and for the loading and unloading of Heavy Goods Vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning areas shall thereafter be kept available at all times for their designated use.

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

- (25)** The development should be undertaken in accordance with the Construction Transport Management Plan approved under application 13/01717/COND dated 18 June 2014

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

- (26)** The movement of materials in bulk to or from the site are commenced facilities shall be provided in accordance with details approved under application 13/01717/COND dated 8 June 2014

Reason: To ensure that the development does not prejudice the free flow of traffic and condition of safety on the highway nor cause inconvenience to other highway users as required by Policy CS16 of the Core Strategy 2007

- (27)** Construction work on the site that is audible at the site boundary shall be carried out only between the hours of 08:00 to 18:00 on Mondays to Fridays and 08:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In order to safeguard against the emission of noise and protect the amenities of the occupants of the proposed development as required by Policy DM10 of Development Management Policies Document 2015

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

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

- (29)** The development shall be carried out in strict accordance with the sustainability measures approved under application 13/01717/COND dated 18 June 2014

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 and to comply with policy CS6 of the Core Strategy (July 2007).

- (30)** The renewable energy installation as required by condition 29 shall be installed and operational prior to the first occupation of the building. The development shall be carried out in strict accordance with the approved details, shall be maintained as such thereafter and no change shall take place without the prior written consent of the Local Planning Authority. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy system.

Reason: In order to promote sustainable construction and to ensure that the Local Planning Authority may be satisfied that the 10% target is met in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (July 2007).

- (31)** The applicant shall implement the approved travel plan as approved under application 13/01717/COND dated 18 June 2014

Reason: In order that the development should reduce reliance upon the private car and meet the objectives of Policy CS16 of the Core Strategy (2007).

- (32)** The first floor windows in the north west flank elevation shall be glazed with obscure glass and shall be so maintained.

Reason: To safeguard privacy of the occupants of adjoining properties as required by Policy DM10 of the Development Management Policies Document 2015

- (33)** The development hereby permitted shall be carried out in accordance with the following documents:

- Design and Access Statement
- Planning and Retail Assessment
- Statement of Community Involvement
- Sustainability Checklist

- Sustainability Statement
- Geo-Environmental Desk Study
- Phase 2 Land Contamination Details
- Drainage Strategy
- Environmental Noise Report
- Transport Assessment
- Travel Plan
- 8747-106 B
- 8747-107 A
- 8747-108B

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

- (34)** A Delivery Management Plan shall be submitted to, and approved in writing (within 30 days of temporary planning permission being granted) by the local planning authority. Thereafter deliveries to the foodstore shall be carried out in accordance with the approved Delivery Management Plan

Reason: To safeguard the amenity of the occupants of adjoining properties as required by Policy DM10 of the Development Management Policies Document 2015

Informative:

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

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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	25 March 2019
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DELIVERY MANAGEMENT PLAN

ALDI Stores Ltd, Kingston Road, Ewell



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PP Ref

0208

1. INTRODUCTION

- 1.1. This Delivery Management Plan (DMP) has been prepared on behalf of ALDI Stores Ltd and is submitted in support of a S.73 application (18/01018/REM) to vary the delivery hours at the ALDI Store on Kingston Road, Ewell.
- 1.2. Deliveries to the store are currently restricted by condition 1 of planning permission 15/00993/REM which permits the following hours:
 - 06:00 to 21:00 Monday to Saturday
 - 08:00 to 17:00 Sundays
- 1.3. Planning application 18/01018/REM seeks permission for extended Sunday deliveries until 21:00, an additional 4 hours.
- 1.4. Justification for widening the delivery window as above has been set out in supporting documents associated with the application.
- 1.5. The purpose of the DMP is to put in place controls to ensure that potential noise and disturbance associated with the additional 4 hour period is minimised to protect amenities of neighbouring residents.
- 1.6. The following sections provide details of the strategies to be employed at the store.

2. DELIVERY MANAGEMENT OBJECTIVES

- 2.1. The objective is to ensure that delivery activities during the extended 4 hour period operate efficiently and effectively minimising instances of potential disruption. Guidance is provided on measures to reduce noise at the delivery point and measures for drivers.
- 2.2. Subject to permission being granted, ALDI intend to operate deliveries to the store up until 21:00 on Sundays in line with the measures set out in this DMP.
- 2.3. For the avoidance of doubt, this DMP is only applicable to deliveries that will take place between 17:00 to 21:00 on Sundays (the new 4 hour period).

