

PLANNING COMMITTEE

Thursday 7 November 2019 at 7.00 pm

Council Chamber - Epsom Town Hall

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

Councillor Clive Woodbridge (Chair)
Councillor Monica Coleman (Vice-Chair)
Councillor Nigel Collin
Councillor Lucie Dallen
Councillor Neil Dallen
Councillor Previn Jagutpal
Councillor Colin Keane

Councillor Jan Mason
Councillor Steven McCormick
Councillor Debbie Monksfield
Councillor Peter O'Donovan
Councillor David Reeve
Councillor Humphrey Reynolds

Yours sincerely



Chief Executive

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

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- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move to the assembly point at Dullshot Green and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Public information

Information & Assistance:

You are welcome to attend this meeting which is open to the press and public as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. If you have any specific needs, require assistance or reasonable adjustments to be able to attend the meeting, or need further information please contact Democratic Services, tel: 01372 732121 or email: democraticservices@epsom-ewell.gov.uk.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

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Public speaking

Public speaking in support or objection to planning applications is permitted at meetings of our Planning Committee. If you wish to speak at a Planning Committee meeting, you should come to the reception area of the town hall in person between 5.30pm and 6.30pm on the night of the meeting to register. It is not possible to pre-register prior to this. If a number of people wish to speak on a particular application you will normally be asked to nominate a single representative from amongst you. Further information is available from our [website](#) or by contacting Democratic Services, tel: 01372 732121 or email: democraticservices@epsom-ewell.gov.uk.

Guidance on Predetermination /Predisposition

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

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 7 - 66)

The Committee is asked to confirm as a true record the Minutes of the Meetings of the Planning Committee held on the 5 and 17 September (attached) and authorise the Chairman to sign them.

3. SOUTH HATCH STABLES BURGH HEATH ROAD EPSOM KT17 4LX (Pages 67 - 70)

Demolition of the existing Racehorse Training Establishment (RTE) and the erection of a new RTE comprising of a main yard stable complex of 40 boxes, a secondary stable block of 20 boxes, an isolation yard, a trainer and assistant trainers house, stable staff accommodation, horse walkers, muck pits, a therapy barn, trotting ring and outdoor school, a lunge ring, turnout paddocks and a machinery store and storage barn and enabling residential development comprising 46 apartments. [Description amended to reflect reduction in 1 apartment (47 to 46)]

4. 29 FULFORD ROAD, WEST EWELL, SURREY, KT19 9QZ - 19/00890/CLP (Pages 71 - 78)

Single storey rear extension (Application for a certificate of Lawfulness for a Proposed Development)

5. HORTON PARK GOLF AND COUNTRY CLUB, HOOK ROAD, EPSOM, SURREY, KT19 8QG (Pages 79 - 84)

Replacement driving range fence

6. THE ROYAL AUTOMOBILE COUNTRY CLUB (RAC), OLD BARN ROAD, EPSOM, SURREY, KT18 7EW (Pages 85 - 100)

Variation of Condition 2 (drawings) of Planning ref: 18/00645/FUL, dated 14.11.2018, to amend the engineering design of the Reservoir

7. DEVELOPMENT SITE AT GARAGES, ORMONDE AVENUE, EPSOM, SURREY (Pages 101 - 182)

Erection of three no. two-bedroom dwellings

8. THE LODGE, WEST STREET, KT17 1XU (Pages 183 - 206)

Demolition of existing detached house and construction of two houses and four flats

9. MONTHLY REPORT PLANNING APPEALS DECISIONS (Pages 207 - 210)

The Committee is asked to note five appeal decisions from 20 August to 16 October 2019 and the number of dwellings for which planning permission has been granted up to September 2019

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Minutes of the Meeting of the PLANNING COMMITTEE held on 5 September 2019

PRESENT -

Councillor Clive Woodbridge (Chair); Councillor Monica Coleman (Vice-Chair); Councillors Nigel Collin, Lucie Dallen, Neil Dallen, Previn Jagutpal, Colin Keane, Jan Mason, Steven McCormick, Debbie Monksfield, Peter O'Donovan, David Reeve and Humphrey Reynolds

In Attendance: Councillor Alex Coley (speaking as a Ward Councillor for item 3) and Councillor Clive Smitheram (speaking as a Ward Councillor on item 3) Scott Dixon (Surrey County Council Highways) and Mike Green (Surrey County Council)

Officers present: Ruth Ormella (Head of Planning), Tom Bagshaw (Planner), Claire Beesly (Assistant Solicitor), Virginia Johnson (Planner), Steven Lewis (Planning Development Manager) and Sandra Dessent (Committee Administrator)

27 DECLARATIONS OF INTEREST

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

Councillor Neil Dallen, Other Interest: Declared that he was a member the Epsom Civic Society.

7 Cedar Hill, Epsom, Surrey, KT18 7BP

Councillor Previn Jagutpal, Other Interest: Being the applicant for this application left the Council Chamber for this item and did not take part in any deliberations or vote.

12 Millais Way, West Ewell, Surrey, KT19 9PF

Councillor Lucie Dallen, Other Interest: Being the applicant for this application left the Council Chamber for this item and did not take part in any deliberations or vote.

28 MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting of the Planning Committee held on 25 July 2109 were agreed as true record and signed by the Chairman subject to an amendment to Minute 22, informative 2, 087.00 was changed to 08.00.

29 LAND AT EPSOM AND EWELL HIGH SCHOOL, RUXLEY LANE, WEST EWELL, SURREY

Description

Demolition of existing classroom buildings, MUGA and sports hall; and construction of a two storey classroom block, 3G Full Size AGP Pitch, compact athletics facility, Hockey Plus AGP, sports pavilion, sports hall, grass surface pitches, grounds maintenance compound, footbridge, fencing, floodlights and associated ground works, construction of new car park and access for school sports facilities; and erection of 161 dwellings including associated parking, landscaping, open space and infrastructure works.

Members Amendments to Recommendations

Members considered an update report and agreed the recommended changes to conditions.

Further amendments to the recommendation from Members included:

- The addition of a further Heads of Terms for the Section 106 Agreement to secure the timely provision of school improvements and sporting facilities;
- The inclusion of hours of construction within all conditions relating to the Construction Environmental Management Plan (Condition 7, 20 and 48 below);
- Condition 31 to be amended to insert a row and include hours of use for the Pavilion and compact athletics facility to reflect those as the same as the AGP pitch.

Decision

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

Part A

Subject to a Section 106 Agreement being completed and signed by 5 December 2019 under the following heads of terms

- The development will be providing 40% affordable housing units. This equates to 65 units split between 45 Affordable Rent units and 20 Shared Ownership units.
- £40,000 to improve the existing playground at Curtis Road.
- A LEMP (Landscape and Ecological Management Plan) being used to secured implementation and management of the ecological mitigation in perpetuity

- traffic signal systems at the Ruxley Lane (B284) junctions with both Chessington Road (B284) and Kingston Road (A240);
- Provision of a shared cycle way footway between Ruxley Lane and Scotts Farm Road;
- Provision of one car club vehicle for a minimum of two years, with all costs associated with the provision of the vehicle including provision of parking space either within a publicly accessible location of the development or on the public highway and pump priming being met by the developer;
- Provision of £50 worth of free travel for the first residential users of the proposed development using the car club vehicles;
- Provision of one year free membership of the car club for the first occupants of each of the proposed residential units; and
- £6,150 towards Travel Plan Auditing.
- To secure a S278 for the provision of a car parking bay on Scotts Farm Road to hold 6 vehicles
- To secure the timely provision of school improvements and sporting facilities.

The Committee authorise the Head of Planning to grant planning permission, subject to Conditions.

Part B

In the event the S106 Agreement referred to in Part A is not completed by 5 December 2019, the Head of Planning be authorised to refuse the application for the following reason:

The application fails to provide the necessary Affordable Housing and Contribution and Off Site Highway works to mitigate the proposed development contrary to policies CS9 and CS12 of the Epsom and Ewell Core Strategy 2007, DM6, DM21, DM22 and DM36 Development Management Policies Document

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

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

Design and Access Statement

Design and Access Statement - Addendum

101703-BEL-SL-01-B	Presentation Planning Layout
101703-BEL-SL-02-B	Supporting Planning Layout
101703-BEL-SL-03-B	Storey Heights Layout
101703-BEL-SL-04-B	Tenure Layout
101703-BEL-SL-05-C	Unit Type Layout
101703-BEL-SL-06	Location Plan
101703-BEL-SL-07-B	Materials Layout
101703-BEL-SL-08	Existing Site Plan
101703-BEL-SL-FRP01	Footpath Route Plan 01
101703-BEL-SL-FRP02	Footpath Route Plan 02
101703-BEL-SL-OSA01	Open Space Areas 01
101703-SS01-A	Street Scene 01
101703-SS02-A	Street Scene 02
101703-SS03-A	Street Scene 03
101703-SEC01-A	Site Section 01
101703-SEC02-A	Site Section 02
PO-2B-2S-TF-E	The Potter - Elevations - Town - Feature Brick
PO-2B-2S-TT-E	The Potter - Elevations - Town - Tile
PO-2B-2S-P1	The Potter - Floor Plans
TH-3B-2S-TB-E-A	The Thespian - Elevations - Town - Brick
TH-3B-2S-TT-E-A	The Thespian - Elevations - Town - Tile
TH-3B-2S-TC-E-A	The Thespian - Elevations - Town - Contemporary
TH-3B-2S-P1-A	The Thespian - Floor Plans
QU-3B-2S-TF-E	The Quilter - Elevations - Town - Feature Brick
QU-3B-2S-P1	The Quilter - Floor Plans

101703-H324+-E1	House Type H324+ - Elevations - Town - Feature Brick
101703-H324+-E2	House Type H324+ - Elevations - Town - Tile
101703-H324+-E5	House Type H324+ - Elevations - Town - Contemporary
101703-H324+-P1	House Type H324+ - Floor Plans
101703-H324+-E3	House Type H324+ - Elevations - Town - Feature Brick
101703-H324+-P2	House Type H324+ - Floor Plans
101703-H324+-E4	House Type H324+ - Elevations - Town - Feature Brick
101703-H324+-P3	House Type H324+ - Floor Plans
MA-3B-2S-TF-E	The Mason - Elevations - Town - Feature Brick
MA-3B-2S-TC-E	The Mason - Elevations - Town - Contemporary
MA-3B-2S-P1	The Mason - Floor Plans
101703-B2-E1-B	Apartment Block 2 - Front Elevation
101703-B2-E2-B	Apartment Block 2 - Side Elevations
101703-B2-E3	Apartment Block 2 - Rear Elevation
101703-B2-P1-B	Apartment Block 2- Ground Floor Plan
101703-B2-P2-B	Apartment Block 2 - First Floor Plan
101703-B2-P3-B	Apartment Block 2 - Second Floor Plan
101703-B2-P4-B	Apartment Block 2 - Third Floor Plan
BA-2B-2S-TC-E	The Baker - Elevations - Town - Contemporary
BA-2B-2S-P1	The Baker - Floor Plans
TI-3B-2S-TF-E	The Tillman - Elevations - Town - Feature Brick
TI-3B-2S-TC-E	The Tillman - Elevations - Town - Contemporary
TI-3B-2S-P1	The Tillman - Floor Plans
SW-3B-3S-TF-E	The Shipwright- Elevations - Town - Feature Brick
SW-3B-3S-P1	The Shipwright - Floor Plans

101703-B1-E1-B	Apartment Block 1 - Front Elevation
101703-B1-E2-B	Apartment Block 1 - Side Elevations
101703-B1-E3-B	Apartment Block 1 - Rear Elevation
101703-B1-P1-B	Apartment Block 1- Ground Floor Plan
101703-B1-P2-B	Apartment Block 1 - First Floor Plan
101703-B1-P3-B	Apartment Block 1 - Second Floor Plan
101703-B1-P4-B	Apartment Block 1 - Third Floor Plan
101703-B3-E1-B	Apartment Block 3 - Front Elevation
101703-B3-E2-B	Apartment Block 3 - Side Elevation
101703-B3-E3-B	Apartment Block 3 - Rear Elevation
101703-B3-E4-B	Apartment Block 3 - Side Elevation
101703-B3-P1-B	Apartment Block 3 - Ground Floor Plan
101703-B3-P2-B	Apartment Block 3 - First Floor Plan
101703-B3-P3-B	Apartment Block 3 - Second Floor Plan
101703-B3-P4-B	Apartment Block 3 - Third Floor Plan
101703-GAR01	Garage Type 01 - Floor Plan and Elevations
101703-GAR02	Garage Type 02 - Floor Plan and Elevations
101703-GAR03	Garage Type 03 - Floor Plan and Elevations
101703-GAR04	Garage Type 04 - Floor Plan and Elevations
101703-GAR05	Garage Type 05 - Floor Plan and Elevations
101703-GAR06-A	Garage Type 06 - Floor Plan and Elevations
101703-SH01	Cycle Shed 01 - Floor Plan and Elevations
101703-SH02	Cycle Shed 02 - Floor Plan and Elevations
101703-SUB01	Sub Station - Floor Plan and Elevations
7806	residential Scheme Biodiversity Enhancement
plan	
PL01	Site Location Plan

PL02	Existing Site Plan
PL03	Proposed Site Plan
PL10	Existing Site Plan
PL11	Existing Ground Floor Plan
PL12	Existing Roof Plan
PL13	Existing Elevations
PL20	Proposed Site Plan
PL21 Rev.P1	Proposed Ground Floor Plan
PL22 Rev.P1	Proposed First Floor Plan
PL23 Rev.P1	Proposed Roof Plan
PL24 Rev.P1	Proposed Elevations (1 of 2)
PL25 Rev.P1	Proposed Elevations (2 of 2)
PL30	Existing Site Plan
PL31	Existing Ground Floor Plan
PL32	Existing First Floor Plan
PL33	Existing Roof Plan
PL34	Existing Elevations
PL40 Rev.P1	Proposed Site Plan
PL41 Rev.P1	Proposed Ground Floor Plan
PL42 Rev.P1	Proposed First Floor Plan
PL43 Rev.P1	Proposed Roof Plan
PL44 Rev.P1	Proposed Elevations (1 of 2)
PL45 Rev.P1	Proposed Elevations (2 of 2)
PL50	Proposed Site Plan
PL51 Rev.P1	Proposed Ground Floor Plan
PL52	Proposed Roof Plan
PL53	Proposed Elevations (1 of 2)

PL54	Proposed Elevations (2 of 2)
PL60	Proposed Site Plan
PL61	Proposed Elevations (1 of 2)
PL62	Proposed Elevations (2 of 2)
PL70 Rev.P1	Proposed Site Plan
PL71	Proposed Elevations (1 of 2)
PL72	Proposed Elevations (2 of 2)
PL75 Rev.P1	Proposed Plan
PL76	Proposed Elevations (1 of 2)
PL77	Proposed Elevations (2 of 2)
PL78 Rev.P1	Proposed Plans and Elevations
PL80 Rev.P1	Proposed Contextual North Elevation

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

REMOVED REFERENCES BELOW – Not technical Drawings

101703-PER01-A	Perspective View 01
101703-PER02	Perspective View 02
101703-PER03	Perspective View 03
101703-PER04	Perspective View 04

- (3) No development shall commence until a landscaping scheme and planting schedule for each phase of the development, including boundary treatment, hardstanding and street furniture have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within the first planting season following completion of the development and the tree planting and landscaping shall thereafter be maintained for five years to the satisfaction of the Local Planning Authority. Any trees or shrubs which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that purpose only.**

Reason: The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and 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 Development Management Policies Document adopted October 2015.

- (4) The development shall be carried out in accordance with the submitted flood risk assessments (ref 'December 2018 / / Ardent Consulting Engineers' and 'December 2018 / 174392-01A / Ardent Consulting Engineers') and the following mitigation measures they detail:**

Finished floor levels shall be set no lower than 25.87 metres above Ordnance Datum (mAOD).

Level for level compensatory storage shall be provided.

All topographic adjustments are taken forward to provide flood plain compensation.

The flood resilient and resistance measures outlined shall be fully implemented.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in line with the National Planning Policy Framework (NPPF). To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to ensure satisfactory storage of/disposal of surface water from the site

- (5) No development shall take place until a scheme for the provision and management of a 8 metre wide buffer zone alongside the watercourse has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping.**

The scheme shall include:

plans showing the extent and layout of the buffer zone.

details of any proposed planting scheme (for example, native species).

details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.

details of any proposed footpaths, fencing, lighting, etc. There should be no lightning directed on to the river corridor as this would be harmful to bats and other wildlife

Reason: Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected in line with the submitted ecological Assessments by Ecology Solutions (7806.RSEcoAs.vf1 and 7806.NAEcoAs.vf2; dated December 2018). To accord with paras 170 and 175 of the National Planning Policy Framework (NPPF) and to conserve and enhance the environment by minimising impacts on and provide net biodiversity gain and meet the requirements of the Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

- (6) No development of the footpath improvement works hereby approved shall commence until a Construction Transport Management Plan relevant to that development, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zones
 - (f) HGV deliveries and hours of operation
 - (g) vehicles with a max gross weight of 7.5 tones to avoid accessing the site via the junction of Scott's Farm Road with Ruxley Lane.
 - (h) measures to prevent the deposit of materials on the highway
 - (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
 - (j) no HGV movements to or from the site shall take place between the hours of 8.30 and 9.15 am and 3.15 and 4.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Ruxley Lane and its side roads and Scotts Farm Road and its side roads

(k) on-site turning for construction vehicles

(l) No work shall be undertaken 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.

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

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policy DM 35 Transport and New Development, of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

School Site Conditions

- (7) Prior reaching slab level of the School Site, a sample of all facing materials to be utilised in the development phase hereby permitted including bricks, contrast materials, mortar, windows, doors, roof materials, plant enclosure and car parking cladding shall be submitted to and approved in writing by the Local Planning Authority before any works on site are commenced. The development shall then be built in accordance with these approved samples.**

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 Development Management Policies Document adopted October 2015.

- (8) Prior reaching slab level of the School Site, full detailed drawings at 1:20 or 1:50 of all openings including windows, doors, communal entrances openings, balconies and areas for signage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site. The development shall be carried out in accordance with the approved plans.**

Reason: The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the Development Management Policies Document adopted October 2015.

- (9) Prior to the commencement of the School Site of the development hereby permitted, the applicant shall supply full details, including the design and location 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.

- (10) Prior reaching slab level of the School Site of the development hereby permitted detailed drawings of any walls, fences, or other means of enclosures within or around the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the Local Planning Authority are satisfied with the details of the proposal and its relationship with adjoining development and to safeguard the visual amenities of the locality having regards to policy CS3 of the Core Strategy 2007 and Policies DM4 and DM10 of the Development Management Policies Document adopted October 2015.

- (11) No development shall take place in the School Site of the development until details of adequate refuse and recycling storage and collection facilities, including suitable collection and servicing to take place from within the site, has been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and thereafter maintained.

Reason: To provide adequate waste facilities in the interests of the amenities of the area and to encourage the recycling of domestic refuse having regards to policy CS3 of the Core Strategy 2007 and Policies DM4 and DM10 of the Development Management Policies Document adopted October 2015.

- (12) No development shall take place at the School site 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.

- (13)** Prior to the commencement of any development of the School Site, a plan showing the levels of all buildings, communal areas, roads, parking areas and pathways shall be submitted to and approved in writing by the Local Planning Authority. The phase shall be constructed in accordance with the approved details.

Reason: The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure that the appearance and functioning of the development is satisfactory and to safeguard the amenities of adjoining occupiers in accordance with Policy DM10 of the Development Management Policies Document adopted October 2015.