3. TRAINING AND MANAGEMENT

3.1. The following Training and Management measures will be implemented to ensure compliance with this DMP

- Regular training will be undertaken by ALDI's Transport Manager to drivers and colleagues at the store to ensure that this DMP is adhered to during the hours of 17:00 to 21:00 on Sundays.
- The Ewell Store Manager will undertake regular checks to ensure the DMP is being adhered to during the hours of 17:00 to 21:00 on Sundays. Details of regular checks will be recorded on the checklist form and kept available for inspection by the local authority.
- ALDI colleagues will undertake unannounced checks on an ad hoc basis to ensure the DMP is being adhered to at all times

3.2. The instructions set out in the following sections for delivery drivers and store colleagues will be explained prior to the initiation of deliveries between 17:00 and 21:00 on Sundays, and provided on laminated sheets for future reference.

3.3. All ALDI vehicles delivering to the Ewell store are traceable so the store can monitor deliveries.

4. INSTRUCTION FOR STORE COLLEAGUES

- The following instructions must be adhered to during the hours of 17:00 to 21:00 on Sundays, but as good practice noise and disturbance during all deliveries should be minimised where possible.
- Ensure the loading bay doors and shutters are well maintained to minimise noise when opening and closing.
- Not to install or operate tannoy systems whilst deliveries are taking place.
- Ensure that the loading bay is clear of obstructions, so vehicles can move easily.
- Keep doors other than the delivery point closed to ensure noise does not escape.
- Make sure the delivery point is ready for the vehicle before it arrives - doors should be open to avoid the vehicle idling.
- Ensure staff do not shout or whistle to get the attention of the driver.
- Colleagues will take extra care when transferring goods internal, being careful not to bump into walls / doors etc.
- Be aware of the instructions to drivers in Section 5 as a check on driver compliance.

5. INSTRUCTIONS FOR DRIVERS

- The following instructions must be adhered to during the hours of 17:00 to 21:00 on Sundays, but as good practice noise and disturbance during all deliveries should be minimised where possible.
- As you approach the site and manoeuvre in to position, remain aware of the effect noise levels can have on local residents.
- Engines should be switched off immediately when not manoeuvring.
- No reversing beepers to be used.
- Refrigeration equipment should be switched off once the vehicle is stationary and in the unloading position.
- Switch the radio off before opening the vehicle doors.
- Minimise the frequency of opening and closing vehicle doors and do so quietly.
- No slamming doors.
- Lower flaps on tail lifts quietly and carefully.
- Do not whistle or shout to get the attention of store employees.
- When working in the vehicle load space avoid banging pallets into the vehicle walls.
- When finishing unloading/loading, close up the vehicle quietly.
- Drivers should avoid over revving and seek to accelerate gently until the vehicle is a reasonable distance from the store, minimising excessive air brake noise.
- Where possible, drivers should refrain from starting up vehicle refrigeration units until the vehicle is away from the store and residential properties.

6. INSTRUCTION FOR THE STORE MANAGER/COMPLAINTS

- 6.1. This DMP must be adhered to during the hours of 17:00 to 21:00 on Sundays, but as good practice noise and disturbance during all deliveries should be minimised where possible.
- 6.2. As Store Manager your involvement in the management of store deliveries is crucial. You may well be the first point of contact for customers and residents.
- 6.3. We hope that residents will not complain about deliveries, however if they do, it is essential you treat all complaints consistently and record them accurately.
- 6.4. If you receive complaints from residents by letter, by telephone or face to face you must reply politely and sympathetically to residents' concerns. Please make every effort to be concerned, helpful and polite. Please log the complaint and review the complaint with colleagues and the driver. The Store Manager can also direct complainants to notify ALDI's Transport Manager and Planning Consultants, who will be the main point of contact. The following complaint details should be recorded:
- Name and contact details of complainant;
 - Time and date of complaint;
 - The cause of the complaint i.e. reversing alarms operated;
 - Effect of noise disturbance i.e. sleep disturbance;
 - Action taken.
- 6.5. These details will also be provided to the Council within 48 hours of the complaint being made.
- 6.6. Any breaches of the DMP identified by the store manager or received directly by the store will be notified to ALDI's Transport Manager. The information to be recorded will include date and time of breach, and any action taken to remedy breach.
- 6.7. If at any time the Council considers the terms of the Agreement have not been met, they will notify ALDI as soon as practically possible on becoming aware that a breach may have occurred. The notification shall include details of the alleged breach and time and date that it occurred.
- 6.8. Likewise, the Council will be informed of complaints received by ALDI and the actions taken.
- 6.9. Following receipt of an alleged breach, ALDI will have 48 hours to respond to the specified breach.

6.10. Planning Consultant Contacts – Planning Potential (on behalf of ALDI)

Rob Scadding / Alastair Close

Email: rob@planningpotential.co.uk / alastair@planningpotential.co.uk

Tel: 0207 357 8000

Address: Planning Potential Limited, Magdalen House, 148 Tooley Street, London, SE1 2TU.

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London Road Lodge, Nonsuch Park, London Road, Ewell, Surrey, KT17 2DL

Installation of three signs; hanging sign, hoarding sign between two posts and sign above door at the pedestrian entrance

Ward:	Stoneleigh Ward;
Contact Officer:	Tom Bagshaw

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=PKUM93GYLUQ00>

2 Summary

- 2.1 The applicant is seeking advertisement consent for the installation of three advertisements including 1 hanging sign, 1 hoarding sign and 1 sign above the door of the pedestrian entrance.
- 2.2 The hanging sign and hoarding sign are orientated towards the public highway, facing to the exterior of the park. The third sign is positioned above the pedestrian entry gate into the park.
- 2.3 The signage is considered to be acceptable in this location and the application is therefore recommended for APPROVAL.

3 Site description

- 3.1 The proposed adverts are located in and adjacent to the car park for Nonsuch Park which is accessed from London Road, Ewell.
- 3.2 The Nonsuch Park is a 123-hectare open space in the borough of Epsom & Ewell, Surrey on the border with the London Borough of Sutton. The Park was originally part of a large royal park in which Henry VIII reputedly hunted. Today the park is used by residents and visitors for outdoor recreation.

3.3 The application property is situated within the park grounds and as such it located in an area of land designated as strategic open space and a registered park. The property is located at the south western corner of the park and located adjacent to a public road within the site and a public entrance.

3.4 .

4 Proposal

4.1 The proposal is for three adverts with the following dimensions:

- The hanging sign would be 2.87 metres in height and 2.04 metres in width.
- The proposed hoarding sign would be 2.7 metres in height and 1.35 Metres in width.
- The pedestrian entrance sign would be 2.66 metres in height and 1.17 Metres in width.

4.2 None of the proposed signs are illuminated

5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 13 neighbouring properties. To date (25.03.2019) 0 letters have been received.

6 Consultations

6.1 SCC Highways: No comments to make.

7 Planning Policy

National Planning Policy Framework – revised (2018)

Local Development Framework – Core Strategy 2007

CS1 - General policy

CS5 - The Built Environment

Development Management Policies 2015

DM8 - Heritage Assets

DM9 - Townscape character and local distinctiveness

DM10 - Design requirements for new developments

DM15 - Advertisements and Hoardings

8 Relevant History

Application number	Decision date	Application detail	Decision
14/01857/FUL	02.06.2015	Change of use from C3 dwelling to a mixed use with D1 use at ground floor level incorporating a single-storey rear extension to form Veterinary Practice with C3 residential flat at first floor level and formation of new access way to the west of London Road Nonsuch Park entrance and laying out of parking area.	Permit
18/01420/FUL	N/A	Application for Variation in planning permission granted Application ref no: 14/01857/FUL to D1(Nursery) including the installation of new windows, external doors with additional toilet & parking facilities, Installation of new boundary wall fencing and a new electrical park gate.	Pending

9 Planning considerations

- 9.1 Under the Advertisement Regulations 2007, the main issues to consider in the determination of this application are whether the proposed signage would harm highway safety or public amenity.