- (14)** No development at the School Site shall take place until the applicants or their agents or successors in title have secured the implementation of a programme of archaeological work to be conducted in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: to ensure archaeological investigation recording in accordance with Policy DM10 of the Development Management Policies Document adopted October 2015 and that National Planning Policy Framework.

- (15)** Within 9 months of the date of this decision, a community use agreement prepared in consultation with Sport England should be submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to all indoor and outdoor sports facilities and car parking relating to Epsom and Ewell High School and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The Epsom and Ewell High School Development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: to ensure access to facilities to the benefit of all parties and to comply with policy DM34 of the Development Management Policies Document adopted October 2015.

- (16) Before the Artificial Grass Pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. This shall include measures to ensure the replacement of the Artificial Grass Pitch within the manufacturer's recommended period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the Artificial Grass Pitch.**

Reason: to ensure the facilities meet an appropriate playing standard and to the benefit of all parties and to comply with Policy CS13 of the Core Strategy 2007 policy DM34 of the Development Management Policies Document adopted October 2015.

- (17) Within 6 months of the use of the 3G Artificial Grass Pitch commencing:**

(a) certification that the 3G Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and

(b) confirmation that the 3G Artificial Grass Pitch has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

Reason: to ensure the facilities meet an appropriate playing standard and to the benefit of all parties and to comply with Policy CS13 of the Core Strategy 2007 policy DM34 of the Development Management Policies Document adopted October 2015.

- (18) Prior to the commencement of Epsom and Ewell High School Development (excluding footpath improvement works) including ground preparation, an Arboricultural Method Statement shall be submitted to and approved in writing by the Borough Council which sets out how trees will be protected during access to the site by plant and equipment during development activity. The Method Statement shall be implemented as approved.**

Reason: To ensure satisfactory protection of trees in the interest of amenity and environmental protection as required by Policies CS4 and DM5"

- (19) No development for the School Site shall commence until a Construction Transport Management Plan, to include details of:**

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

(b) loading and unloading of plant and materials

(c) storage of plant and materials

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

(e) provision of boundary hoarding behind any visibility zones

(f) HGV deliveries and hours of operation

(g) vehicles with a max gross weight of 7.5 tones to avoid accessing the site via the junction of Scott's Farm Road with Ruxley Lane.

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

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

(j) no HGV movements to or from the site shall take place between the hours of 8.30 and 9.15 am and 3.15 and 4.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Ruxley Lane and its side roads and Scotts Farm Road and its side roads

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

(l) No work shall be undertaken 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.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policy DM 35 Transport and New Development, of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (20) Prior to commencement of the School Site of the development, a scheme incorporating full details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority.**

The floodlighting scheme for School Site, shall be installed in complete accordance with the specification as detailed in the Sports Pitch Lighting Report dated Nov 18 Rev P03 by Hawden Associates Ltd or in agreement with the Borough Council and Sport England, and shall be maintained on that basis.

Prior to the floodlighting hereby approved being brought into use, the flood lights shall be tested and adjusted to minimise light spillage and the impact upon surrounding dwellings.

Any external lighting installed shall be in accordance with the approved details and thereby retained as such. The scheme shall take into account all of the lighting needs associated with the location and uses within the relevant phase of the development and shall be the minimum required to perform the relevant lighting task. It shall be specifically designed to minimise the risk of light spillage beyond the development site boundary and into the sky and to avoid harm to bats.

The scheme shall include:

- a) A statement setting out the objectives of the lighting scheme;**
- b) A report, prepared by a lighting engineer, setting out the technical details of the luminaries and columns, including their location, type, shape, dimensions and, expected luminance output and specifically explaining what design attributes have been chosen to minimise light pollution, in particular proposals to eliminate any risk of the direct viewing of the lit bulb from residential land;**
- c) A plan illustrating illuminance levels across the phase and at the boundary of the site. The level of illuminance should be appropriate to the character of the surrounding area as a whole;**
- d) A plan illustrating illuminance levels beyond the boundary of the site, together with the downward light output ratio of the lights;**
- e) A statement which demonstrates how the lighting scheme will be viewed against the wider landscape and, where appropriate, the potential role of landscaping in minimizing the day and night-time visual impact of the installation;**
- f) An operational statement, the purpose of which is to ensure that the developer and the lighting designer have considered operational regimes that can provide energy savings;**
- g) Details of the proposed hours of operation; and**
- h) Details of the cumulative impact of the lighting taking account of each phase.**

Once approved in writing, the lighting scheme for that the School Site shall be operated in accordance with the approved details. The council reserves the right to require periodic testing to be conducted on the lighting installations and if it is confirmed that approved levels are being exceeded the operator of the lighting scheme will be

required to implement the necessary works to bring it back within compliance within a specified time period.

Reason: to ensure the facilities meet an appropriate playing standard whilst not prejudicing the amenity of any residential properties neighbouring the site, to the benefit of all parties and to comply with Policy CS13 of the Core Strategy 2007 policy DM34 of the Development Management Policies Document adopted October 2015

- (21) The School Site of the hereby permitted scheme shall not commence until details of the design of a surface water drainage scheme for the School development 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 and 10% allowance for urban creep, 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 11.2 l/s for the 1 in 1 year, 29.8 l/s for the 1 in 30 year and 41.9 for the 1 in 100 year storm events (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 finalised drainage system

e) Confirmation that the existing drainage ditch along the western boundary remains entirely operational pre, post and during construction.

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.

- (22)** Notwithstanding the submitted travel plan prior to the occupation of the school Site a revised travel plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework 2019 and Surrey County Council's "Travel Plans Good Practice Guide to include a TRICS compliant Standard Assessment Methodology monitoring of the travel plan in years 1, 3 and 5 years after occupation. And then the approved Travel Plan shall be implemented upon first occupation and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policies DM 35 Transport and New Development, DM 36 Sustainable Transport for New Development, DM 37 Parking Standards of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (23)** Prior to the recreation facilities of the School Site being brought into use the internal road layout to the proposed 47 car parking spaces to serve the school facilities shall be provided in accordance with the approved plan numbered 174392 003, all to be permanently retained. Should there be a need for interim parking arrangements during the construction phase of the development, a temporary scheme should be submitted and approved in writing by the Local Planning Authority. The parking spaces approved for the final development shall thereafter be retained.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policies DM 35 Transport and New Development, and DM 37 Parking Standards of the Epsom and Ewell Borough Council Development Management Policies Document September 2015

- (24)** The School Site development hereby approved shall not be first brought into use unless and until space has been laid out within the site in accordance with the approved plans for cars 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 purpose. Should there be a need

for interim parking arrangements during the construction phase of the development, a temporary scheme should be submitted and approved in writing by the Local Planning Authority. The parking spaces approved for the final development shall thereafter be retained.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policies DM 35 Transport and New Development, and DM 37 Parking Standards of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (25) The school Site of the development hereby permitted shall not be occupied until details of the refuse and recycling storage facilities and a refuse and recycling management strategy for the residents of, staff of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage and management plan shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 of the Development Management Policies Document adopted October 2015.

- (26) Notwithstanding the submitted plans, the School Site development hereby approved shall not be brought into use until 10% (5) of the available additional parking spaces are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply). Otherwise a revised scheme should be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policies DM 35 Transport and New Development, DM 36 Sustainable Transport for New Development, DM 37 Parking Standards of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (27) Notwithstanding paragraphs 6.2.1 to 6.3 of the submitted Transport Assessment dated December 2019 proposing arrangements to manage car parking details to manage cycle parking stock and

arrangements to accommodate parking of mini buses within the site. a revised document to manage such parking shall be submitted to and approved in writing before occupation of the Epsom & Ewell High School development. The approved details shall be implemented upon occupation of the community facilities. Should there be a need for interim parking arrangements during the construction phase of the development a temporary scheme should be submitted and approved in writing by the Local Planning Authority. The parking spaces approved for the final development shall thereafter be retained thereafter.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policies DM 35 Transport and New Development, and DM 37 Parking Standards of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (28) Prior to the first occupation of the School Site 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 Policy CS 6 of the Core Strategy 2007 and Policy DM19 of the Development Management Policies Document adopted October 2015.

- (29) The School Site development shall not be brought into use until a Facilities Management Plan has been submitted for the approval of the local planning authority. The approved Facilities Management Plan shall be implemented upon first occupation of the school.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policies DM 35 Transport and New Development, and DM 37 Parking Standards of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (30) The Sports Facilities shall only be open for public use for the hours listed below, for the avoidance of doubt the site shall be vacated by the latest hours shown on each day:

Facility	Mon- Thurs	Friday	Saturday	Sunday
Sports hall	End of school day – 22.00 (Term Time) 09.00 - 22.00 (bank holidays and school holidays)		09.30 – 17.00	09:00 – 19.30
Studios	End of school day – 22.00 (Term Time) 09.00 - 22.00 (bank holidays and school holidays)		09.30 – 17.00	09:00 – 19.30
Sports Pavilion	End of school day – 21.00 (Term Time) 09.00 - 21.00 (bank holidays and school holidays)	End of school day – 19.00 (Term Time) 09.00 -19.00 (bank holidays and school holidays)	09.00 – 17.00	09.00 – 17.00
compact athletics facility	End of school day – 21.00 (Term Time) 09.00 - 21.00 (bank holidays and school holidays)	End of school day – 19.00 (Term Time) 09.00 -19.00 (bank holidays and school holidays)	09.00 – 17.00	09.00 – 17.00
3g AGP (Floodlit)	End of school day – 21.00 (Term Time) 09.00 - 21.00 (bank holidays and school holidays)	End of school day – 19.00 (Term Time) 09.00 -19.00 (bank holidays and school holidays)	09.00 – 17.00	09.00 – 17.00
Hockey Plus Surface (hockey, tennis, netball (floodlit)	End of school day – 21.00 (Term Time) 09.00 - 21.00 (bank holidays and school holidays)	End of school day – 19.00 (Term Time) 09.00 -19.00 (bank holidays and school holidays)	09.00 – 17.00	09.00 – 17.00
Compact Athletics Training April – Sept	End of school day – 21.00 (Term Time) 09.00 - 21.00 (bank holidays and school holidays)		09.00 – 17.00	09:00 – 17.00
Compact Athletics Training Oct –	None	None	09.00 – 16.00	09:00 – 16.00

March				
Grass pitches/playing field upper field May – August	End of school day – 21.00 (Term Time) 09.00 - 21.00 (bank holidays and school holidays)		09.00 – 17.00	09.00 – 17.00
Grass pitches/playing field upper field April/September	End of school day – 19.00 (Term Time) 09.00 - 19.00 (bank holidays and school holidays)		09.00 – 17.00	09.00 – 17.00
Grass pitches/playing field upper field October – March	None	None	09.00 – 17.00	09.00 – 17.00
Grass pitch 7v7 Main School Site September – April	None	None	09.00 – 17.00	09.00 – 17.00

Reason: To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 of the Development Management Policies Document adopted October 2015).

- (31) Prior to the installation of fans, Louvres etc. on the school development, full details of their size, position and specification shall be submitted and approved in writing with the LPA.

Reason: In the interests of the visual amenities of the area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the Development Management Policies Document adopted October 2015.

- (32) The roofs of the buildings of the School Site hereby permitted shall not be converted or used as balconies or a sitting out areas, 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 Development Management Policies Document adopted October 2015.

- (33) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) no extensions shall be erected (other than those expressly authorised by this permission) to any of the properties in the School Site.

Reason: To control any subsequent enlargements in the interests of the visual and residential amenities of the locality with regard to Policy DM10 (Design Requirements for New Developments) of the Development Management Policies Document adopted October 2015.

- (34) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) 2015 (or any order revoking and re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of the School Site.

Reason: To control any subsequent visual changes in the interests of the visual and residential amenities of the locality with regard to Policy DM10 (Design Requirements for New Developments) of the Development Management Policies Document adopted October 2015.

- (35) The hours and use of the outdoor AGP facilities of the School Site approved by school users shall be restricted to organised sport and recreation between the hours of 09:00 and 21:00 Monday to Thursday, 09:00 and 19:00 on Fridays and 09:00 and 17:00 on Weekends and Bank Holidays.

Reason: To ensure the amenities of the area and local residents and to accord with policies Policy CS3 of the Core Strategy 2007 and Policies DM4 and DM10 of the Development Management Policies Document adopted October 2015.

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

(i) a desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including hydrocarbons) and contaminants (including asbestos) 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

(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.

Reason: to control ground pollution in accordance with Policy DM17 of the Development Management Policies Document adopted October 2015

- (37) Prior to any occupation of the school site, the approved remediation scheme prepared under Condition 36 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 control ground pollution in accordance with Policy DM17 of the Development Management Policies Document adopted October 2015

- (38) 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, 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 control ground pollution in accordance with Policy DM17 of the Development Management Policies Document adopted October 2015

Residential Conditions

- (39) Prior to reaching slab level of the development at the Residential Site Development a sample of all facing materials to be utilised in the development phase hereby permitted including bricks, contrast materials, mortar, windows, doors, roof materials, plant enclosure and car parking cladding shall be submitted to and approved in writing by the Local Planning Authority before any works on site are commenced. The development shall then be built in accordance with these approved samples.

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 Development Management Policies Document adopted October 2015.

- (40) Prior to reaching slab level of the development at the Residential Site, full detailed drawings at 1:20 or 1:50 of all openings including windows, doors, communal entrances openings, balconies and areas for signage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site. The development shall be carried out in accordance with the approved plans.

Reason: The details would affect subsequent design of other elements of the scheme and must be agreed at the outset and to ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the Development Management Policies Document adopted October 2015.

- (41)** Prior to the commencement of the Residential Site of the development hereby permitted, the applicant shall supply full details, including the design and location 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.

- (42)** Prior to reaching the slab level of the Residential Site of the development hereby permitted detailed drawings of any walls, fences, or other means of enclosures within or around the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be conducted in strict accordance with the approved detail and shall thereafter be retained.

Reason: To ensure the Local Planning Authority are satisfied with the details of the proposal and its relationship with adjoining development and to safeguard the visual amenities of the locality having regards to policy CS3 of the Core Strategy 2007 and Policies DM4 and DM10 of the Development Management Policies Document adopted October 2015.

- (43)** No development shall take place in the Residential Site of the development until details of adequate refuse and recycling storage and collection facilities, including suitable collection and servicing to take place from within the site, has been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and thereafter maintained.

Reason: To provide adequate waste facilities in the interests of the amenities of the area and to encourage the recycling of domestic refuse having regards to policy CS3 of the Core Strategy 2007 and Policies DM4 and DM10 of the Development Management Policies Document adopted October 2015.

- (44)** Prior to the commencement of Residential Development (excluding footpath improvement works) including ground preparation, an Arboricultural Method Statement shall be submitted to and approved

in writing by the Borough Council which sets out how trees will be protected during access to the site by plant and equipment during development activity. The Method Statement shall be implemented as approved.

Reason: To ensure satisfactory protection of trees in the interest of amenity and environmental protection as required by Policies CS4 and DM5

- (45) No development at the Residential Site Development shall take place until the applicants or their agents or successors in title have secured the implementation of a programme of archaeological work to be conducted in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: to ensure archaeological investigation recording in accordance with Policy DM10 of the Development Management Policies Document adopted October 2015 and that National Planning Policy Framework.

- (46) No development shall take place at the Residential site 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.

- (47) No development for the Residential Site Development shall commence until a Construction Transport Management Plan, to include details of:

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

(b) loading and unloading of plant and materials

- (c) storage of plant and materials**
- (d) programme of works (including measures for traffic management)**
- (e) provision of boundary hoarding behind any visibility zones**
- (f) HGV deliveries and hours of operation**
- (g) vehicles with a max gross weight of 7.5 tones to avoid accessing the site via the junction of Scott's Farm Road with Ruxley Lane.**
- (h) measures to prevent the deposit of materials on the highway**
- (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused**
- (j) no HGV movements to or from the site shall take place between the hours of 8.30 and 9.15 am and 3.15 and 4.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Ruxley Lane and its side roads and Scotts Farm Road and its side roads**
- (k) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority for that phase. Only the approved details shall be implemented during the construction of the development.**
- (l) No work shall be undertaken 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.**

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policy DM 35 Transport and New Development, of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (48) The residential development hereby approved shall not be commenced unless and until the proposed access to Scott's Farm Road and the first 10 metres of the new access road have both been constructed under a Section 278 Agreement and the access provided with visibility zones of 43 metres to the near side kerb line from a point 2.4 metres back into the access from the near side kerb line and tactile paving and dropped kerbs at the pedestrian crossing points in general accordance with the plan numbered 174390-001B submitted within the Ardent Transport Assessment dated December 2018, all to be permanently retained.**

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policy DM 35 Transport and New Development, of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (49)** The Residential Site of the hereby permitted scheme shall not commence until details of the design of a surface water drainage scheme for the Residential site development 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 and 10% allowance for urban creep, 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 11.2 l/s for the 1 in 1 year, 29.8 l/s for the 1 in 30 year and 41.9 for the 1 in 100 year storm events (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 finalised drainage system

e) Confirmation that the existing drainage ditch along the western boundary remains entirely operational pre, post and during construction.

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.

- (50) The Residential Site of the development hereby permitted shall not be occupied until details of the refuse and recycling storage facilities and a refuse and recycling management strategy for the residents of, and visitors to, the Residential development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage and management plan for the relevant part of the development shall be fully implemented and made available for use prior to the occupation of the relevant part of the development hereby permitted and shall thereafter be retained for use at all times.**

Reason: To safeguard the amenities of the occupiers of the neighbouring properties in accordance with Policy DM10 of the Development Management Policies Document adopted October 2015.

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

(i) a desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including hydrocarbons) and contaminants (including asbestos) 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

(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.

Reason: to control ground pollution in accordance with Policy DM17 of the Development Management Policies Document adopted October 2015

- (52) Prior to any occupation of the residential site, the approved remediation scheme prepared under Condition 51 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 control ground pollution in accordance with Policy DM17 of the Development Management Policies Document adopted October 2015

- (53) 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, 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 control ground pollution in accordance with Policy DM17 of the Development Management Policies Document adopted October 2015

- (54) The residential Site development hereby approved shall not be first brought into use unless and until space has been laid out within the site in accordance with the approved plans for cars 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 purpose. Should there be a need for interim parking arrangements during the construction phase of the development, a temporary scheme should be submitted and approved in writing by the Local Planning Authority. The parking spaces approved for the final development shall thereafter be retained.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policies DM 35 Transport and New Development, and DM 37 Parking Standards of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (55) The details as shown on Residential Scheme Biodiversity Enhancement Plan Rev A August 2019 by Ecology Solutions shall be implemented in full prior to the first occupation of the Residential Development unless otherwise agreed with the Local Planning Authority. The 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.

- (56) The submitted Residential travel plan (Document Ref: 174390-05 REV. D) shall be implemented upon first occupation and for each subsequent occupation.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the

National Planning Policy Framework 2019 and policies DM 35 Transport and New Development, DM 36 Sustainable Transport for New Development, DM 37 Parking Standards of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (57) The residential development shall be constructed in accordance with the refuse strategy details as shown on drawing 101703-BEL-SL-02 B and 174390-010 (Refuse tracking May 2019) hereby approved.**

Reason: To provide adequate waste facilities in the interests of the amenities of the area and to encourage the recycling of domestic refuse having regards to policy CS3 of the Core Strategy 2007 and Policies DM4 and DM10 of the Development Management Policies Document adopted October 2015.

- (58) (Prior to the first occupation of the residential Site 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 Policy CS 6 of the Core Strategy 2007 and Policy DM19 of the Development Management Policies Document adopted October 2015.

- (59) No part of the proposed Residential Site Development shall be occupied until the carriageway, footways and associated turning areas for refuse vehicles serving each of the dwellings to be occupied have been constructed in accordance with the approved plans.**

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and DM 35 Transport and New Development, of the Epsom and Ewell Borough Council Development Management Policies Document September 2015

- (60) Notwithstanding the submitted plans the Residential Site Development hereby approved shall not be occupied unless and until 13 spaces of the available parking spaces for the flats are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) and a further 13 of the available spaces for the**

flats are provided with infrastructure to fit fast charge sockets and each of the 56 dwellings with off street parking within their curtilage are provided with fast charge sockets (current minimum requirements 7kw Mode 3 with Type 2 connector – 230v AC 32 Amp single phase dedicated supply) and a further 8 of the parking spaces for the 40 dwelling without off street parking are provided with infrastructure to fit fast charge sockets in accordance with a revised scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policies DM 35 Transport and New Development, DM 36 Sustainable Transport for New Development, DM 37 Parking Standards of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (61) Notwithstanding the submitted plans the Residential Site Development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with a revised a scheme to be submitted to and approved in writing by the Local Planning Authority for a minimum of 65 bicycle parking spaces to be provided in a secure and covered location. Thereafter the bike storage area shall be retained and maintained for its designated purpose.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policies DM 35 Transport and New Development, DM 36 Sustainable Transport for New Development, DM 37 Parking Standards of the Epsom and Ewell Borough Council Development Management Policies Document September 2015

- (62) No fans, louvres, ducts, flues, pipe-work or other external plant shall be fixed to the elevations of the buildings of the Residential Site development.

Reason: In the interests of the visual amenities of the area in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the Development Management Policies Document adopted October 2015.

- (63) The residential development hereby approved shall be constructed in accordance with the levels as shown on 174390-003 Rev F unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of adjoining occupiers in accordance with Policy DM10 of the Development Management Policies Document adopted October 2015

- (64) The roofs of the buildings of the Residential Site development hereby permitted shall not be converted or used as balconies or a sitting out areas, 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 Development Management Policies Document adopted October 2015.

- (65) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) no extensions shall be erected (other than those expressly authorised by this permission) to any of the properties in the Residential Site development.**

Reason: To control any subsequent enlargements in the interests of the visual and residential amenities of the locality with regard to Policy DM10 (Design Requirements for New Developments including House Extensions) of the Development Management Policies Document adopted October 2015.

- (66) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) 2015 (or any order revoking and re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of the Residential Site development.**

Reason: To control any subsequent visual changes in the interests of the visual and residential amenities of the locality with regard to Policy DM10 (Design Requirements for New Developments including House Extensions) of the Development Management Policies Document adopted October 2015.

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

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

Informatives:

- (1) The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice
- (2) 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)
- (3) The developer would be expected to instruct an independent transportation data collection company to undertake the monitoring survey. This survey should conform to a TRICS Multi-Modal Survey format consistent with the UK Standard for Measuring Travel Plan Impacts as approved by the Highway Authority. To ensure that the survey represents typical travel patterns, the organisation taking ownership of the travel plan will need to agree to being surveyed only within a specified annual quarter period but with no further notice of the precise survey dates. The Developer would be expected to fund the survey validation and data entry costs.
- (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.
- (5) The traffic generation of the proposed community facility is based on a net increase of 3 sports pitches.
- (6) 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.

- (7) The Highway Authority has no objection to the proposed development, subject to the above conditions but, if it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council. If the developer were minded to dedicate the internal road layout for adoption into the public highway, the developer is reminded to alter the site layout to include the following as part of highway works under a Section 38 Agreement:

Between plots 3 and 53 the carriageway would have to be 5.5 metres wide.

1. The roads running north would have to be 4.8 metres wide.
 2. The entrance to plots 50 to 55 should be 4.1 metres wide but widened to 6 metres in front of parking spaces.
 3. The entrance to plots 61 to 65 should be 4.1 metres wide, widening to 6 metres in front of parking spaces
 4. The entrance to parking spaces south of plot 74 should be 4.1 metres wide, widening to 6 metres in front of the parking spaces.
 5. The road in front of blocks 1 and 2 should be 6 metres wide except next to plot 104 where the carriageway width should be 4.1 metres wide.
- (8) 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. 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. If there are any further queries please contact the Sustainable Drainage and Consenting team via SUDS@surreycc.gov.uk. Please use our reference number in any future correspondence.
- (9) Flood Risk Activity Permit [FRAP] Under the Environmental Permitting (England and Wales) Regulations 2016, must be submitted to the Environment Agency and apply for a FRAP if you want to do work:

- In, over or under a main river
- Within 8m of the bank of a main river, or 16m if it is a tidal main river (check the location of main rivers here)
- Within 8m of any flood defence structure or culvert on a main river, or 16m on a tidal main river

Flood risk activities can be classified as: Exclusions, Exemptions, Standard Rules or Bespoke. These are associated with the level of risk your proposed works may pose to people, property and the environment. You should apply for a Bespoke FRAP if your work cannot be classified as one of the following:

- an excluded activity (listed here)
- an 'exempt' activity (listed here)
- a 'standard rules' activity (listed here)

- (10) Your attention is drawn to the series of publications produced by the Department for Communities and Local Government (CLG), which provides information for the responsible person about the Fire Safety Order. These publications are available from Government Services and Information website at: <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents>. Responsibility for ensuring that a building is provided with appropriate fire safety arrangements rests with the responsible person, once the building is occupied. The responsible person should, therefore, ensure that the fire safety arrangements in place are adequate and comply fully with the requirements of the Fire Safety Order.
- (11) With regard to water supply, this comes within the area of the Sutton & East Surrey Water Company. For your information the address to write to is -Sutton & East Surrey Water Company, London Road, Redhill, Surrey, RH1 1LJ Tel - (01737) 772000
- (12) 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.

- (13) **Surrey Fire and Rescue Service (SFRS) would strongly recommend that consideration is given to the installation of AWSS (ie; Sprinklers, Water Mist etc) as part of a total fire protection package to:**

protect life;

protect property, heritage, the environment and our climate;

help promote and sustain business continuity; and

permit design freedoms and encourage innovative, inclusive and sustainable architecture.

The use of AWSS can add significant benefit to the structural protection of buildings in the event of a fire. Other benefits include supporting business recovery and continuity if a fire happens.

SFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises.

Passive fire protection measures, particularly fire stopping, fire barriers and fire resisting compartmentation, restricts the spread of smoke and fire through a building through hidden areas such as voids. We recommend that careful attention is given to this detail during construction. Certification of this work can be beneficial to confirm the suitability of the structure to meet its performance requirement lay out in this design application.

Your attention is drawn to the series of publications produced by the Department for Communities and Local Government (CLG), which provides information for the responsible person about the Fire Safety Order. These publications are available from Government Services and Information website at:

<https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents>

It was noted that all members of the Committee had received written and/or attended presentation in connection with this application. However, it was not considered that the association had affected their consideration of this item.

The Committee noted verbal representations from two Ward Councillors, two objectors and two applicant/agents. 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.

30 MEETING ADJOURNMENT

The meeting was adjourned at 9.55 for a comfort break and reconvened at 10.05pm.

31 7 CEDAR HILL, EPSOM, SURREY, KT18 7BP

Description

Two storey side extension and single storey rear extension.

Decision

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

Conditions:

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans, received on 06.11.2018:

1490 01 (Existing and Proposed Plans) dated January 2019

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

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

Reason: To ensure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.

- (4) The first floor window(s) in the side elevation of the development hereby permitted shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

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

- (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, or other form of openings other than those shown on the approved plans, shall be inserted in the flank elevations of the development hereby permitted.

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

Informatives:

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

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

- (3) 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:**

- **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".

Councillor Previn Jaguptal who was the applicant for this application left the Council Chamber for this item and did not take part in any deliberations or vote.

32 12 MILLAIS WAY, WEST EWELL, SURREY, KT19 9PF

Description

Part single storey rear extension

Decision

The proposed development was considered Permitted Development, under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). **A Lawful Development Certificate** is to be granted.

Informatives:

- (1) **The proposed development is considered Permitted Development, under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).**

- (2) **The decision relates to the following drawings:**

001 - OS Map – dated June 2019

002 – Block Plan – dated June 2019

003 Rev A – Existing Plans – dated June 2019

004 Rev A – Existing Sections – dated June 2019

005 Rev A – Existing Rear Elevation – dated June 2019

006 Rev A – Proposed Plans – dated June 2019

007 Rev A – Proposed Sections – dated June 2019

008 Rev A – Proposed Rear Elevation - dated June 2019

- (3) Development is permitted by Class A subject to the following conditions—
- a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
 - b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
 - obscure-glazed, and
 - non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
 - c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse
- (4) 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.

Councillor Lucie Dallen being the applicant for this application left the Council Chamber for this item and did not take part in any deliberations or vote.

33 PARKDALE CRESCENT, WORCESTER PARK, SURREY

Description

Installation of gates to the entrances of the rear access service lane to the residences 2/50 (even numbers only) (Retrospective)

Decision

Planning permission is **PERMITTED**. No conditions are required as this was a retrospective application.

Informatives:

(1) The retrospective Planning Application is considered to accord with relevant Local and National Planning Policies, including DM9 and DM10 of the Development Management Policies Document (2015).

(2) The following drawings were considered as part of this Application:

Site Location Plan – received 30.04.2019

PC001A1 – Existing: Parkdale Crescent Service Road: Adjacent to 2 & 4 Parkdale Crescent – received 14.06.2019

Existing: Parkdale Crescent Access Road – received 14.06.2019

PC001A2 – Proposed: Parkdale Crescent Service Road: Security Gates To Be Sited Adjacent To 2 & 4 Parkdale Crescent - received 14.06.2019

Proposed: Parkdale Crescent Security Gates To Be Sited Adjacent To 2 & 4 Parkdale Crescent - received 14.06.2019

PC001A3 – Existing: Parkdale Crescent Service Road: Adjacent To 48 & 50 Parkdale Crescent – received 14.06.2019

Existing: Parkdale Crescent Access Road – received 14.06.2019

PC001A4 – Proposed: Parkdale Crescent Security Gates To Be Sited Adjacent To 48 & 50 Parkdale Crescent – received 14.06.2019

Proposed: Parkdale Crescent Security Gates To Be Sited Adjacent To 48 & 50 Parkdale Crescent – received 14.06.2019

Access Gates Parkdale Crescent Specification - received 14.06.2019

Dimensioned Gates - received 14.06.2019

05 – Site Plan Indicating Proposed Gate Positions – received 30.04.2019

06 – Dimensioned Gates Elevation – received 30.04.2019

07 – Gate Elevation with Technical Detail & RAL Colour – received 30.04.2019

- (3) 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.

34 MONTHLY REPORT PLANNING APPEAL DECISIONS/NUMBER OF APPROVED DWELLINGS

The Committee noted the appeal decisions from 13 July to 19 August and the number of approved dwellings against target for April, May, June and July 2019.

The meeting began at 7.00 pm and ended at 10.15 pm

COUNCILLOR CLIVE WOODBRIDGE (CHAIR)

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Minutes of the Meeting of the PLANNING COMMITTEE held on 17 September 2019

PRESENT -

Councillor Clive Woodbridge (Chair); Councillor Monica Coleman (Vice-Chair); Councillors Hannah Dalton (as nominated substitute for Councillor Neil Dallen), Rob Geleit (as nominated substitute for Councillor Debbie Monksfield), Previn Jagutpal, Colin Keane, Steven McCormick, Peter O'Donovan, David Reeve, Humphrey Reynolds and Clive Smitheram (as nominated substitute for Councillor Jan Mason)

In Attendance: Councillor Nigel Collin (speaking as a Ward Councillor on the planning application, therefore did not sit as a Planning Committee Member and left the Council Chamber for the duration of the debate), Councillor Julie Morris (speaking as a Ward Councillor) and Councillor Bernie Muir, Michael Arthur (Honorary Freeman)

Absent: Councillor Lucie Dallen, Councillor Neil Dallen, Councillor Jan Mason and Councillor Debbie Monksfield

Officers present: Amardip Healy (Chief Legal Officer), Ruth Ormella (Head of Planning), Alex Awoyomi (Trainee Solicitor), John Robinson (Senior Planner) and Sandra Dessent (Committee Administrator)

35 DECLARATIONS OF INTEREST

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

South Hatch Stables Burgh Heath Road Epsom Surrey KT17 4LX -

Councillor Clive Woodbridge, Other Interest: Declared that he was a member of the Epsom & Walton Downs Conservators, and had also received correspondence from members of the public in relation to the application.

South Hatch Stables Burgh Heath Road Epsom Surrey KT17 4LX -

Councillor Steven McCormick, Other Interest: Declared he was a member of Epsom Civic Society, Epsom & Ewell Tree Advisory Board, Woodcote (Epsom) Residents Society, Epsom & Walton Downs Conservators. He is known to the applicant and other trainers in the area and supports the Retraining of Racehorses (ROR) charity. Councillor Steven McCormick confirmed that he was not pre-disposed or pre-determined and retained an open mind

**36 SOUTH HATCH STABLES BURGH HEATH ROAD EPSOM SURREY KT17 4LX
- 18/00308/FUL**

Decisions

Demolition of the existing Racehorse Training Establishment (RTE) and the erection of a new RTE comprising of a main yard stable complex of 40 boxes, a secondary stable block of 20 boxes, an isolation yard, a trainer and assistant trainers house, stable staff accommodation, horse walkers, muck pits, a therapy barn, trotting ring and outdoor school, a lunge ring, turnout paddocks and a machinery store and storage barn and enabling residential development comprising 46 apartments.

Amendments to Recommendations

Members were presented with an update report, which they considered. They agreed to accept the recommended changes to the conditions and also to the draft heads of terms to the proposed section 106 agreement, which added the following additional requirements:

- A mechanism to review the viability of the development if Phase 4 of the residential scheme has not reached slab level within two years of consent being granted.
- A “claw back” clause to ensure that the Council is paid the equivalent value of the cost of the affordable housing provision, due at the time planning was granted on the residential scheme (i.e. 40% Affordable Housing), if the applicant/ owner sold the stables in part or as a whole, within a 15 year period from completion of the enabling residential development.

The officer presentation also included an amendment to withdraw permitted development rights.

The members accepted the officer’s recommendation to approve the application based on the very special circumstances test having been met as set out in the report.

Decision

Part A

It was agreed to refer to the Secretary of State with a recommendation to **GRANT** planning permission, subject to the Section 106 Agreement being signed by 25 October 2019, and the proposed conditions:

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 25 October 2019, and securing:

- Reptile translocation site and Management Plan
- Delivery of the enabling housing development in accordance with the approved phasing plan
- Securing the trainer and stable hand accommodation in perpetuity
- Community mini bus
- Travel Plan with monitoring fee
- A mechanism to review the viability of the development if Phase 4 of the residential scheme has not reached slab level within two years of consent being granted.
- A “claw back” clause to ensure that the Council is paid the equivalent value of the cost of the affordable housing provision, due at the time planning was granted on the residential scheme (i.e. 40% Affordable Housing), if the applicant/ owner sold the stables in part or as a whole, within a 15 year period from completion of the enabling residential development.

Conditions:

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

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

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

1810-10G	Proposed Site Plan
1810-20	Prop Stables - Plans_GF_FF
1810-21	Prop Stables - Plans_Roof
1810-22	Prop Stables - Elevations
1810-23	Prop Stables - Elevations
1810-24	Prop Stables – Elevations
1810-25	Prop Stables 2- Plans_GF_Roof
1810-26	Prop Stables 2- Elevations

1810-29	Prop Horsewalker
1810-30	Prop Barn - Plans_GF_Roof
1810-_31	Prop Barn – Elevations
1810- 32	Prop Machinery Store - Plans_Elevations
1810-33	Prop Isolation Yard - Plans
1810-_34	Prop Isolation Yard – Elevations
1810-35	Prop SS Accommodation - Plans_GF_FF
1810-36	Prop SS Accommodation - Plans_Roof
1810-37	Prop SS Accommodation - Elevations
1810-38	Prop SS Accommodation - Elevations
1810-39 A	Prop Gatehouse
1810-40A	Prop Resi_Block A - Plans_GF
1810- 41B	Prop Resi_Block A - Plans_FF
1810-42 B	Prop Resi_Block A - Plans_2F
1810-43B	Prop Resi_Block A - Plans_Roof
1810-44A	Prop Resi_Block A – Elevations
1810-45 A	Prop Resi_Block A – Elevations
1810-46 A	Prop Resi_Block A – Elevations
1810-50 A	Prop Resi_Block B - Plans_GF
1810-51 A	Prop Resi_Block B - Plans_FF
1810-52 A	Prop Resi_Block B - Plans_2F
1810-53A	Prop Resi_Block B - Plans_Roof
1810-54A	Prop Resi_Block B – Elevations
1810-55A	Prop Resi_Block B – Elevations
1810-56A	Prop Resi_Block B – Elevations
1810-60A	Prop Resi_Block C - Plans_GF_FF
1810-61A	Prop Resi_Block C - Plans_Roof

1810-6A4	Prop Resi_Block C – Elevations
1810-65A	Prop Resi_Block C – Elevations
1810-66	Prop Bin Str, Cycle Str and Substation
1810_68 B	Prop Streetscene
1810_71A	Prop Sections
1810-72A	Prop Sections
1810-80	Phasing Plan
1810-85A	Overlay comparison plan
1810-86A	Overlay comparison plan with PDL
1711006-05	Proposed Footway
1810-10G	Mini Bus parking space

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

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

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

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

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

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

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

- (6) The development hereby approved shall be carried out in accordance with the Reptile Mitigation Strategy and the Reptile Enhancement Strategy measures detailed in the Reptile Presence/Likely Absence Survey dated May 2019 from the Ecology Partnership, prior to the first occupation of the development. The approved measures shall thereafter be maintained in perpetuity.

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

- (7) The occupation of the dwellings (shown as Trainers House, Staff Accommodation and Gate House on Drawing Nos: 1810_34, 1810_35 , 1810_39 hereby permitted shall be limited to a person employed in the training, or keeping or breeding of horses within the Borough of Epsom & Ewell.

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

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

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials

are included in the development in accordance with Policy CS6 of the Core Strategy (2007).

- (9) No external lighting associated with the development shall be installed without prior written approval from the Local Planning Authority. Any lighting scheme shall demonstrate that (1) external sources of lighting shall be effectively screened from the view of a driver on the adjoining public highway (2) there would be no lighting off/light spill onto suitable bat roosting features (including trees with bat roost potential) or hedgerows, ponds or chipping brook (3) that dark unlit bat commuting/foraging corridors will be retained through the site and to the wider area including to/from features with bat roost potential and (4) that bird nesting opportunities would not receive excessive light spill. The principles of relevant guidance shall be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009). Lighting shall be installed as approved only.

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

- (10) No 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.

- (11) 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.

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

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

(b) programme of works (including measures for any traffic management

(c) HGV deliveries and hours of operation

(d) vehicle routing

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

(f) no HGV movements to or from the site shall take place between the hours of 08.10 and 09.10 and 15.15 and 16.15 nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Beech Road or Beech way, during these times

(g) on-site turning for construction vehicles

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

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

- (13) Notwithstanding the submitted plans showing vehicle visibility zones of 52 metres in both directions from a point 2.4 metres back along the access from the carriageway edge and a geometry to accommodate the tracking of a 12 metres long horse transporting vehicle as demonstrated in the Motion Transport Planning plan numbered 1711006-TK05 no part of the development shall be first occupied unless and until the proposed belmouth access to Burgh Heath Road has been constructed and provided with tactile paving and dropped kerbs at the pedestrian crossing points in accordance with a revised scheme to include tactile paving and dropped kerbs at the pedestrian crossing points and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6 metres high above the ground.**

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause

inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and DM 35 Transport and New Development, of the Epsom and Ewell Borough Council Development Management Policies Document September 2015

- (14) 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 turning area shall be retained and maintained for their designated purpose.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and DM 35 Transport and New Development, DM 36 Sustainable Transport for New Development, DM 37 Parking Standards, Policy DM 38 Rear Servicing of the Epsom and Ewell Borough Council Development Management Policies Document September 2015

- (15) Electric charging points shall be installed in 20% 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: So to protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people in accordance with guidance under Para's 58 and 69 from the "NPPF" 2012.