Design

- 9.2 In terms of appearance, the advertisement signage would not unduly harm the setting of the nearby Grade II* statutory Listing Building (Nonsuch Park House). Neither would it significantly detract from the visual quality of the strategic open space and registered park. The proposal would not harm valued heritage assets in the borough, in compliance with Policy DM8.
- 9.3 Policy DM15 requires that proposals for advertisements must demonstrate that their design and siting does no demonstrable harm to the character of the surrounding townscape and that they have no adverse effect upon a conservation area and its wider setting. Policy DM8 relates to the preservation or enhancement of conservation areas.
- 9.4 The new signage would be of good quality, durable materials and it would sit comfortably in the sited locations. The two post hoarding sign (Type 2) and the hanging sign (Type 1) would be situated adjacent to the highway to the north of the site. It would not be considered to unacceptably detract from the character of the property or the surrounding area.
- 9.5 Sign type 3 would be located above the public entrance to the property and would not be of a size scale or design that would be considered to result in any unacceptable impacts upon the design or appearance of the property or the surrounding area.
- 9.6 The proposed signage would not be visually intrusive, and although of contemporary design, would not diminish the locally distinctive qualities of nonsuch park.
- 9.7 It is therefore concluded that the signage would comply with policies DM15.
- 9.8 Neighbouring amenity impacts

Impact on Public safety

- 9.9 Surrey County Council Highways Authority has assessed the proposals and has no recommendations to make on safety, capacity or policy grounds, therefore no objection raised.

Community Infrastructure Levy

- 9.10 The proposal is for advertisement consent and is not CIL Liable

10 Conclusion

- 10.1 This application meets planning policy and is therefore acceptable. In light of the above, it is recommend that advertisement consent be APPROVED.

11 Recommendation

11.1 Advertisement Consent is APPROVED 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, received by the Council on 01.11.2018.

Proposed Landscape Plan [Dated: 08.01.2019]

Signage Detail [Dated: 08.01.2019]

Proposed Ground Floor [Dated: 08.01.2019]

Proposed First Floor Plan [Dated: 08.01.2019]

ELEVATIONS [Dated: 08.01.2019]

Block Plan [Dated: 08.01.2019]

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) No advertisement shall be sited or displayed so as to:

- endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To comply with Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.

(4) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.

- (5) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.**

Reason: To comply with Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.

- (6) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.**

Reason: To comply with Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.

- (7) No light source must be applied such that it is not directly visible to cause any glare to motorist's visibility using the highway.**

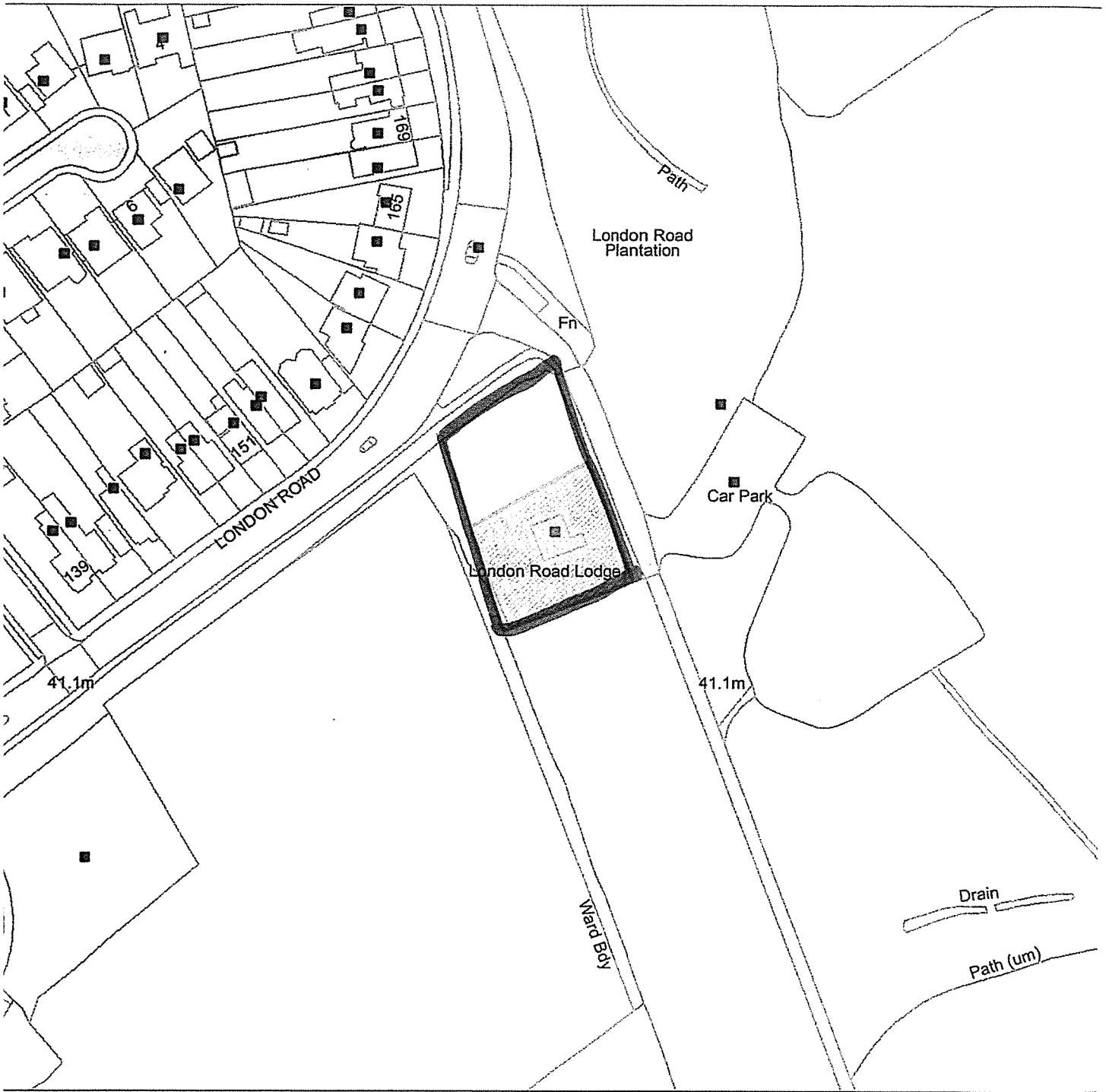
Reason: To avoid glare or affect motorist visibility, which could lead to danger to highway users