- (16) 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).

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.). Calculations to use the average from the results of Infiltration testing rather than best case scenario.

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. Plan to include details of ground levels and finished floor levels.

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.

- (17) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. 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.

- (18) 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.

- (19) 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:

(i) 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

(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.

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

- (20) Prior to any occupation of the site, the approved remediation scheme prepared under Condition 21 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, Policy DM17 of Development Management Policies 2015.

- (21) 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 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 off-site receptors, Policy DM17 of Development Management Policies 2015.

- (22) The development shall not be occupied until the footway has been widened to 2 metres along the Burgh Heath Road frontage of the application site in accordance with the approved plan numbered 1711006-05

Reason; The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policies DM 35 Transport and New Development, and DM 36 Sustainable Transport for New Development of the Development Management Policies Document 2015.

- (23) The development shall not be occupied until the developer has provided a mini bus vehicle for the residential occupiers of the site and parking is made available in one of the proposed parking spaces shown on the approved plan numbered 1810-10G

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and policies DM 35 and DM 36 of the Development Management Policies Document 2015.

- (24) No development, with the exception of demolition, shall take place until the applicant has secured the implementation of a programme of archaeological work to be conducted 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).

- (25) The approved Travel Plan Statement dated 03 September 2018 shall be implemented upon first occupation and for each and every subsequent occupation of the development for a minimum of three years.

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

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

the occupation of the development hereby approved and thereafter maintained.

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

- (27) The development hereby approved shall not be occupied until details of an appropriate cutting regime to ensure the long-term maintenance of the grassland and prevent the development of dominant scrub, are submitted to, and approved by the local planning authority. The maintenance plan shall be implemented in perpetuity, as approved.**

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.

- (28) Details of a plan for the long term monitoring of the reptile translocation site shall be submitted prior to the occupation of the development. The monitoring plan shall be implemented as approved.**

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.

- (29) Details of the refuse and recycling management for the development hereby approved shall be submitted prior to the occupation of the development. The management plan shall be implemented as approved.**

Reason: To ensure that measures to make the development sustainable are included in the development in accordance with Policy CS6 of the Core Strategy (2007).

- (30) Prior to any works commencing on site an updated Badger Survey shall be undertaken and submitted to the local planning authority for approval.**

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.

- (31) Prior to commencement of construction details of measures to ensure the protection of the badger holes during construction works shall be submitted to the local planning authority . The measures shall be implemented as approved.**

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.

- (32) Prior to commencement of the development, details of the construction of the surfaces of the horse walkers, lunge ring and the trotting ring 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, Policy DM17 of Development Management Policies 2015.

- (33) Prior to commencement of the development details of the ecological enhancements contained in the letter dated 15 November 2018 from the Ecology Partnership and shown on Appendix: Ecological Enhancements Map shall be submitted to the local planning authority for approval. The measures shall be implemented as approved.**

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.

- (34) No development shall take place until a Landscape Masterplan is submitted to and approved in writing by the local planning authority. The masterplan shall be implemented as approved and any subsequent variations shall be agreed in writing by the local planning authority.**

Reason: To secure opportunities for enhancing the site's nature conservation value and to ensure the provision and establishment of an appropriate landscaping scheme, in line with national planning policy and adopted Policies DM4 and DM5 of the Development Management Policies Document 2015

Informatives:

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

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

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

More information and the charging schedule are available online:<http://www.epsomewell.gov.uk/NR/exeres/74864EB7-F2ED-4928-AF5A-72188CBA0E14,frameless.htm?NRMODE=Published>

- (3) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
- (4) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
- (5) The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road.

Please see

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

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

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

- (6) **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)**

The Committee noted verbal representations from two Ward Councillors, two objectors, the applicant and a supporter. 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.

The meeting began at 7.30 pm and ended at 9.55 pm

COUNCILLOR CLIVE WOODBRIDGE (CHAIR)

South Hatch Stables Burgh Heath Road Epsom KT17 4LX

Demolition of the existing Racehorse Training Establishment (RTE) and the erection of a new RTE comprising of a main yard stable complex of 40 boxes, a secondary stable block of 20 boxes, an isolation yard, a trainer and assistant trainers house, stable staff accommodation, horse walkers, muck pits, a therapy barn, trotting ring and outdoor school, a lunge ring, turnout paddocks and a machinery store and storage barn and enabling residential development comprising 46 apartments. [Description amended to reflect reduction in 1 apartment (47 to 46)]

Ward:	College Ward;
Contact Officer:	John Robinson

1 Update on the referral to the Secretary of State

- 1.1 The purpose of this report is to provide an update on the current position and also, as a result of the delay by the SoS, to seek an extension on the resolution to complete a Section 106 Agreement.
- 1.2 On the 17 September 2019 Members resolved to grant conditional permission, subject to the completion of a S106 agreement, for the redevelopment of the South Hatch Stable site. Under the Town and Country Planning (Consultation) (England) Direction 2009, Local Planning authorities must inform the Secretary of State (SoS) of applications which fall within a set criteria, which the LPA wishes to grant. As a result, the application was referred to the Secretary of State (SoS) on 1 October 2019 and was acknowledged on 2 October. The SoS has 21 days from receipt to decide whether or not to call in an application. The 21-day period in which the Secretary of State must consider the referral expired on 22 October 2019
- 1.3 In an email dated 24 October, the SoS advised that following receipt of further information, he has not been able to make the 21 day deadline and has sought an extension to make a decision on the referral.
- 1.4 The Local Planning Authority has agreed not to issue planning permission until the SoS has determined the matter.

2 Update on the Drafting of the Legal Agreement

- 2.1 Delegation was given to the Head of Planning to determine the application subject to Section 106 Agreement being signed by 25 October 2019. The S106 legal agreement will secure the following:
 - Reptile translocation site and Management Plan

- Delivery of the enabling housing development in accordance with the approved phasing plan
 - Securing the trainer and stable hand accommodation in perpetuity
 - Community mini bus
 - Travel Plan with monitoring fee
 - A mechanism to review the viability of the development if Phase 4 of the residential scheme has not reached slab level within two years of consent being granted.
 - A “claw back” clause to ensure that the Council is paid the equivalent value of the cost of the affordable housing provision, if the applicant/ owner sold the stables in part or as a whole, within a 15 year period from completion of the enabling residential development.
- 2.2 At present the recommendation within the original report required, that if the S106 Agreement was not completed by the 25th October, the application will have to be refused. The legal agreement is at an advanced stage, but could not be concluded because the outcome of the SOS determination was still awaited.
- 2.3 Therefore in light of the SOS request for an extension, the report seeks and extension of the deadline to complete the S106 Agreement, should the SoS either not call the matter in or in the event wishes to determine the matter. The recommendation is to avoid a specific date and allow a completion date to be within three months from the date of the final determination by the Secretary of State of the application.
- 2.4 Should the SoS call the matter in, then the application will be considered at a public inquiry.

3 Recommendation

- 3.1 Delegation be given to the Head of Planning to determine the application subject to a Section 106 Agreement being signed by three months from the date of the final determination by the Secretary of State on the call in of the planning application, securing :
- Reptile translocation site and Management Plan
 - Delivery of the enabling housing development in accordance with the approved phasing plan
 - Securing the trainer and stable hand accommodation in perpetuity
 - Community mini bus

- Travel Plan with monitoring fee
- A mechanism to review the viability of the development if Phase 4 of the residential scheme has not reached slab level within two years of consent being granted.
- A “claw back” clause to ensure that the Council is paid the equivalent value of the cost of the affordable housing provision, if the applicant/ owner sold the stables in part or as a whole, within a 15 year period from completion of the enabling residential development.

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29 Fulford Road, West Ewell, Surrey, KT19 9QZ

Single storey rear extension (Application for a certificate of Lawfulness for a Proposed Development).

Ward:	West Ewell
Contact Officer:	Ade Balogun

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=PUOPWQGY0DE00>

2 Summary

- 2.1 The applicant has submitted an "Application for a Lawful Development Certificate for a Proposed Development" for a Single storey rear extension (following demolition of existing rear extensions). The application is brought to Planning Committee as the Application Property is owned by a member of the Council Staff.
- 2.2 Officers are satisfied that the appropriate legal tests have been met and that a Lawful Development Certificate should be granted.

3 Site description

- 3.1 The application property is a single storey detached bungalow, which is set back from Fulford Road by a driveway. The property is not Listed, nor is it within a Conservation Area.

4 Proposal

- 4.1 The applicant has submitted an "Application for a Lawful Development Certificate for a Proposed Development" for a Single storey rear extension (following demolition of existing rear extensions). This measures 4 metres in depth, spanning across the entire rear elevation of the application dwelling, forming a pitched roof with two rooflights. The maximum height would be 3.2 metres high with eaves height of approximately 2.5 metres above ground level.

4.2 An applicant can undertake certain types of development without requiring Planning Permission. These are often referred to as "Permitted Development Rights". The name derives from the General Permitted Development Order and are granted not by the Local Planning Authority, but by Parliament via a statutory instrument. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is the current Order. It sets out classes of development for which Planning Permission is not required, provided that its criteria is fully met and no restrictive condition is attached or that the development is exempt from Permitted Development Rights.

4.3 Permitted Development Rights have not been removed at the Application Property.

5 Comments from third parties

5.1 Not relevant. This type of application is not required to be consulted on.

6 Consultations

6.1 Not relevant. This type of application is not required to be consulted on.

7 Relevant planning history

7.1 Not relevant.

8 Planning Policy

8.1 Not relevant

9 Planning considerations

9.1 The sole consideration of this case is whether the development is lawful by reason of meeting the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Planning Policy and other material considerations do not apply to the consideration of this application.

9.2 This Application is assessed under Schedule 2, Part 1, Classes A and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as these sections pertain to extensions and roof lights.

9.3 The rules on Permitted Development, set out in Schedule 2 of the Order, are sub-divided into a series of Parts. Part 1 specifically deals with development within the curtilage of a house. Part 1 is then sub-divided into Classes covering various types of development. Class A is pertinent in this case and covers the enlargement, improvement or alterations to a house, including rear extensions.

- 9.4 To note, Regulation 4 makes permanent the existing temporary right to enlarge a dwellinghouse by up to 8 metres in the case of a detached dwellinghouse or by 6 metres in the case of any other dwellinghouse, as permitted by Class A and C of Part 1 of Schedule 2 of the Order. It removes the time limiting date of 30th May 2019, as well as conditions which required development to be completed by that date (The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019).

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Permitted Development

Class A The enlargement, improvement or other alteration of a dwellinghouse.

Development is not permitted by Class A if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

Complies

- (b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

Complies

- (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

Complies

- (d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

Complies

- (e) the enlarged part of the dwellinghouse would extend beyond a wall which—

- (i) forms the principal elevation of the original dwellinghouse; or

- (ii) fronts a highway and forms a side elevation of the original dwellinghouse;

Complies

- (f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

Complies

(g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

Complies (see note below)

Regulation 4 makes permanent the existing temporary right to enlarge a dwellinghouse by up to 8 metres in the case of a detached dwellinghouse or by 6 metres in the case of any other dwellinghouse, as permitted by Class A of Part 1 of Schedule 2 to the Order. It removes the time limiting date of 30th May 2019, as well as conditions which required development to be completed by that date (The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019)

(h) the enlarged part of the dwellinghouse would have more than a single storey and —

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

Complies

(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

Complies

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,

- (ii) have more than a single storey, or
- (iii) have a width greater than half the width of the original dwellinghouse

Complies

(k) it would consist of or include—

- (i) the construction or provision of a verandah, balcony or raised platform,
- (ii) the installation, alteration or replacement of a microwave antenna,
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (iv) an alteration to any part of the roof of the dwellinghouse.

Complies

Conditions of Class A - In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

The proposed development complies with all criteria in Class C provided that conditions are complied with. An informative note is added to remind the applicant

Class C: Any other alteration to the roof of a dwellinghouse.

Development not permitted

C.1 Development is not permitted by Class C if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

Complies

- (b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

Complies

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

Complies

(d) it would consist of or include—

(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

Complies

Conditions of Class C

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

(a) obscure-glazed; and

(b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Not applicable

Community Infrastructure Levy

9.5 Not relevant

10 Conclusion

10.1 The proposed development is considered Permitted Development, under Schedule 2, Part 1, Classes A and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Officers are therefore satisfied that the appropriate legal tests have been met and that a Lawful Development Certificate should be granted.

11 Recommendation

11.1 The proposed development is considered Permitted Development, under Schedule 2, Part 1, Classes A and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). A Lawful Development Certificate should be granted.

Informatives:

(1) The proposed development is considered Permitted Development, under Schedule 2, Part 1, Classes A and C of the Town and Country

Planning (General Permitted Development) (England) Order 2015 (as amended) subject to the following conditions

Class A (The enlargement, improvement or other alteration of a dwellinghouse.)

Development is permitted by Class A subject to the following conditions—

(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

(c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Class C (other alterations to the roof of a dwellinghouse)

Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

(a) obscure-glazed; and

(b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed..

(2) The decision relates to the following drawings:

Site Location Plan

TD001 - Existing Plans - June 2018

TD002 - Proposed Floor Plan - June 2018

TD003 - Proposed Elevations - June 2018.

- (3) Please note that this is only permitted development if the proposed roof lights protrude no more than 0.15m beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof.
- (4) All external fascias, materials, treatments and finishes of the proposed new work shall match existing house and those listed in the submitted approved plans to the satisfaction of the Local Planning Authority.
- (5) 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.

- (6) 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.

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

Replacement driving range fence

Ward:	Ruxley 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=PUSEU LGYFM300>

2 Summary

- 2.1 This application is for the erection of a replacement fence around the perimeter of the golf driving range.
- 2.2 The site falls within the Green Belt and the application is referred to Committee for determination as the site falls within land owned by the Council.
- 2.3 **The application is recommended for APPROVAL** as there are no material visual or amenity concerns arising from the proposal.

3 Site description

- 3.1 Horton Park Golf and Country Club occupies land owned by Epsom and Ewell Borough Council. The golfing facilities at the site comprise both an 18-hole and 9-hole course, an 18 hole adventure gold course (aimed at Children), a clubhouse with shop and a driving range. Extensive parking is provided alongside the clubhouse, to the north-east of the site and in the northern corner.
- 3.2 The application is limited to the driving range facility.

4 Proposal

- 4.1 The application seeks permission for the replacement of the existing 15m high perimeter safety netting with higher netting.

4.2 The height of the fence would be increased to 30m, and the existing concrete supporting columns would be replaced by metal lattice supporting columns.

4.3 In support of the application the applicants submit the following:

- Over the past twenty years golf club technology has continually increased the distance a golf ball can be hit, balls currently fly over the current netting.
- The increase in height of the netting will increase safety standards on the range, for customers and staff

5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 16 neighbouring properties. To date (27.09.2019) no letters of objection have been received.

6 Consultations

6.1 Surrey County Council : No objections

7 Relevant planning history

Application number	Decision date	Application detail	Decision
17/00880/FUL		Erection of kitchen extension to club house and new yard enclosure	GRANTED
16/01688/REM	06.04.2017	Variation of Condition 2 (Plans) of 16/00749/FUL (Driving bay extension and new conservatory to club house) to undertake minor amendments to driving bay and conservatory	GRANTED
16/00749/FUL	12.10.2016	Driving bay extension and new conservatory to club house	GRANTED

8 Planning Policy

National Policy Planning Framework (NPPF) 2012

Chapter 13 - Paragraphs 143 - 146

Core Strategy 2007

Policy CS2 - Green Belt

Policy CS13 - Community, Cultural and Built Sports Facilities

Development Management Policies Submission Document 2015

Policy DM3 - Replacement and extensions of buildings in the Green Belt

Policy DM5 - Trees and Landscape

Policy DM10 - Design Requirements for New Developments

Policy DM34 - New Social Infrastructure

9 Planning considerations

Green Belt Policy

- 9.1 The application site lies within the Green Belt and accordingly the application needs to be assessed as to its conformity with national Green Belt policy set out within the NPPF and local Green Belt policy as set out in the Development Management Policies document.
- 9.2 The construction of new buildings in the Green Belt is regarded as inappropriate development, in line with paragraph 145 of the NPPF. Exceptions to this include (inter alia) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 9.3 Policy CS2 (Green Belt) of the Core Strategy (2007) seeks to ensure that the Green Belt continues to serve its key functions and maintain its existing general extent. Strict control will be exercised over inappropriate development, as defined by Government policy.
- 9.4 The proposed scheme would facilitate outdoor sport and recreation, and would therefore meet exception (b) of Para 145 of the NPPF.

Openness of the Green Belt

- 9.5 The driving range is currently enclosed along the perimeter by 15m high netting and the application proposes an increase in height to 30m. The increase in height of the netting would be more noticeable when viewed obliquely, where the visual permeability of the netting would be reduced and the impact on the openness increased.
- 9.6 On balance it is considered that the proposal would not significantly reduce the openness of the Green Belt or cause harm to its essential characteristics of openness and permanence.
- 9.7 The proposal would therefore comply with para 145 of the NPPF

Visual Amenity

- 9.8 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.

- 9.9 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.

- 9.10 The existing supporting columns to the netting would be replaced by metal “lattice” structures. The supporting columns would be relatively discreet and would not have a detrimental impact on the immediate and wider environment.

- 9.11 The scheme would therefore comply with Policy DM10.

Residential Amenity

- 9.12 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.

- 9.13 The nearest residential properties are situated along Chessington Road at approximately 180m distant from the nearest north-eastern edge of the application site. These properties are separated from the application site by a central reservation which contains a linear band of planting and an additional hedgerow adjacent to the site within the highway lands.

- 9.14 The increased height of the netting, due to the separation gap would not be visually prominent in views from the affected residential properties.

- 9.15 It is therefore concluded that the proposed new netting would not have a materially harmful impact on neighbour amenity in accordance with Policy DM10.

Community Infrastructure Levy

- 9.16 The proposal would not be CIL liable.

10 Conclusion

- 10.1 The proposed scheme would have no harmful impact on the openness of the Green Belt or upon the visual amenities of the area, and would comply with National and Local Planning Policy requirements

11 Recommendation

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

Conditions:

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

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

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

Proposed elevations: Drawing 16042 101

Proposed layout: Drawing DW15031703

Lighting Column: Drawing DW27011101 Rev1

Reason: For 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 netting 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.

Informative:

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

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

The Royal Automobile Country Club (RAC), Old Barn Road, Epsom, Surrey, KT18 7EW

Variation of Condition 2 (drawings) of Planning ref: 18/00645/FUL, dated 14.11.2018, to amend the engineering design of the Reservoir

Ward:	Woodcote 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=PX1QLXGYFXN00>

2 Summary

- 2.1 Planning Permission was granted on 14 November 2018, under ref: 18/00645/FUL, for the construction of a lined reservoir, for golf course irrigation. Development has started on Site, but during the course of survey works and engineering checks, it was found that engineering adjustments to the form of the reservoir are required.
- 2.2 This application seeks technical design changes to the reservoir only. It does not impact the storage capacity of the reservoir (6 million gallons), maintenance area, access to the Site or the power line constraints.
- 2.3 The application has been assessed against planning policy. Officers consider that the proposal is acceptable and that it complies with relevant National and Local planning policies. Specifically, it is not considered to adversely impact the Green Belt nor adversely impact the ecological and biodiversity potential of the Site. It will also not increase the risk of flooding.
- 2.4 The proposal is considered favourably and is recommended for approval.

3 Site description

Site Context

- 3.1 The Application Site ('Site') is set within the grounds of Woodcote Park, located off Wilmerhatch Lane in Epsom, Surrey. Woodcote Park measures approximately 350 acres and comprises a Grade II* Listed building, two 18-hole golf courses, a sports centre and various outbuildings and structures, some of which are also listed.
- 3.2 Woodcote Park is bound by Baron's Hurst and Warren Hill to the North, Chalk Lane to the East, Langley Vale Road to the South and Headley Road and Wilmerhatch Lane to the West. Also to the West of the site is the Ridge, which is a linear development comprising 29 detached dwellings, each contained within sizable plots.
- 3.3 The Site is located in the South-Western part of Woodcote Park. It is designated as Green Belt and a Grade 3 Site of Nature Conservation Interest (SNCI).
- 3.4 Trees surround the Site, which provides visual enclosure. To the North of the Site are two rectangular grassed plots, to the East of the Site is the Coronation Golf Course and to the West of the Site is an access lane to Headley Road.

Access

- 3.5 The site is currently accessed by buggy from Woodcote Park. It can also be accessed via a secure gate off Headley Road, to the West of the Site.

4 Proposal

- 4.1 Planning Permission was granted on 14 November 2018 for the construction of a lined reservoir, for golf course irrigation, ref: 18/00645/FUL. The formal description of development is as follows:

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

- 4.2 The Decision Notice contains 13 Conditions. Condition 2 relates to the approved drawings:

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

- *Site Location Plan: RAC_SLP_09_05.18*
- *Site Sections: RAC_SS_08_06.18*
- *Irrigation Reservoir 6million gallons: RAC_IRP_10_06.18 rev D*

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

- 4.3 An Application can be made under Section 73 of the Town and Country Planning Act 1990 (S.73) to vary or remove conditions associated with a Planning Permission. This S.73 Application seeks to formally vary Condition 2 of Planning Permission 18/00645/FUL, to allow for an amended engineering design of the reservoir.
- 4.4 The accompanying planning statement sets out that the design of the reservoir has been amended as the subsoils that were exposed during the excavation of the reservoir required a shallower inside batter of 1:3.5, rather than 1:3.0. This alteration increased the volume of the cut & fill material. Due to this change, the crest heights have been raised by 400mm and the small bund to the North of the reservoir has merged into the main reservoir bund. This also avoids the need to transport material off site. A small ditch on the top of the Northern bund will also be retained, to replicate the water run off area.
- 4.5 The below table sets out key changes between the approved application and this application, as set out in the accompanying cover letter:

	Approved application (ref: 18/00645/FUL)	This application
Site area	1.70ha	1.70ha
Reservoir size	6 million gallons	6 million gallons
Total surface area	6,701m ²	7,189m ²
Water stored above ground	10,004m ³	11,907m ³
Water level (depth)	7.4m	6.8m
Maximum length (top, outer crest to outer crest)	113m	134m
Maximum width (top, outer crest to outer crest)	75m	89m

Maximum length (base)	127m	137m
Maximum width (base)	94m	99m
Embankments height (above ground level)	1.84m – 3.47m	2.24 m – 3.87m
Plateau height (above ground level)	3.47m	3.87m
Embankment banks flat top width	3m	Various

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 43 neighbouring properties. 0 letters of representation have been received.

6 Consultations

- 6.1 The following statutory consultees were consulted:

SCC Archaeology: no archaeological concerns

SCC LLFA: no objection

SCC Highways: no objection

Environment Agency: no objection

Ecology: no objection

Environmental Health: no objection, subject to using the same methodology as previously stated

Arboricultural: None

Health and Safety Executive: None

7 Relevant planning history

- 7.1 There is an extensive planning history relating to the RAC Site. The below table sets out recent and relevant planning history pertaining to the reservoir site only.

Application number	Decision date	Application detail	Decision
19/00086/COND	15.05.2019	Discharge of Conditions 3 (Pump House details) 4 (Fence details) 6 (Arboricultural Method Statement & Tree Protection Plan) 7 (Construction Transport Management Plan) 8 (Archaeological Work) 12 (Hard and Soft Landscaping) and 13 (Sound insulation details) of Planning Permission 18/00645/FUL, granted on 14.11.2018	Granted
18/00645/FUL	14.11.2018	Construction of a lined reservoir for golf course irrigation with landscaping and associated works, apparatus and engineering operations	Granted
12/00801/FUL	14.01.2013	Construction of a lined reservoir for golf course irrigation with landscaping and associated works, apparatus and engineering operations	Granted

8 Planning Policy

National Policy Planning Framework (NPPF) 2019

Chapter 12 Achieving well-designed places

Chapter 13 Protecting Green Belt land

Chapter 15 Conserving and enhancing the natural environment

Core Strategy (2007)

CS2 Green Belt

CS3 Biodiversity and Nature Conservation Areas

CS5 Conserving and Enhancing the Quality of the Built Environment

CS6 Sustainability in New Developments

Development Management Policies Document (2015)

DM1 Extent of Green Belt

DM8 Heritage Assets

DM10 Design Requirements for New Development (Including House Extensions)

9 Planning considerations

Design

- 9.1 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.
- 9.2 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.
- 9.3 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.
- 9.4 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.
- 9.5 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.

9.6 Planning Permission has been granted for the provision of a 6 million gallon reservoir (ref: 18/00645/FUL). The planning statement, submitted with this application, sets out that the design of the reservoir has been amended as the subsoils that were exposed during the excavation of the reservoir required a shallower inside batter of 1:3.5, rather than 1:3.0. This alteration increased the volume of the cut & fill material. Due to this change, the crest heights have been raised by 400mm and the small bund to the North of the reservoir has merged into the main reservoir bund. This also avoids the need to transport material off site. A small ditch on the top of the Northern bund will also be retained, to replicate the water run off area.

9.7 The below table sets out key changes between the approved application and this application, as set out in the accompanying cover letter:

	Approved application (ref: 18/00645/FUL)	This application
Site area	1.70ha	1.70a
Reservoir size	6 million gallons	6 million gallons
Total surface area	6,701m ²	7,189m ²
Water stored above ground	10,004m ³	11,907m ³
Water level (depth)	7.4m	6.8m
Maximum length (top, outer crest to outer crest)	113m	134m
Maximum width (top, outer crest to outer crest)	75m	89m
Maximum length (base)	127m	137m
Maximum width (base)	94m	99m
Embankments height (above ground level)	1.84m – 3.47m	2.24 m – 3.87m
Plateau height (above ground level)	3.47m	3.87m
Embankment banks flat top width	3m	Various

9.8 The accompanying planning statement confirms that the reservoir remains in the same position as that approved and that there are no changes to the maintenance area, access to the Site or power line constraints.

- 9.9 The proposed amendments have been dictated by the technical design of the reservoir, which were not foreseen at initial planning application stage. The proposed amendments are not considered to significantly impact the visual design of the reservoir and Officers are satisfied that the amendments are acceptable, complying with design requirements of the NPPF, Policy CS5 and Policy DM10.

Green Belt

- 9.10 Chapter 13 of the NPPF relates to the protection of Green Belt land. Paragraph 133 sets out that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 9.11 Paragraph 134 of the NPPF sets out the five purposes that Green Belt serves:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 9.12 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.
- 9.13 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.
- 9.14 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.
- 9.15 Policy CS2 (Green Belt) of the Core Strategy (2007) seeks to ensure that the Green Belt continues to serve its key functions and maintain its existing general extent. Strict control will be exercised over inappropriate development, as defined by Government policy.

- 9.16 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.
- 9.17 The accompanying Green Belt Assessment sets out that the proposed amendments to the approved reservoir do not adversely impact the purposes of the Green Belt. The reservoir is considered appropriate development within the Green Belt. The scale and footprint of the reservoir is largely unchanged as a result of the amended engineering design.
- 9.18 The principle of developing within the Green Belt was established within the approved Planning Permission. This application seeks a re-augmentation of the reservoir, culminating in an increased length and width. The Site itself is surrounded by tree belts, providing physical containment and visual enclosure. The increased dimensions, given the scale of the project, are in this case, not considered to adversely affect the openness of the Green Belt. As such, the proposed reservoir is not considered to detrimentally harm the Green Belt and is considered to comply with paragraph 134, 141 and 145 of the NPPF and policies CS2 and DM1.

Impact on Biodiversity and Ecology

- 9.19 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality.
- 9.20 Paragraph 175 of the NPPF sets out that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.21 Policy CS3 (Biodiversity and Nature Conservation Areas) of the Core Strategy (2007) sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of National and Local biodiversity action plans in terms of species and habitat. Development that would harm Grade 3 Sites of Nature Conservation Interests (SNCIs) will not be permitted unless suitable measures are put in place and it has been demonstrated that the benefits of a development would outweigh the harm caused.

- 9.22 The Site is designated as a Grade 3 SNCI, which is an area designated locally for its wildlife importance. In line with Policy CS3, development that would harm a Grade 3 SNCI will not be permitted unless it can be demonstrated that the benefits of the development would outweigh the harm caused. The approved Planning Permission was considered acceptable as the habitats and species within the Site were considered to be of low ecological value. The proposal was considered to provide potential for a variety of new habitats to be introduced into the Site and it was considered that the ecological value of the Site would improve.
- 9.23 The accompanying planning statement sets out that the construction of the reservoir provides ecological opportunities. Officers consider that the proposed amendments to the reservoir will not adversely impact the ecological potential of the Site, as the Local Planning Authority's Ecologist formally commented on this application, setting out that the proposal is acceptable with regards to ecology. The proposal is therefore considered acceptable, in line with paragraph 175 of the NPPF and policy CS3.

Flood Risk

- 9.24 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.
- 9.25 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.
- 9.26 The accompanying planning statement sets out that the storage capacity of the reservoir remains at 6 million gallons. By raising the crest of the reservoir by 400mm and the increase in the size of the banks, there will be an enhancement of flood risk protection.

- 9.27 The Environment Agency formally commented on the application, setting out that there is no objection. SCC Lead Local Flood Authority (LLFA) also formally commented on the application, setting out that there is no fundamental change to the drainage strategy or surface water drainage system and therefore, there is no further comment.
- 9.28 The Local Planning Authority's Environmental Health team raised no objection to the proposal, subject to the same methodology being used as previously stated.
- 9.29 The proposal is considered to comply with Policy CS6.

Archaeology

- 9.30 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.
- 9.31 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.
- 9.32 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.
- 9.33 The accompanying planning statement sets out that the technical changes proposed do not alter the footprint of the approved scheme. SCC Archaeology formally commented on this application, setting out that there are no archaeological concerns. The proposal is therefore considered to comply with Policy CS5 and DM8.

10 Conclusion

- 10.1 This proposal seeks an amended engineering design of the approved reservoir. The amendments are considered acceptable in principle, complying with relevant National and Local planning policies. The proposal is recommended for approval. All of the original conditions are recommended to be re-imposed with the only change being to the approved drawings as set out in Condition No.2.

11 Recommendation

11.1 Grant, subject to Conditions.

Conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of 14 November 2018.

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. The development hereby

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

RAC_SLP_09_05.18 – Site Location Plan – dated 31.05.18

MWE_RAC_PPS_25_08.19 – Planning Phase Sections – dated 15.08.19

MWE_RAC_PPP_24_08.19 – Planning Phase Plan – dated 15.08.19

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

- (3) The development shall be carried out in accordance with the details of the pump house, approved under application ref: 19/00086/COND, granted 15 May 2019

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

- (4) The development shall be carried out and retained in accordance with the details of the fence(s), approved under ref: 19/00086/COND, granted 15 May 2019

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

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

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with

Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

- (6) The development shall be carried out in accordance with the agreed details of the Arboricultural Method Statement and Tree Protection Plan, as approved under ref: 19/00086/COND, granted 15 May 2019. 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 the 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 consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.**

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

- (7) A Traffic Management Plan and Transport Management Plan were approved under ref: 19/00086/COND, granted 15 May 2019. The approved details shall be implemented during the construction of development.**

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

- (8) The development shall take place in accordance with the detailed Written Scheme of Investigation, approved under ref: 19/00086/COND, granted 15 May 2019. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works only shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.**

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

- (9) The development shall be implemented strictly in accordance with the mitigation and enhancement measures outlined in the Ecological**

Appraisal dated August 2018 (Report Reference - EDP1297_r020b) and the recommendations and conclusions drawn in the 2012 Ecological Appraisal (Report Reference - EDP1297_01g) dated September 2012.

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

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

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

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

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

- (12) Details of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, was submitted to and approved by the local planning authority, ref: 19/00086/COND, dated 15 May 2019. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.**

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

- (13) The plant and machinery shall be used in accordance with the approved scheme for enclosure and sound installation materials, approved under ref: 19/00086/COND, granted 15 May 2019**

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

Informative:

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

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Development Site At Garages, Ormonde Avenue, Epsom, Surrey*Erection of three no. two-bedroom dwellings*

Ward:	Court 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/simpleSearchResults.do?action=firstPage>

2 Summary

- 2.1 A Planning Application seeking the provision of three two-bedroom dwellings at the Application Site ('Site') was taken to Planning Committee on 25 July 2019, with an Officers recommendation for approval. The Planning Committee resolved to approve the Planning Application, subject to a Section 106 (S106) Agreement being completed and signed by 25 October 2019, to secure the dwellings as affordable dwellings for rent.
- 2.2 Officers received a letter from the planning agents at Dowsett Mayhew Planning Partnership, dated 30 September 2019. The letter sets out that whilst the Planning Application was submitted on the basis of the dwellings being provided as affordable dwellings for rent, the signing of a S106 Agreement may prevent the applicant from securing grant funding from Homes England for this project, which will jeopardise its delivery.
- 2.3 The Council has responded to the letter confirming that although a S106 Agreement was not a requirement from the nature of the application, it was agreed one would be requested in light of the assurances given around the availability of the dwellings as affordable housing for rent.
- 2.4 The Applicant's Planning Statement, dated March 2019, provides as follows:

“4.7: It is intended that the dwellings will be provided as affordable dwellings for rent”

“Economic Objective 17.2: The proposed development will deliver three high quality dwellings contribution to the delivery of sustainable new affordable dwellings in the Borough”

“Summary 18.4: The proposed scheme will deliver three new affordable dwellings within the built up area of the Borough in a highly sustainable location. The dwellings would provide high quality homes in an existing residential setting, without detriment to the character of the locality by virtue of their complementary design and massing.”

- 2.5 The main reason given by the Applicant, for not entering into an Obligation to deliver affordable housing as described in their Planning Statement, is around funding requirements. An explanation has been sought on the issue, since it is unclear why the Site would not receive funding for the purpose it is being designed for. However, no response to date has been received.
- 2.6 Regulation 122 of the Community Infrastructure Level Regulations 2010 sets out that a Planning Obligation may only constitute a reason for granting Planning Permission for development if the Obligation is necessary to make the development acceptable in planning terms.
- 2.7 In this case, the scheme does not constitute a major development and so there is no planning policy requirement for the dwellings to be provided as affordable dwellings for rent. The S106 Agreement would therefore fail on grounds of necessity. Had the Planning Application been submitted on the basis that the proposed dwellings were open market dwellings, Officers would still recommend it for approval, as it is considered to comply with relevant National and Local planning policies.
- 2.8 Officers recommend that the Planning Application is approved, with Conditions, but with no requirement for the applicant to enter into a S106 Agreement to secure the dwellings as affordable dwellings for rent.

3 Site description

- 3.1 Not relevant for this application

4 Proposal

- 4.1 This proposal seeks to remove the requirement of the applicant entering into a S106 Agreement to secure the dwellings as affordable dwellings for rent.

5 Comments from third parties

- 5.1 Not relevant for this application

6 Consultations

6.1 Not relevant for this application

7 Relevant planning history

Application number	Decision date	Application detail	Decision
14/00167/FUL	Appeal Allowed 08.01.2015	Demolition of existing garages 1-9, erection of 1 no. 3 bed 5 person and 1 no. 2 bed 4 person dwellings with associated parking, replacement parking and hard and soft landscaping.(Amended drawings received 01.07.2014)	Appeal Allowed

8 Planning Policy

National Policy Planning Framework (NPPF) 2019

Chapter 5

Delivering a sufficient supply of homes

Core Strategy 2007

Policy CS9

Affordable Housing and meeting Housing Needs

9 Update Report

9.1 A Planning Application relating to the Site was taken to Planning Committee on 25 July 2019, with an Officers recommendation for approval. The formal description of development is as follows:

“Erection of three no. two-bedroom dwellings”

9.2 The Planning Application was required to be taken to Planning Committee as Epsom and Ewell Borough Council is a landowner. The application was also subject to a call-in request from a Councillor, but irrespective of this, the application would still have been determined at Planning Committee.

9.3 The Committee Report and Update Report, both dated 25 July 2019 are attached at Annex 1 and 2. The Committee Report provides the planning assessment undertaken by Officers. It confirms that the principle of development at the Site is considered acceptable, the proposed dwellings are of an appropriate scale and design, the car parking provision exceeds local policy requirements and the proposal is not considered to cause additional parking pressures in the local area. The proposal is therefore considered to comply with relevant National and Local planning policies.

- 9.4 The Planning Committee resolved to approve Planning Permission, subject to a S106 Agreement being completed and signed by 25 October 2019, to secure the dwellings as affordable dwellings for rent. The minutes of the Planning Committee can be found at Annex 3.
- 9.5 The Planning Application is currently pending determination. Officers received a letter from the planning agents at Dowsett Mayhew Planning Partnership, dated 30 September 2019. The letter is attached at Annex 4. It sets out that whilst the Planning Application was submitted on the basis of the dwellings being provided as affordable dwellings for rent, signing a S106 Agreement may prevent the applicant from securing grant funding from Homes England for the project, which will jeopardise its delivery.
- 9.6 The letter further sets out that the applicant is a committed Housing Association, wanting to deliver as many affordable homes as possible. The only way to do this is by maximising the value of its housing stock, in order to secure grant funding. Classifying the dwellings within this application as affordable units reduces their value and as a result, the amount of grant funding the Housing Association would be able to secure for the project. Therefore, the signing of a S106 Agreement could restrict the delivery of this scheme.
- 9.7 Regulation 122 of the Community Infrastructure Level Regulations 2010 states that a Planning Obligation may only constitute a reason for granting Planning Permission for development if the Obligation is:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 9.8 Whilst the documentation supporting the Planning Application set out that the dwellings would be delivered as affordable dwellings for rent, the description of development does not reference this.
- 9.9 Chapter 5 of the NPPF (2019) relates to the delivery of a sufficient supply of homes. Paragraph 63 sets out that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). Policy CS9 (Affordable Housing and Meeting Housing Needs) of the Core Strategy (2007) sets out that residential developments of between five and fourteen dwellings gross (or on sites between 0.15ha and 0.49ha – irrespective of the number of dwellings proposed should include at least 20% of dwellings as affordable. 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.

- 9.10 The Planning Application does not constitute a major development and so there is no planning policy requirement for the dwellings to be delivered as affordable dwellings. The S106 Agreement requirement would therefore fail on grounds of necessity. Indeed, had the Planning Application been submitted on the basis that the proposed dwellings were anticipated to be open market dwellings, Officers would still recommend it for approval, as it is considered to comply with relevant National and Local planning policies.
- 9.11 In light of the above, Officers recommend that the Planning Application is approved, with Conditions, but with no requirement to enter into a S106 Agreement to secure the dwellings as affordable dwellings for rent.