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**
- (2) 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.**
- (3) The consent to display the sign(s)/advertisement(s) hereby permitted is for a period of five years from the date of this consent.**
(N.B. You are advised that you may display the sign(s)/advertisement(s) hereby permitted after the period specified in the condition subject to the Local Planning Authority's power to take action to have the sign(s)/advertisement(s) removed at some time after this date.
- (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.

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Organisation	Epsom and Ewell Borough Council
Department	
Comments	
Date	25 March 2019
SLA Number	100023771

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Community and Wellbeing Centre, Sefton Road Epsom, Surrey, KT19 9HG

Installation of two 6m high lamp posts in the car park located to the East of the site, along with two metal bollards. To the proposed lamp post adjoining the corner of the building, nearest to Sefton Road, one 200W LED lamp will be fitted. To the lamp post adjoining the flank wall of the building, two 200W light fittings will be installed.

Ward:	Court Ward
Contact Officer:	Tom Bagshaw

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=PJXWJ6GYLQ500>

2 Summary

- 2.1 The applicant is seeking planning permission for the erection of two 6 metre high lamp posts including two 1.2 metre high black metal bollards positioned adjacent to the lampposts for protection.
- 2.2 This application is before Planning Committee as it is development on Council owned asset. While it is de minimis in nature the proposal is being reported for Planning Committee decision.
- 2.3 The proposed development is considered to blend into the character of the surrounding area and is considered to be acceptable.
- 2.4 The application is recommended for APPROVAL with conditions.

3 Site description

- 3.1 The property is currently named The Community and Wellbeing Centre and is formerly known as the Longmead Social Centre.
- 3.2 The property is located within a built up area. The Site is comprised of a social centre located on the south side of Sefton Road. The property is not listed nor is it located within a conservation area.
- 3.3 The two lamp posts would be located within the car park.

4 Proposal

- 4.1 The proposed lampposts would be 6 metres in height.
- 4.2 The lamppost nearest the road would be fitted with one 200W LED Light.
- 4.3 The lamppost adjoining the social centre would include two 200W LED lights.
- 4.4 The bollards would be 1.2 metres in height located adjacent to the lampposts as a protection.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 55 neighbouring properties. To date (25.03.2019) 0 letters of objection have been received.

6 Consultations

- 6.1 N/A

7 Relevant planning history

Application number	Decision date	Application detail	Decision
17/00232/FUL	14.09.2017	Relocation of a window and the installation of a new external door and access ramp.(Amended drawings received 05.06.2017)	Permit