10 Conclusion

- 10.1 Officers confirm that the proposal accords with the Development Plan. It is recommended that the Planning Application is approved, subject to Conditions, but with no requirement to enter into a S106 Agreement to secure the dwellings as affordable dwellings for rent.

11 Recommendation

- 11.1 Approve, subject to Conditions only.

Conditions:

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

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

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

EX01 – Existing Location Plan and Block Plan for Planning Submission – dated Mar 2019

EX02 – Existing Site Survey Plan for Planning Submission – dated Mar 2019

EX03 – Existing Site Sections & Elevations for Planning Submission – dated Mar 2019

PL01 – Proposed Location Plan and Block Plan for Planning Submission – dated Mar 2019

PL02 – Proposed Site Plan With Vehicle Tracking, Previous Planning Scheme & Dimensions for Planning Submission – dated Mar 2019

PL03 – Proposed Site Plan, Ground Floor Plan, First Floor Plan & Roof Plan for Planning Submission – dated Mar 2019

PL04 – Proposed Elevations for Planning Submission – dated Mar 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) The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form and the following drawings:**

PL01 – Proposed Location Plan and Block Plan for Planning Submission – dated Mar 2019

PL02 – Proposed Site Plan With Vehicle Tracking, Previous Planning Scheme & Dimensions for Planning Submission – dated Mar 2019

PL03 – Proposed Site Plan, Ground Floor Plan, First Floor Plan & Roof Plan for Planning Submission – dated Mar 2019

PL04 – Proposed Elevations for Planning Submission – dated Mar 2019

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

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

- (5) Full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, shall be submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the**

occupation of the development hereby approved and thereafter retained.

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

- (6) The development hereby approved shall not be first occupied unless and until details of demarcation, allocation, signage and hardstanding for the new parking spaces have been submitted to and approved by the local planning authority. The parking spaces shall thereafter be laid out within the site in accordance with the approved plans for a minimum of 6 vehicles to be parked and thereafter retained and maintained for their designated parking purpose. The parking spaces are to be used by residents of the development hereby approved only.

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 2019 and DM37 Parking Standards of the Epsom and Ewell Borough Council Development Management Policies Document 2015.

- (7) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for cycles to be securely stored. Thereafter the storage 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 and DM 37 Parking Standards of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (8) The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

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 36 Sustainable Transport for New Development of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (9) Bat, swift and bird boxes are to be installed on the 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.

- (10) 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 final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate agreed with the LLFA and LPA.

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

d) 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.

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

f) 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.

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 and to comply with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (11) 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 and to comply with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (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:
- (i) a desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including hydrocarbons) and contaminants (including asbestos) 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
 - (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.

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

- (13) Prior to any occupation of the site, the approved remediation scheme prepared under Condition 12 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, Policy DM17 of Development Management Policies 2015.

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

- (15)** 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.

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) 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).
- (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.

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

Development Site at Garages, Ormonde Avenue, Epsom, Surrey

Erection of three no. two-bedroom dwellings

Ward:	Court 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=PPHTSEGYMLQ00>

2 Summary

- 2.1 The scheme proposes a terrace of three dwellings, with associated parking, on a Site that currently comprises hardstanding. As the applicant is a registered social landlord, their intention is for the dwellings to be provided as affordable dwellings for rent, as part of their housing estate.
- 2.2 The principle of residential development at this Site is considered acceptable. The Site is designated as a 'Built Up Area', and is located within an established residential area. Furthermore, it benefits from an expired Planning Permission, allowing for two terraced dwellings.
- 2.3 The proposed dwellings have been carefully designed to assimilate with the existing residential properties at Ormonde Avenue. The proposed dwellings are of an acceptable height and massing and comprise good quality design.
- 2.4 The proposal seeks the provision of six car parking spaces, which exceeds Local Planning Policy standards. Additionally, cycle storage provision is proposed, encouraging sustainable means of travel. Surrey County Council (Highways) does not object to the proposal and the accompanying Transport Report illustrates that the proposal will not cause additional parking pressures in the local area.
- 2.5 The Application is to be determined at Planning Committee as Epsom and Ewell Borough Council is a landowner. The Application is also subject to a call-in request from a Councillor. Irrespective of the call-in request, this application would be determined at Planning Committee.

- 2.6 Officers recommend the Application for approval, subject to Planning Conditions and a S106 Legal Agreement.

3 Site description

- 3.1 The Application Site ('Site') comprises vacant land, used for informal parking. It is irregular in shape and measures approximately 0.08 hectares in size.
- 3.2 The Site is located at the Northern end of Ormonde Avenue, which is residential in nature. Typically, Ormonde Avenue comprises semi-detached two-storey properties, set back from the road by driveways.
- 3.3 Immediately to the North of the Site is a bridleway, with a railway line beyond, to the East of the Site are the rear gardens of Cremorne Gardens and to the South of the Site is a footpath, with 36 Ormonde Avenue located to the South of this, which is a two-storey semi-detached property. To the West of the Site is 36a and 36b Ormonde Avenue, which are semi-detached properties, which are two-storeys in height.
- 3.4 The wider area is typically also residential in character. As above, the residential dwellings at Ormonde Avenue are typically semi-detached and two storeys in height. The residential dwellings located at Aspen Close, located beyond the railway line to the North of the Site, range in height from two-storeys to three-storeys.
- 3.5 The Site is relatively well connected. Ewell West Train Station is located 0.9 kilometres North-East of the Application Site. The nearest bus stops are located at Hollymoor Lane, with regular services to Horton and Longmead.
- 3.6 The Site is designated as Built Up Area and partly within a Critical Drainage Area. It is not Listed, nor does it fall within a Conservation Area.

Application Background

- 3.7 A Planning Application (ref: 14/00167/FUL) was refused at Planning Committee, against an officer's recommendation for Approval. The Decision Notice is dated 24 July 2014. The Application sought to demolish garages at the Site and erect 1 x three bedroom and 1 x 2 bedroom dwellings with associated parking, replacement parking and hard and soft landscaping. The formal description of development is provided below:

"Demolition of existing garages 1-9, erection of 1 no. 3 bed 5 person and 1 no. 2 bed 4 person dwellings with associated parking, replacement parking and hard and soft landscaping.(Amended drawings received 01.07.2014)"

- 3.8 The Planning Application was refused at Planning Committee, as the proposed development was considered to result in the displacement of vehicles to the immediate and surrounding highway network, which would result in additional on-street parking pressures within Ormonde Avenue and Hollymoor Lane, to the detriment of traffic, pedestrian safety and residential amenity. The formal reason of refusal is provided below:

“The proposed development would result in the displacement of vehicles to the immediate and surrounding highway network, which would result in additional on-street parking pressures within Ormonde Avenue and Hollymoor Lane , to the detriment of traffic, pedestrian safety and residential amenity. Therefore, the proposal is contrary to policies CS5 and CS16 of the Core Strategy (2007) and policies BE1 and MV8 of the Epsom and Ewell Borough Local Plan (2000) and policy DM37 of the Development Management Policies (Pre-submission draft) 2013”

- 3.9 Planning Permission was allowed at appeal on 08 January 2015, under ref: APP/P3610/A/14/2226068. The main issue, as detailed within the Planning Inspectorate’s report, was the effect of the development on parking in Ormonde Avenue and Hollymoor Lane. The Inspectorate concluded that the appeal site was seldom used and that the loss of the garages and parking area would not exacerbate or worsen any existing parking problems in the area, given the car parking provision within the scheme.
- 3.10 The Planning Inspectorate’s report did not raise any further matters relating to Application ref: 14/00167/FUL and the appeal was allowed.

Current Situation

- 3.11 The former garages have been demolished, however the above Planning Permission (ref: 14/00167/FUL) was not implemented and the approval time expired on 08 January 2018. This application seeks a revised scheme at the Site, comprising a terrace of 3 X 2 bedroom dwellings, with associated parking. As the applicant is a registered social landlord, their intention is for the dwellings to be provided as affordable dwellings for rent, as part of their housing estate.
- 3.12 The Application is to be determined at Planning Committee as Epsom and Ewell Borough Council is a landowner. The Application is also subject to a call-in request from a Councillor. Irrespective of the call-in request, this application would be determined at Planning Committee.

4 Proposal

- 4.1 This application seeks a terrace of 3 X 2 bedroom dwellings, with associated parking. As the applicant is a registered social landlord, their intention is for the dwellings to be provided as affordable dwellings for rent, as part of their housing estate.

- 4.2 The proposed terraces measure 16.45 metres in width. The terraces have a staggered depth, with a maximum depth of 10.64 metres. The terraces have a maximum height of 7.5 metres.
- 4.3 The proposal seeks six car parking spaces. Four car parking spaces are proposed in front of Plots 1 and 2 and two car parking spaces by the side of Plot 3.
- 4.4 The proposal seeks soft landscaping. Subject to Planning Permission being granted, landscaping and tree provision shall be Conditioned.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 41 neighbouring properties. To date (03.07.2019) 4 letters of objection have been received regarding:
 - Overdevelopment
 - Traffic/Parking Implications.

6 Consultations

- 6.1 Surrey County Council (Highways): no objection, recommend Planning Conditions.

7 Relevant planning history

- 7.1 The below table sets out the recent and relevant Planning history pertaining to the Site:

Application number	Decision date	Application detail	Decision
14/00167/FUL	Appeal Allowed 08.01.2015	Demolition of existing garages 1-9, erection of 1 no. 3 bed 5 person and 1 no. 2 bed 4 person dwellings with associated parking, replacement parking and hard and soft landscaping.(Amended drawings received 01.07.2014)	Appeal Allowed

8 Planning Policy

Chapter 2	Achieving sustainable development
Chapter 5	Delivering a sufficient supply of homes
Chapter 9	Promoting sustainable transport
Chapter 11	Making effective use of land
Chapter 12	Achieving well-designed places
Chapter 15	Conserving and enhancing the natural environment
CS3	Biodiversity and Designated Nature Conservation Area
CS6	Sustainability in New Developments
CS7	Providing for Housing and Employment Development
CS8	Broad Location of Housing Development
CS16	Managing Transport and Travel
DM4	Biodiversity and New development
DM5	Trees and Landscape
DM9	Townscape Character and Local Distinctiveness
DM10	Design Requirements for New Developments (including House Extensions)
DM11	Housing Density
DM12	Housing Standards
DM19	Development & Flood Risk

DM36 Sustainable Transport for New Development

DM37 Parking Standards

9 Planning considerations

- Principle of Development
- Design, Layout and Scale
- Neighbouring Amenity
- Quality of Accommodation
- Highway and Parking
- Trees and Landscaping
- Ecology
- Sustainability
- Flood Risk and Drainage

Principle of Development

- 9.1 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.
- 9.2 Chapter 5 of the NPPF encourages the delivery and supply of homes. Paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.3 Policy CS7 sets out that Borough seeks the provision of sufficient housing.
- 9.4 Policy CS8 sets out that new housing development will be located within the defined built up area of Epsom and Ewell. Within these areas, the emphasis will be on the re-use of suitable previously developed land (including the re-use or 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.
- 9.5 Policy DM11 sets out that the Council will, in principle, support proposals for new housing that make the most efficient use of development sites located within the Borough's existing urban area.
- 9.6 The Standard Method Calculation indicates a high demand for new housing in the new plan period. Due to designations, primary constraints and overall land supply, there is a need to assess how every site can be optimised within the Borough.

- 9.7 The Site is designated as a Built Up Area, which is considered suitable for residential development, in line with Policy CS8. It is located in a typically residential area, lending itself to residential development.
- 9.8 Planning Permission was granted at Appeal, for the demolition of garages and erection of 1 x three bedroom and 1 x two bedroom dwellings at the Site. The planning Permission was not formally implemented, however the garages have been demolished. The principle of residential development at the Site is established by way of the former Planning Permission.
- 9.9 In summary, the principle of residential development at the Site is considered acceptable, given that it is designated as a 'Built Up Area', it is located within a residential area and it benefits from a former Planning Permission for residential development. It complies with Policy CS8 of the Core Strategy (2007).

Design, Layout and Scale

- 9.1 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.
- 9.2 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.
- 9.3 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.
- 9.4 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.
- 9.5 Policy DM10 (Design Requirements for New Developments, including House Extensions) sets out that development proposals will be required to incorporate principles of good design.
- 9.6 The proposed dwellings are located at the Northern end of Ormonde Avenue, where they will be most visible from within the street scene.
- 9.7 The accompanying Planning Statement sets out that the dwellings have been designed to take into account the prevailing character of the area. Specifically, these are arranged as a terrace of three, which reflects the terraced pattern of dwellings within Ormonde Avenue.

- 9.8 In conformity with drawing PL04 – Proposed Elevations for Planning Submission – dated Mar 2019, the proposed terraces have a maximum height of 7.5 metres, which is similar to the heights of nearby dwellings at Ormonde Avenue.
- 9.9 The proposal seeks the use of brick and render, which is considered appropriate. The material palette will create visually attractive dwellings, which will assimilate with the design and materiality of the existing dwellings located at Ormonde Avenue.
- 9.10 The dwellings lining Ormonde Avenue are typically set back from the road by driveways. The proposal mimics this, by proposing four car parking spaces in front of proposed dwellings 1 and 2 and two car parking spaces by the side of dwelling 3. The siting of the car parking spaces is considered appropriate and will not detract from the design of the proposed dwellings, nor adversely impact the street scene.
- 9.11 In summary, the proposed dwellings have been carefully designed to assimilate with the existing properties located at Ormonde Avenue. The proposal is not considered to adversely impact the street scene and complies with Policies DM9 and DM10 of the Development Management Policies Document (2015).

Neighbouring Amenity

- 9.12 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.
- 9.13 Policy DM10 (Design Requirements for New Developments, including House Extensions) sets out that development proposals will be required to incorporate principles of good design. Development proposals should also have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.
- 9.14 Immediately to the North of the Site is a footpath, with a railway line beyond. To the East of the Site is the rear gardens of 19-21 Cremorne Gardens. These properties are semi-detached and two-storeys in height. To the South of the Site is a footpath, with 36 Ormonde Avenue located to the South of this. 36 Ormonde Avenue is two-storeys in height and semi-detached. To the West of the Site is 36a and 36b Ormonde Avenue, which are also two-storeys in height and semi-detached.

- 9.15 Paragraph 3.35 of the Development Management Policies Document (2015) sets out that subject to the consideration of development viability and practicality, the Council seeks a minimum depth of 10 metres of domestic rear garden space. The below sets out the maximum lengths of the rear gardens of the proposed dwellings. In accordance with drawing PL03 – Proposed Site Plan, Ground Floor Plan, First Floor Plan & Roof Plan – dated Mar 2019, a rear garden fence, measuring 1.8 metres is proposed at the rear boundary of the dwellings' gardens.
- From the rear elevation of Plot 1, the maximum length of the rear garden is 11.76 metres
 - From the rear elevation of Plot 2, the maximum length of the rear garden is 9.03 metres
 - From the rear elevation of Plot 3, the maximum length of the rear elevation is 9.07 metres.
- 9.16 In accordance with the guidance of paragraph 3.35 of the Development Management Policies Document, Plot 2 & Plot 3 fail to accord with the minimum depth of 10 metres of domestic garden space. This guidance does set out that minimum garden depth lengths is subject to the consideration of development practicality. Officers are satisfied that the shortfall in garden depths will not adversely impact neighbouring amenity enjoyed at 19-21 Cremorne Gardens by means of overbearing or loss of privacy. The proposed dwellings have a maximum height of 7.5 metres, which is comparable to the heights of the properties within the locality. The 1.8 metre high fence also provides added privacy for the neighbouring dwellings.
- 9.17 From the western elevation of Plot 3, a distance of 10.5 will be maintained from the side elevation of 36 Ormonde Avenue. This is considered an adequate distance, ensuring that the residential amenity at this adjacent property is not adversely impacted.
- 9.18 The proposed dwellings are sited approximately 20 metres from the properties at 36a and 36b Ormonde Avenue. These properties are not considered to be adversely impacted by the proposal, given this appropriate separation distance.
- 9.19 The dwellings are proposed in an area that is currently built up. The proposed dwellings are not considered to cause any unneighbourly or uncomfortable relationships with the closest neighbouring properties. Whilst an additional dwelling is proposed as part of this Application, in comparison to the previously approved scheme (ref: 14/00167/FUL), the siting of the dwellings is broadly similar. It is noted that the Planning Inspector did not consider that the previous scheme adversely impacted neighbouring amenity.
- 9.20 The proposal is not considered to adversely impact neighbouring amenity and is considered to comply with Policies DM9 and DM10.

Quality of Accommodation

- 9.21 Policy DM12 refers to housing standards and states that all housing developments are required to comply with external and internal space standards. Supporting paragraph 3.35 sets out that for houses, a minimum of 40sq.m will be provided.
- 9.22 The Nationally Described Space Standards introduced by DCLG in March 2015, sets out internal minimum space standards for bedrooms within new dwellings. The standard requires that in order to provide two bedspaces, a double bedroom should have a floor area of at least 11.5m².

	Bedroom 1 (sq.m)	Bedroom 2 (sq.m)	Total (sq.m)	Private Amenity Space
Plot 1	12.82	12.59	80.74	82.9
Plot 2	12	13.5	80.87	37.8
Plot 3	12.42	13.24	81	64

- 9.23 In line with the above table, the proposed dwellings exceed the minimum space standards set out in the Nationally Described Space Standards (2015).
- 9.24 Plots 1 and 3 provide adequate private amenity space, in accordance with Paragraph 3.35 of the Development Management Policies document (2015). Plot 2 however fails to provide the minimum required private amenity space.
- 9.25 In considering the shortfall of private amenity space at Plot 2, Officers have considered nearby green spaces, which are accessible to the public. There are numerous green spaces in close proximity to the Application Property, including Horton Country Park, which is located 1.9 kilometres to the West of the Site. This Park covers 400 acres, of which half is public open space.
- 9.26 Plot 2 falls shy of providing 40sq.m of private amenity space by 2.2sq.m. It provides a two-bedroom dwelling, on a Site that currently comprises hardstanding. It is relatively well connected in terms of public transport accessibility and there are open green spaces located in proximity to the plot. As such, the under provision of private amenity space is considered acceptable in these circumstances.

- 9.27 It is recognised that the previously approved scheme at this Site sought the provision of two dwellings, which each provided adequate private amenity space. This application seeks the provision of three dwellings, but Officers do not consider that the shortfall of 2.2sq.m at Plot 2 represents an overdeveloped scheme. In line with the requirements of the NPPF, Sites should be fully optimised and Officers are satisfied that this application optimises the Site.
- 9.28 The proposal is considered to comply with Policy DM12 of the Development Management Policies Document (2015).

Highway and Parking

- 9.29 Chapter 9 of the NPPF relates to the promotion of sustainable transport. Paragraph 108 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 and that safe and suitable access to the Site can be achieved for all users.
- 9.30 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.
- 9.31 Policy CS16 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 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.
- 9.32 Policy DM36 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.
- 9.33 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.
- 9.34 Concerns have been raised by nearby residents regarding the traffic and parking implications of this proposal. Residents have set out that parking in Ormonde Avenue is already at capacity and that the proposal will add to this. The concerns have been taken into account by Officers in the below assessment.