8 Planning Policy

National Planning Policy Framework (NPPF) 2018

Householder Design Guidance 2004

Local Development Framework – Core Strategy 2007

Policy CS01 - General Policy

Policy CS05 - The Built Environment

Development Management Policies Document – 2015

Policy DM08 – Heritage Assets

Policy DM09 - Townscape Character and Local Distinctiveness

Policy DM10 - Design Requirements

9 Planning considerations

Design and Character

- 9.1 The NPPF promotes attractive environments by creating well-designed buildings in terms of appropriate massing, bulk, materials and details, and in doing so, raising the profile of the borough in a positive way.
- 9.2 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state that The Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.
- 9.3 DM10 (Design Requirements for New Developments) identifies the most essential elements which contribute toward the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced, and includes the following:
- Prevailing development typology, including house type, sizes, and occupancy;
 - Prevailing density of the surrounding area;
 - Scale, layout, height, form, massing;
 - Plot width and format which includes spaces between buildings;
 - Building line build up, set back, and front boundary; and
 - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 9.4 The proposed lamp posts would be 6 metres in height and would adjoin the existing property. They would not be of a significant bulk or massing and as such would not be considered to result in any unacceptable impacts upon the character of the property and are considered to blend into the surrounding area.
- 9.5 The proposed bollards would not be of a size scale or location that would have any unacceptable impacts upon the design or character of the property.

Impact on Amenity

- 9.6 Policy CS of the Core Strategy and Development Management Policy DM seeks to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbances.
- 9.7 The proposed lampposts would be located in the car park to an existing social centre and are not located adjacent to any residential properties. Given the surrounding lamp posts in the nearby vicinity, it is considered that the additional lamp posts would not have any significant detrimental impacts upon neighbouring amenity in terms of light pollution.
- 9.8 The proposed bollards would not be of a height scale or location that would result in any unacceptable impacts upon neighbouring properties in terms of overbearing, overshadowing, overlooking or daylighting/sunlighting.

Community Infrastructure Levy

- 9.9 The scheme is not CIL liable

10 Recommendation

- 10.1 APPROVE subject to 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 2004.
- (2) **The development hereby permitted shall be carried out in accordance with the following approved plans:**
LONG-Lighting-00 – Existing East Elevation
LONG-Lighting-002 – proposed East Elevation
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007).
- (3) **The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form**
Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

Informatives:

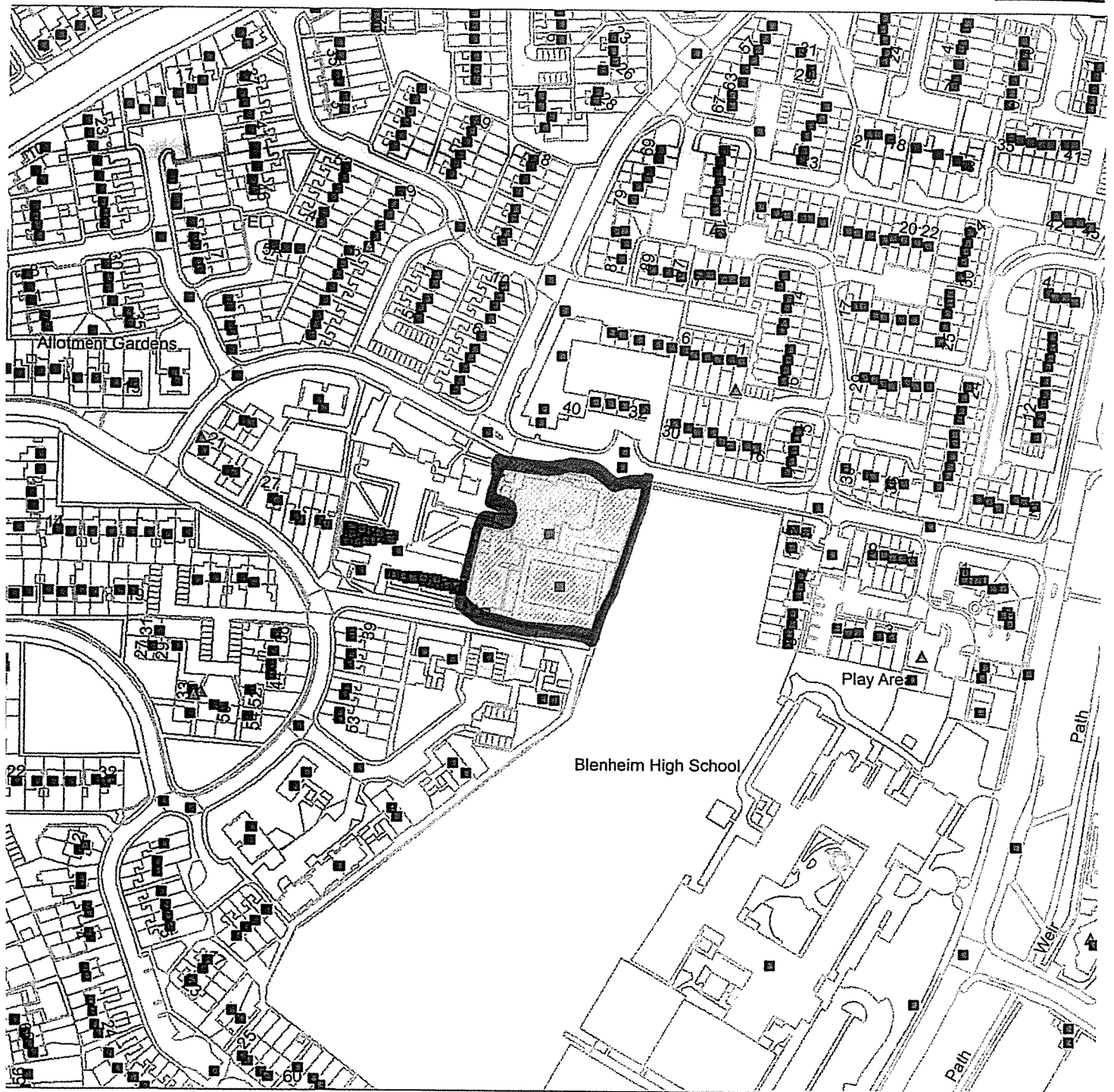
- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning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