- 9.35 A Planning Application for a similar scheme was refused at Planning Committee, against an Officer's recommendation for Approval on 24 July 2014, under ref: 14/00167/FUL. The Planning Application was refused at Planning Committee, as the proposed development was considered to result in the displacement of vehicles to the immediate and surrounding highway network, which would result in additional on-street parking pressures within Ormonde Avenue and Hollymoor Lane, to the detriment of traffic, pedestrian safety and residential amenity.
- 9.36 Planning Permission was allowed at appeal, on 08 January 2015, under ref: APP/P3610/A/14/2226068. The main issue, as detailed within the Planning Inspectorate's Report, was the effect of the development on parking in Ormonde Avenue and Hollymoor Lane, having specific regard to traffic, living conditions and pedestrian safety.
- 9.37 At paragraph 5 and 6 of the Planning Inspectorate's Report, the appeal Site was considered seldom used and the loss of the garages and parking area was not considered to exacerbate or worsen any existing parking problems in the area, particularly given the provision for three additional parking spaces for residents to use within the scheme. Two spaces would be provided for each dwelling, which accorded with Local Planning Policy. Accordingly, the Planning Inspectorate confirmed that the proposal would not lead to increased parking pressure or traffic problems in Ormonde Avenue or Hollymoor Lane and would not harm the living conditions of surrounding residents.
- 9.38 It is accepted that there is a change in circumstances at the Site since the determination of the former Planning Application, as the former garage block has since been removed. However, the Appeal decision is considered a material consideration in the determination of this planning application.
- 9.39 This application seeks the provision of six car parking spaces, which exceeds the requirements as set out in the "Parking Standards for Residential Development Supplementary Planning Document" (2015). It also seeks cycle storage in the rear gardens of the proposed properties.
- 9.40 A Transport Report, dated March 2019, accompanies this application. Table 4.1 (Area Stress Level) sets out that the open parking area is not used at capacity and that nearby streets (Ormonde Avenue, Hollymoor Lane and Olando Gardens) are not used at full capacity. In turn, the Site's redevelopment is not considered to cause additional parking pressures in the local area, particularly given that an overprovision of car parking spaces is proposed for each dwelling.
- 9.41 Surrey County Council (Highways) formally commented on the Planning Application. It has no objection to the proposal, but recommends Planning Conditions, subject to the grant of Planning Permission.

- 9.42 In summary, the proposal seeks to provide six car parking spaces, exceeding Local Planning Policy standards. Additionally, it seeks to provide cycle storage, encouraging sustainable means of travel, which is encouraged by both National and Local Planning Policy. Surrey County Council (Highways) does not object to the proposal and the accompanying Transport Report illustrates that the proposal will not cause additional parking pressures in the local area.
- 9.43 The proposal is considered to comply with Policy CS16, DM36 and DM37.

Trees and Landscaping

- 9.44 Chapter 15 of the NPPF concerns the conservation and enhancement of the natural environment. 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. 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.
- 9.45 Policy DM5 (Trees and Landscape) of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features shall be protected and enhanced.
- 9.46 The Site comprises hardstanding, used for informal car parking. The proposal seeks to provide soft landscaping to the South of the Site, alongside 36 Ormonde Avenue, as well as to the front of Plots 1 and 2 and across the Northern boundary of the Site. This is illustrated on drawing PLO3 – Proposed Site Plan, Ground Floor Plan, First Floor Plan & Roof Plan for Planning Submission – Mar 2019.
- 9.47 To ensure the delivery of appropriate landscaping and tree provision, a Planning Condition is proposed, should Planning Permission be granted. In line with this, the proposal is considered to comply with Policy DM5.

Ecology

- 9.48 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 175 of the NPPF sets out that development whose primary objective is to conserve or enhance biodiversity should be supported, while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

- 9.49 Policy CS3 (Biodiversity and Nature Conservation Areas) sets out that development that is detrimental to the Borough's biodiversity will be minimised, and where it does take place, adequate mitigating measures should be provided. Wherever possible, new development should contribute positively towards the Borough's biodiversity.
- 9.50 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 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.
- 9.51 The Site currently comprises hardstanding, which is informally used for car parking. It does not comprise any buildings, or structures, since the former garages have been demolished. The accompanying Planning Statement sets out that the Site is currently of low ecological value, however the installation of bat and bird boxes, would result in a net gain in biodiversity at the Site. The Local Planning Authority's Ecologist formally commented on the Application and recommends a Planning Condition, subject to Planning Permission being granted, for the installation to bat and bird boxes.
- 9.52 The proposal is considered to comply with Policies CS3 and DM4.

Flood Risk and Drainage

- 9.53 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.
- 9.54 The Site is within Zone 1 (Low Probability of Flooding). However, it is partly within the Epsom & Ewell Critical Drainage Area (EECDA). This is identified in the 2018 SFRA.
- 9.55 Policy DM19 sets out that development sites at medium or high risk from other sources of flooding as identified by the Borough Council's SFRA, will not be supported unless for all sources of risk, it can be demonstrated through a site Flood Risk Assessment that the proposal would, where practical, reduce risk both to and from the development or at least be risk neutral.

- 9.56 Surrey County Council (Local Lead Flood Authority) has considered the application and recommend Planning Conditions, should Planning Permission be granted.
- 9.57 Subject to securing Planning Conditions, the proposal is considered to comply with Policy DM19.

Sustainability

- 9.58 At Chapter 2, the NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three objectives to sustainable development: economic, social and environmental.
- 9.59 Policy CS6 (Sustainability in New Developments) 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.
- 9.60 The accompanying Planning Statement sets out that the proposed dwellings would be constructed to a high standard, with the benefit of current lifetime living Regulations incorporated within their design. The scheme also includes appropriate levels of off-street car parking, cycle parking and waste storage. This in turn contributes to a sustainable scheme.
- 9.61 In summary, the scheme is considered to incorporate sustainable principles and accords with Policy CS6.

Community Infrastructure Levy

- 9.62 Affordable Housing is CIL chargeable development, but it is exempt from paying.

10 Conclusion

- 10.1 The scheme proposes a terrace of three dwellings, with associated parking, on a Site that currently comprises hardstanding. As the applicant is a registered social landlord, their intention is for the dwellings to be provided as affordable dwellings for rent, as part of their housing estate.
- 10.2 The principle of residential development at this Site is considered acceptable. The Site is designated as a 'Built Up Area', and is located within an established residential area. Furthermore, it benefits from an expired Planning Permission, allowing for two terraced dwellings.
- 10.3 The proposed dwellings have been carefully designed to assimilate with the existing residential properties at Ormonde Avenue. The dwellings are of an acceptable height and massing and comprise good quality design.

10.4 The proposal seeks the provision of six car parking spaces, which exceeds Local Planning Policy standards. Additionally, cycle storage provision is sought, encouraging sustainable means of travel. Surrey County Council (Highways) does not object to the proposal and the accompanying Transport Report illustrates that the proposal will not cause additional parking pressures in the local area.

10.5 Officers recommend the Planning Application for approval.

Conditions:

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

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

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

EX01 – Existing Location Plan and Block Plan for Planning Submission – dated Mar 2019

EX02 – Existing Site Survey Plan for Planning Submission – dated Mar 2019

EX03 – Existing Site Sections & Elevations for Planning Submission – dated Mar 2019

PL01 – Proposed Location Plan and Block Plan for Planning Submission – dated Mar 2019

PL02 – Proposed Site Plan With Vehicle Tracking, Previous Planning Scheme & Dimensions for Planning Submission – dated Mar 2019

PL03 – Proposed Site Plan, Ground Floor Plan, First Floor Plan & Roof Plan for Planning Submission – dated Mar 2019

PL04 – Proposed Elevations for Planning Submission – dated Mar 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) **The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form and the following drawings:**

PL01 – Proposed Location Plan and Block Plan for Planning Submission – dated Mar 2019

PL02 – Proposed Site Plan With Vehicle Tracking, Previous Planning Scheme & Dimensions for Planning Submission – dated Mar 2019

PL03 – Proposed Site Plan, Ground Floor Plan, First Floor Plan & Roof Plan for Planning Submission – dated Mar 2019

PL04 – Proposed Elevations for Planning Submission – dated Mar 2019

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

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

- (5) Full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, shall be submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.**

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

- (6) 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 a minimum of 6 vehicles to be parked. Thereafter the parking 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 and DM 37 Parking

Standards of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (7) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for cycles to be securely stored. Thereafter the storage 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 and DM 37 Parking Standards of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (8) The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

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 36 Sustainable Transport for New Development of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (9) Bat, swift and bird boxes are to be installed on the 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.

- (10) 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 final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate agreed with the LLFA and LPA.
- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- d) 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.
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- f) 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.

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 and to comply with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (11) 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 and to comply with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (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:

(i) a desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including hydrocarbons) and contaminants (including asbestos) 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

(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.

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

- (13) Prior to any occupation of the site, the approved remediation scheme prepared under Condition 12 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, Policy DM17 of Development Management Policies 2015.

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

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)** 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).
- (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.
- (5)** 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.

To: All Members of the Planning Committee

Dear Councillor

PLANNING COMMITTEE - THURSDAY, 25TH JULY, 2019

Please find attached an update report for the meeting of the Planning Committee to be held on Thursday, 25th July, 2019. This was not included in the original Agenda pack published previously.

1. **UPDATE REPORT** (Pages 3 - 18)

Updated material for the following reports:

- Langley Vale Memorial Woodland Site, Headley Road, Langley Vale – 17/01450/FUL
- Land at Mill Road, Epsom – 19/00500/REM
- Langley Bottom Farm, Langley Vale Road, Epsom KT18 6AP – 19/00377/S106A
- Development site at garages, Ormonde Avenue, Epsom – 19/00355/FUL

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

Yours sincerely



Chief Executive

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PLANNING COMMITTEE 25 July 2019

ITEM 03 – Langley Vale Memorial Woodland Site, Headley Road, Langley Vale

Chapter 8 Planning Policy
National Planning Policy Framework (2019)

Paragraph 9.19

The proposed hard surface paths facilitate outdoor sport and recreation, meeting the exception of point 'B' of Paragraph 145 of the NPPF. Furthermore, in line with Local Planning Policy, paths perform an important green infrastructure role and make a valued contribution to the Borough's distinctive visual character and appearance. Therefore, the proposed hard surfaced paths are considered acceptable.

Conditions:

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

Langley_001A – Layout Plan – dated 24.06.2019
Langley_002A – Layout Plan and LPA Boundaries- dated 25.06.2019
Langley_004A – Parameter Plan - dated 24.06.2019
Langley_013B – Indicative Master Plan - dated 24.06.2019
EIA-001A – Site Layout Overall Proposed – dated 08.07.2019
EIA-003A – Indicative Planting Layout – dated 08.07.2019
EIA-013A – Indicative Locations of Temporary Spoil/Compound Areas – dated 08.07.2019
SJA TPP 15163-03.0 Rev E – Tree Protection Plan – dated Mar 2017
SJA TPP 15163-03.1 Rev E – Tree Protection Plan – dated Mar 2017
SJA TPP 15163-03.2 Rev E – Tree Protection Plan – dated Mar 2017
SJA TPP 15163-03.3 Rev E – Tree Protection Plan – dated Mar 2017
SJA TPP 15163-03.4 Rev E – Tree Protection Plan – dated Mar 2017
EIA-002 – Proposed Car Park Barrier & Site Signage Layout- dated 24.03.2015
EIA-004 – Proposed Car Park Cross-Sections – dated 18.06.2015
EIA-005 – Typical Construction Details – dated 18.06.2015
EIA-006 – Off Site Signage Routes – dated 18.06.2014
EIA-007 – Proposed Materials and Surfacing Layout – dated 23.06.2017
SK15 - Proposed site access and visibility splays – dated 07.12.2018
EIA-009 – Typical Fencing and Gate Details – dated 16.03.2017
EIA-010 – Typical Woodland Paths Cross-Sections – dated 16.03.2017
EIA-011 – Traffic Routing Development Forecast Traffic Flows Sunday Peak Hour – dated 28.03.2017
EIA-012 – Construction Vehicle Routes To and From Site – dated 12.04.2017
Langley_005 – Topographical Survey and paths - dated 21.02.2017
Langley_008 – Fencing and hedging on multi-user paths - dated 08.05.2017
Langley_009 – Paths spec map - dated 17.08.2017
Langley_010 – Ancient Woodland – dated 01.03.2017

Langley_012 – Location Plan – dated 03.03.2017

Langley_014 Rev 002 – Langley Vale Commemorative Feature - dated 14.08.2018

Langley_015 Rev 002 – Langley Vale Commemorative Feature – dated 14.08.2017

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

- (5) Prior to the commencement of development, a Construction Method Statement for the hard surface paths construction must be submitted to and approved by the Local Planning Authority, to avoid any adverse impact on arable plants. **The development shall be undertaken in accordance with the Construction Method Statement as approved**

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.

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

a) A design that satisfies the SuDS Hierarchy and that is compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS.

b) The results of infiltration testing completed in accordance with BRE:365.

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

d) Details of Management and Maintenance regimes and responsibilities

The development shall be undertaken in accordance with the surface water drainage scheme as approved.

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 with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (8) A 20m buffer zone shall be maintained between any construction activity (including building materials, vehicles and workers) and the badger sett entrances. The applicant shall ensure that commuting routes and access to other badger setts and foraging grounds are not

obstructed. Any deep excavation left overnight shall be provided with a ramped means of escape and stockpiles of soft materials shall be covered overnight to prevent badgers excavating new setts.

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.

- (9) The development hereby permitted shall not commence until details of the nature conservation, mitigation strategy, compensation and enhancement actions specific to the development within the Borough of Epsom and Ewell Borough Council has been submitted to and approved in writing by the Local Planning Authority. **The development shall be undertaken in accordance with the nature conservation strategy as approved.**

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.

Add Informative:

- (2) 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.

ITEM 04 – Land at Mill Road, Epsom – 19/00500/REM

Chapter 8 Planning Policy
National Policy Planning Framework (NPPF) **2019**

The Published proposed conditions for this application were incorrect due to an administrative error. The following schedule of conditions includes the proposed new wording for conditions numbers 2 and 4. All of the other conditions are those originally imposed in planning application 18/00271/FUL and as such are not for consideration or amendment as part of this decision.

Condition(s):

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of the original permission (23.04.2019).

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

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

PL04 Proposed Block Plan

PL05 Proposed Site Plan

PL30 Unit A Proposed GA Plans Sheet 1 of 2 rev G

PL31 Unit A Proposed GA Plans Sheet 2 of 2 rev H

PL32 Unit A Proposed GA Elevations Sheet 1 of 2 rev G

PL33 Unit A Proposed GA Elevations Sheet 2 of 2 rev G

PL40 Unit B & B1 Proposed GA Plans rev F

PL41 Unit B & B1 Proposed GA Elevations rev G

PL60 Unit C Proposed GA Plans rev E

PL61 Unit C Proposed GA Elevations Sheet 1 of 2 rev G

PL62 Unit C Proposed GA Elevations Sheet 2 of 2 rev F

PL70 Unit D Proposed GA Plans rev D

PL71 Unit D Proposed GA Elevations rev E

PL80 Unit E Proposed GA Plans and Elevations rev F

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

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

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

- (4)** Before any occupation of the development hereby permitted, the windows on the North East elevations of Block B shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing of a patterned type only which shall

thereafter be retained as such. Obscure glazed windows should be obscured to minimum of level 3 of the Pilkington Scale. The use of any type of film or material affixed to clear glass is not acceptable for the purposes of this Condition.

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

- (5) No site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown on the ARBORICULTURAL IMPACT ASSESSMENT & METHOD STATEMENT dated April 2015 have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

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

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

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

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

shall be erected in accordance with the approved details and the badger gates/openings shall be retained, free of obstruction, thereafter.

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

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

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

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

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

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

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

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

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

- (12)** The development hereby approved shall not be first occupied unless and until a minimum of 20% of the available parking spaces for each of the units lettered A, B, B1 and C and each of the units letter D and E are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

Only the approved details shall be implemented during the construction of the development.

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

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

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

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

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

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

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

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

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

- (20)** The development hereby permitted shall be constructed entirely in accordance with the approved Drainage Layout Plan (Drg MR-DL-100 Rev F - Drainage Layout Plan). Then prior to the first occupation of the development hereby approved, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the local planning authority to demonstrate that the Sustainable Drainage System has been constructed as per the agreed scheme. The Sustainable Drainage System shall be managed and maintained in accordance with the agreed details supplied within the Maintenance Document and Maintenance Schedule

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

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

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

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

development hereby approved or until the grant of planning permission explicitly states otherwise.

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

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

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

- (24)** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

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

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

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

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

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

- (27) A site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including volatile hydrocarbons) and contaminants with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the local planning authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority. If ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site and verification report shall incorporate the approved additional measures.

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

Informative(s):

- (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 preapplication advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
- (2) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of

escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

- (3) Your attention is drawn to the fact that planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.
- (4) Your attention is drawn to the fact that this planning permission is liable for Community Infrastructure Levy payments (CIL).
- (5) The travel statement shall include details of how to travel between the site and public transport including bus and rail services and details of a range of employment, education, retail and leisure land uses with 2 km walking distance of the site and 5 km cycling distance from the site.
- (6) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
- (7) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
- (8) The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.
- (9) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from

uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

- (10) You have been granted planning permission to build the proposed development of 31 residential units with associated landscaping, parking and external works. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.

ITEM 05 – Langley Bottom Farm, Langley Vale Road, Epsom, KT18 6AP

Add "Schedule of Agricultural Dwellings" drawing.

ITEM 06 – Development Site at Garages, Ormonde Avenue, Epsom

Chapter 8 Planning Policy

National Policy Planning Framework (NPPF) 2019

Core Strategy (2007)

Development Management Policies Document (2015)

Paragraph 2.6

Officers recommend the Application for approval.

Paragraph 3.3

Immediately to the North of the Site is a pedestrian and cycle way, with a landscape bund beyond, to the East of the Site are the rear gardens of Cremorne Gardens and to the South of the Site is a footpath, with 36 Ormonde Avenue located to the South of this, which is a two-storey semi-detached property. To the West of the Site is 36a and 36b Ormonde Avenue, which are semi-detached properties, which are two-storeys in height.

Paragraph 9.14

Immediately to the North of the Site is a pedestrian and cycle way, with a landscape bund beyond. To the East of the Site is the rear gardens of 19-21 Cremorne Gardens. These properties are semi-detached and two-storeys in height. To the South of the Site is a footpath, with 36 Ormonde Avenue located to the South of this. 36 Ormonde Avenue is two-storeys in height and semi-detached. To the West of the Site is 36a and 36b Ormonde Avenue, which are also two-storeys in height and semi-detached.

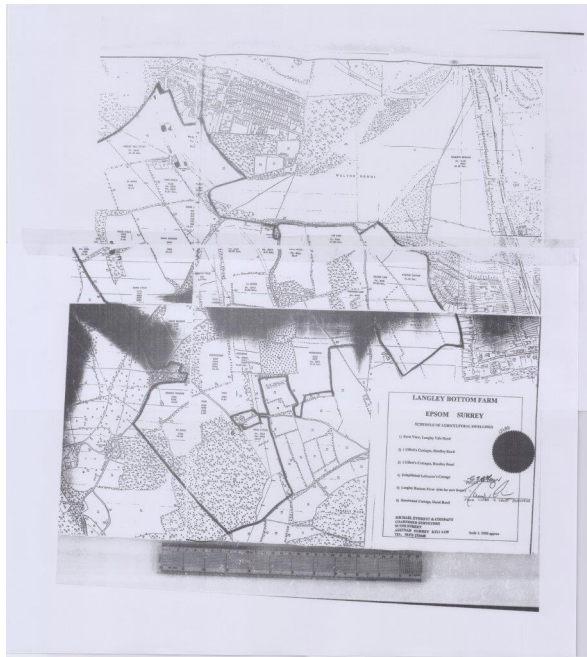
Paragraph 9.62

This development is CIL liable. If the purpose of it is for social housing then relief can be applied and granted.