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Organisation	Epsom and Ewell Borough Council
Department	
Comments	
Date	25 March 2019
SLA Number	100023771

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Monthly Report on Planning Appeal Decisions

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

The planning department has received the following 5 appeal decisions from the 25th February 2019 to 29th March 2019.

Site Address	Planning Reference	Description of Development	Decision + Costs?
60 Waverley Road, Stoneleigh KT17 2LS	17/01316/TPO APP/TPO/P3610/6687	The proposal is to reduce the crown of an oak by one third and remove any dead, damaged, weak or crossing branches.	Dismissed 27 th February 2019 No costs to either side
The White House, St Martins Avenue, Epsom KT18 5HS	17/01431/TPO APP/TPO/P3610/6704	The proposal is Cedar – Crown reduction of approx. 1 – 1.2 metres.	Dismissed 4 th March 2019 No costs to either side
78 Chessington Road, West Ewell, Surrey KT19 9U	17/00470/FUL APP/P3610/W/18/3212327	The proposal is the erection of a two storey house (C3-Dwelling) at rear of 78 Chessington Road.	Dismissed 8 th March 2019 No costs to either side
4 Plantagenet Close, Worcester Park, KT4 7DQ	18/00910/FLH APP/P3610/D/19/3220128	The proposal is simplification of roof design, removal of 4 separate pitches and valleys-further to application 15/00562/FLH.	Allowed 25th March 2019 No costs to either side
23 Longdown Lane North, Epsom, Surrey, KT17 3HY	18/00726/FLH APP/P3610/D/19/3220243	The proposal is erect two storey front extension, erect two storey rear extension.	Dismissed 25 th March 2019 No costs to either side

Summary of Appeal Decisions:

60 Waverley Road, Stoneleigh:

The Inspector dismissed the appeal. The Council issued a split decision on this application, refusing the crown reduction but granting consent for the other proposed works. The Inspector found that the tree did not materially affect the enjoyment of the applicant's rear garden or the neighbours' rear garden.

The White House, St Martins Avenue, Epsom:

The Inspector dismissed the appeal, concluding that although there is need for some pruning the works applied for would be inappropriate and likely to harm the cedar's health and appearance.

78 Chessington Road, West Ewell:

The Inspector dismissed the appeal concluding that the proposal would be harmful to the character and appearance of the conservation area, have a harmful effect on the living conditions of the occupiers of neighbouring dwellings, and not provide acceptable living conditions for future occupiers.

4 Plantagenet Close, Worcester Park:

The appeal is allowed with the Inspector considering the character and appearance of the area, concluding that the proposal will not worsen the effect of light restriction already created by the separation between properties, and the roof design would not be harmful to the character of the building and would not be readily visible from the street.

23 Longdown Lane North, Epsom:

The Inspector dismissed the appeal concluding that the proposal would be harmful to the character and appearance of the house itself and the wider conservation area.