Add Informative:

- (6) 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.



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Minutes of the Meeting of the PLANNING COMMITTEE held on 25 July 2019

PRESENT -

Councillor Clive Woodbridge (Chair); ; Councillors Nigel Collin, Lucie Dallen, Neil Dallen, Hannah Dalton (as nominated substitute for Councillor Peter O'Donovan), Previn Jagutpal, Colin Keane, Jan Mason, Steven McCormick, Debbie Monksfield, David Reeve, Humphrey Reynolds and Clive Smitheram (as nominated substitute for Councillor Monica Coleman)

Absent: Councillor Monica Coleman and Councillor Peter O'Donovan

Officers present: Amardip Healy (Chief Legal Officer), Ruth Ormella (Head of Planning), Tom Bagshaw (Planner), Martin Holley (Planning Development Manager), Virginia Johnson (Planner), Steven Lewis (Planning Development Manager) and Sandra Dessent (Committee Administrator)

19 APPOINTMENT OF VICE-CHAIR

In the absence of the Vice-Chair Councillor Monica Coleman, with the agreement of the Committee, Councillor Humphrey Reynolds was elected as Vice-Chair.

20 DECLARATIONS OF INTEREST

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

21 MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting of the Planning Committee held on 27 June 2019 were agreed as a true record and signed by the Chairman.

Regarding the Minutes of the meeting of the Planning Committee held on 30 May 2019, it was agreed to amend condition 7 of Minute 9 to read as follows:

*'The site shall not be permitted to be open between the hours of **02.00 and 08.00** Monday to Sunday and Bank Holidays'.*

It was noted that the decision notice had been issued correctly as above.

22 LANGLEY VALE MEMORIAL WOODLAND SITE, HEADLEY ROAD, LANGLEY VALE - 17/01450/FUL

Description

Joint application for the creation of a permanent car park, overflow car park, cycle parking, new access to Headley Road, gates, height restrictor, ticket machine, CCTV, hard surfaced paths, multi-user paths and memorial area, including sculptures and associated infrastructure in relation to Langley Vale Wood - Centenary Woodland for England.

Decision

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

Conditions:

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

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

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

Langley_001A – Layout Plan – dated 24.06.2019

Langley_002A – Layout Plan and LPA Boundaries- dated 25.06.2019

Langley_004A – Parameter Plan - dated 24.06.2019

Langley_013B – Indicative Master Plan - dated 24.06.2019

EIA-001A – Site Layout Overall Proposed – dated 08.07.2019

EIA-003A – Indicative Planting Layout – dated 08.07.2019

EIA-013A – Indicative Locations of Temporary Spoil/Compound Areas – dated 08.07.2019

SJA TPP 15163-03.0 Rev E – Tree Protection Plan – dated Mar 2017

SJA TPP 15163-03.1 Rev E – Tree Protection Plan – dated Mar 2017

SJA TPP 15163-03.2 Rev E – Tree Protection Plan – dated Mar 2017

SJA TPP 15163-03.3 Rev E – Tree Protection Plan – dated Mar 2017

SJA TPP 15163-03.4 Rev E – Tree Protection Plan – dated Mar 2017

EIA-002 – Proposed Car Park Barrier & Site Signage Layout- dated 24.03.2015

EIA-004 – Proposed Car Park Cross-Sections – dated 18.06.2015

EIA-005 – Typical Construction Details – dated 18.06.2015

EIA-006 – Off Site Signage Routes – dated 18.06.2014

EIA-007 – Proposed Materials and Surfacing Layout – dated 23.06.2017

SK15 - Proposed site access and visibility splays – dated 07.12.2018

EIA-009 – Typical Fencing and Gate Details – dated 16.03.2017

EIA-010 – Typical Woodland Paths Cross-Sections – dated 16.03.2017

EIA-011 – Traffic Routing Development Forecast Traffic Flows Sunday Peak Hour – dated 28.03.2017

EIA-012 – Construction Vehicle Routes To and From Site – dated 12.04.2017

Langley_005 – Topographical Survey and paths - dated 21.02.2017

Langley_008 – Fencing and hedging on multi-user paths - dated 08.05.2017

Langley_009 – Paths spec map - dated 17.08.2017

Langley_010 – Ancient Woodland – dated 01.03.2017

Langley_012 – Location Plan – dated 03.03.2017

Langley_014 Rev 002 – Langley Vale Commemorative Feature - dated 14.08.2018

Langley_015 Rev 002 – Langley Vale Commemorative Feature – dated 14.08.2017

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

- (3) The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form and the details shown on Drawings:**

EIA-007 – Proposed Materials and Surfacing Layout – dated 23.06.2017

Langley_014 Rev 002 – Langley Vale Commemorative Feature - dated 14.08.2018

Langley_015 Rev 002 – Langley Vale Commemorative Feature – dated 14.08.2017

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

- (4) No development shall commence until a Construction Transport Management Plan, to include details of:**
- (a) parking for vehicles of site personnel, operatives and visitors**
 - (b) loading and unloading of plant and materials**
 - (c) storage of plant and materials**
 - (d) programme of works (including measures for traffic management)**
 - (e) provision of boundary hoarding behind any visibility zones**
 - (f) HGV deliveries and hours of operation**
 - (g) vehicle routing, avoiding Farm Lane, Park Lane and Headley Road to the south**
 - (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 by construction vehicles accessing the site**
 - (j) no construction movements (including HGVs) to or from the site shall take place between the hours of 8.00 and 9.00 am and 3.00 and 4.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Headley Road, Downs Road, Langley Vale Road, Farm Lane and Park Lane during these times**
 - (k) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.**

Reason: To ensure that the development does not prejudice 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.

- (5) Prior to the commencement of development, a Construction Method Statement for the hard surface paths construction must be**

submitted to and approved by the Local Planning Authority, to avoid any adverse impact on arable plants. The development shall be undertaken in accordance with the Construction Method Statement as approved.

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.

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

a) A design that satisfies the SuDS Hierarchy and that is compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS.

b) The results of infiltration testing completed in accordance with BRE:365.

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

d) Details of Management and Maintenance regimes and responsibilities

The development shall be undertaken in accordance with the surface water drainage scheme as approved.

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 CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (7) Prior to the commencement of development, a survey of the Site by an appropriately qualified ecologist shall be undertaken to check for any new signs of badger sett construction on Site in the vicinity of the proposed paths and memorial area, the scope of which shall be agreed with the Local Planning Authority in advance. If any changes in badger activity is detected, such as a new sett construction, a suitable course of action shall be submitted to and approved by the Local Planning Authority.

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.

- (8) A 20m buffer zone shall be maintained between any construction activity (including building materials, vehicles and workers) and the badger sett entrances. The applicant shall ensure that commuting routes and access to other badger setts and foraging grounds are not obstructed. Any deep excavation left overnight shall be provided with a ramped means of escape and stockpiles of soft materials shall be covered overnight to prevent badgers excavating new setts.

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.

- (9) The development hereby permitted shall not commence until details of the nature conservation, mitigation strategy, compensation and enhancement actions specific to the development within the Borough of Epsom and Ewell Borough Council has been submitted to and approved in writing by the Local Planning Authority. This shall include a post-construction monitoring schedule for the identified badger setts. The development shall be undertaken in accordance with the nature conservation strategy as approved.

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

- (10) Notwithstanding the detail of the approved plans, full details of the number, size, design and position of signage, interpretation boards and grove posts to be erected within the site, shall be submitted to and approved in writing by the local planning authority prior to installation.

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

- (11) The development shall be carried out in accordance with the agreed details of the Tree Protection Plans and Methods 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 Plans. 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.

- (12) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.**

Reason: To ensure that any archaeological remains are not damaged in accordance with Policy CS5 of the Core Strategy (2007).

- (13) Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:**

1) A preliminary risk assessment which has identified:

- all previous uses**
- potential contaminants associated with those uses**
- a conceptual model of the site indicating sources, pathways and receptors**
- potentially unacceptable risks arising from contamination at the site.**

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

5) 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.

- (14) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

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

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

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

- (16) Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the

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

Reason: 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.

- (17) 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: 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.

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.
- (2) 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 Saturdays; with no work on Saturday afternoons (after 13.00), 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.

Note: Councillors Hannah Dalton, Debbie Monksfield and Lucie Dallen joined the meeting after the determination of this application had commenced and therefore did not take part in the debate or vote on this item.

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

23 LAND AT MILL ROAD, EPSOM - 19/00500/REM

Description

Variation of Application Number: 18/00271/FUL To undertake minor internal and external design revisions to the consented drawings Condition 2 (Plans) and amend condition 4 (Obscure Glazing) to specify the opaque glazing as now shown on the updated GA plans and elevations.

Decision

Variation of conditions 2 and 4 **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 the original permission (23.04.2019).

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

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

PL04 Proposed Block Plan

PL05 Proposed Site Plan

PL30 Unit A Proposed GA Plans Sheet 1 of 2 rev G

PL31 Unit A Proposed GA Plans Sheet 2 of 2 rev H

PL32 Unit A Proposed GA Elevations Sheet 1 of 2 rev G

PL33 Unit A Proposed GA Elevations Sheet 2 of 2 rev G

PL40 Unit B & B1 Proposed GA Plans rev F

PL41 Unit B & B1 Proposed GA Elevations rev G

PL60 Unit C Proposed GA Plans rev E

PL61 Unit C Proposed GA Elevations Sheet 1 of 2 rev G

PL62 Unit C Proposed GA Elevations Sheet 2 of 2 rev F

PL70 Unit D Proposed GA Plans rev D

PL71 Unit D Proposed GA Elevations rev E

PL80 Unit E Proposed GA Plans and Elevations rev F

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

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

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

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

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

- (5) **No site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown on the ARBORICULTURAL IMPACT ASSESSMENT & METHOD STATEMENT dated April 2015 have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil**

levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

a) the parking of vehicles of site personal, operatives and visitors;

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

Only the approved details shall be implemented during the construction of the development.

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

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

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

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

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

- (18) The development hereby approved shall be constructed in accordance with the sustainable construction techniques outlined in**

the Design and Access Statement, unless otherwise agreed in writing with the local planning authority.

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

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

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

- (20) The development hereby permitted shall be constructed entirely in accordance with the approved Drainage Layout Plan (Drg MR-DL-100 Rev F - Drainage Layout Plan). Then prior to the first occupation of the development hereby approved, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the local planning authority to demonstrate that the Sustainable Drainage System has been constructed as per the agreed scheme. The Sustainable Drainage System shall be managed and maintained in accordance with the agreed details supplied within the Maintenance Document and Maintenance Schedule**

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

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

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

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

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

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

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

- (24) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.**

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

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

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

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

Reason: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue.

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

- (27) A site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including volatile hydrocarbons) and contaminants with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the local planning authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority. If ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site and verification report shall incorporate the approved additional measures.**

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

Informatives:

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

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

- (3) Your attention is drawn to the fact that planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.
- (4) Your attention is drawn to the fact that this planning permission is liable for Community Infrastructure Levy payments (CIL).
- (5) The travel statement shall include details of how to travel between the site and public transport including bus and rail services and details of a range of employment, education, retail and leisure land uses with 2 km walking distance of the site and 5 km cycling distance from the site.
- (6) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
- (7) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
- (8) The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/> the-traffic-management -permit-scheme. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.

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

24 LANGLEY BOTTOM FARM, LANGLEY VALE ROAD, EPSOM KT18 6AP - 19/00377/S106A

Description

Application to discharge a S106 Agreement, relating to properties at Langley Bottom Farm (ref: EPS/94/0732)

Decision

Application to discharge S106 Agreement is **REFUSED** for the following reason:

- (1) The formal request to discharge the Section 106 Agreement, relating to Application ref: EPS/94/0732, is not accepted in the absence of a clear understanding as to why the agricultural occupancy Obligation is proposed to be discharged and in the absence of robust and reasonable information to demonstrate why this should be removed".

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

25 DEVELOPMENT SITE AT GARAGES, ORMONDE AVENUE, EPSOM, SURREY - 19/00355/FUL

Description

Erection of three no. two-bedroom dwellings

Decision

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

Part A

Subject to a S106 agreement being completed and signed by 25 October 2019, to secure affordable rent for three dwellings as set out in the report, the Committee authorise the Head of Planning to grant planning permission, subject to conditions below.

Part B

In the event that the section 106 Agreement referred to in Part A is not completed by 25 October 2019, the Head of Planning be authorised to refer the application back to the Planning Committee for determination.

Conditions:

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

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

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

EX01 – Existing Location Plan and Block Plan for Planning Submission – dated Mar 2019

EX02 – Existing Site Survey Plan for Planning Submission – dated Mar 2019

EX03 – Existing Site Sections & Elevations for Planning Submission – dated Mar 2019

PL01 – Proposed Location Plan and Block Plan for Planning Submission – dated Mar 2019

PL02 – Proposed Site Plan With Vehicle Tracking, Previous Planning Scheme & Dimensions for Planning Submission – dated Mar 2019

PL03 – Proposed Site Plan, Ground Floor Plan, First Floor Plan & Roof Plan for Planning Submission – dated Mar 2019

PL04 – Proposed Elevations for Planning Submission – dated Mar 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) The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form and the following drawings:**

PL01 – Proposed Location Plan and Block Plan for Planning Submission – dated Mar 2019

PL02 – Proposed Site Plan With Vehicle Tracking, Previous Planning Scheme & Dimensions for Planning Submission – dated Mar 2019

PL03 – Proposed Site Plan, Ground Floor Plan, First Floor Plan & Roof Plan for Planning Submission – dated Mar 2019

PL04 – Proposed Elevations for Planning Submission – dated Mar 2019

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

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

- (5) Full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, shall be submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.**

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

- (6) The development hereby approved shall not be first occupied unless and until details of demarcation, allocation, signage and hardstanding for the new parking spaces have been submitted to and approved by the local planning authority. The parking spaces shall thereafter be laid out within the site in accordance with the approved plans for a minimum of 6 vehicles to be parked and thereafter retained and maintained for their designated parking purpose. The parking spaces are to be used by residents of the development hereby approved only.

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 37 Parking Standards of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (7) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for cycles to be securely stored. Thereafter the storage 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 and DM 37 Parking Standards of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (8) The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

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 36 Sustainable Transport for New Development of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (9) Bat, swift and bird boxes are to be installed on the 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.

- (10) 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 final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate agreed with the LLFA and LPA.

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

d) 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.

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

f) 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.

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 and to comply with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (11) 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 and to comply with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (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:

(i) a desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including hydrocarbons) and contaminants (including asbestos) 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

(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.

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

- (13) Prior to any occupation of the site, the approved remediation scheme prepared under Condition 12 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 ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, Policy DM17 of Development Management Policies 2015.

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

- (15) 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.

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) 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).**
- (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.**
- (5) 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 verbal representations from an objector and the agent for the applicant. Letters of representation had been published on the Council's

website and were available to the public and members of the Committee in advance of the meeting.

26 MONTHLY REPORT ON PLANNING APPEAL DECISIONS

Two appeal decisions from the period 29 April to 12 July were noted.

The meeting began at 7.00 pm and ended at 9.05 pm

COUNCILLOR CLIVE WOODBRIDGE (CHAIR)

EMAIL ONLY

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30 September 2019

Dear Ginny

19/00355/FUL - Development Site At Garages, Ormonde Avenue

I refer to the above application currently pending determination with the Local Planning Authority.

At the Local Authority's Planning Committee meeting held 25th July 2019 it was resolved to approve the application subject to a S106 agreement to secure affordable rent for the three dwellings proposed.

Whilst the application was submitted on the basis of the dwellings being provided as affordable houses for rent and it is still the applicant's intention to deliver the units as affordable units for rent, signing such an agreement is highly likely to prevent the applicant's from securing grant funding from Homes England for the project and thus will severely jeopardise its delivery.

The applicants are a committed Housing Association that want to deliver as many affordable homes as possible. The only way they can do this is by maximising the value of their housing stock in order to be able to secure grant funding.

Classifying the dwellings as affordable units would significantly reduce their value, and thus would reduce the amount of grant funding the Housing Association would be able to secure for the project.

Insistence on them signing this legal agreement could therefore actually block the delivery of this scheme. It would also likely have consequential impacts on the delivery of further affordable housing schemes.

In addition to the financial implications the Section 106 will have on the applicant's grant funding I would also question the necessity of the legal agreement.

As you will aware the application was submitted under the description: "*Erection of three no. two bedroom dwellings*". There is no reference in the description to the dwellings being delivered as affordable units, despite the fact this is the intention and the supporting information confirmed such.

Whilst the Planning Committee's intentions are understood Regulation 122 of the Community Infrastructure Level Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

The Local Authority's resolution to approve the application (subject to the S106) is clearly an acceptance that the proposals are acceptable in all other respects.

The Council's policy in relation to the delivery of affordable housing (CS9) only requires affordable housing to be secured on schemes proposing five or more dwellings. As the application is only seeking the erection of three units, clearly there is no policy requirement for the dwellings to be delivered as affordable units. I would therefore suggest that the S106 would fail on grounds of necessity.

Furthermore, officers made it clear to the Members of the committee that if the application had been submitted on the basis that the proposed dwellings were open market dwellings as opposed to affordable units, their recommendation would still have been for approval as the scheme was deemed to comply with the Development Plan.

When considering the previous application at this site, which granted consent for the "*demolition of existing garages 1-9, erection of 1no. 3 bed 5 person and 1no. 2 bed 4 person dwellings with associated parking, replacement parking and hard and soft landscaping.*" the appeal inspector at paragraph 8 of his decision letter¹ notes:

"The Council's committee report states that a legal agreement would be necessary to secure the proposed dwellings as affordable housing. However no reasons have been given for this and no further evidence has been submitted on this matter. I have therefore given it little weight in my consideration."

Despite the fact the appeal submissions clearly stated that the two dwellings proposed were intended to be provided as affordable housing units by the appellants, the Inspector did not consider a S106 Agreement to be necessary.

The Council has also recently approved two similar schemes, submitted by the applicants at Rosebank (19/00062/FUL) and Maritime Court (19/00301/FUL). Both applications were submitted on the basis that the houses to be delivered are to be affordable units, however neither approval was subject to a S106 Agreement.

Clearly similar schemes have been deemed to be wholly acceptable without the need for a legal agreement and it is therefore requested that the need for the S106 Agreement be reconsidered.

Yours sincerely



Sarah Sheath BSc (Hons) DipTP RTPi
Senior Planner

¹ APP/P3610/A/14/2226068

The Lodge, West Street, KT17 1XU

Demolition of existing detached house and construction of Two houses and Four flats.

Ward:	Ewell 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 subdivision of existing site and erection of new build 4 flats and two dwellings houses. The proposed development would have direct access onto West Street, Ewell. The properties amenity space would be located at the rear of the properties utilising a mixture of garden space and balconies.
- 2.2 The site is bounded by a the Gibraltar Recreation Ground to the north west, and the site adjacent which is known land adjacent to The Lodge, West Street, Ewell.
- 2.3 The proposal will form part of a wider streetscene incorporating the approved development 19/00015/FUL so as to form a full row of 5 new dwelling houses and 4 flats. All the properties would be of a high standard contemporary design and the proposal would contribute to the creation of high quality streetscene that would contribute to the architectural merit within the conservation area.
- 2.4 The proposed development would have 2 on-site parking spaces and the remaining parking demand of 6 spaces would be accommodated using on street parking. Surrey County Council Highways have reviewed this arrangement and confirmed that they have no objection on highway safety or capacity.
- 2.5 The proposed development is a contemporary design which would be complementary to the traditional character of the surrounding area. The proposal would be slightly more bulky than the previous approval, however any additional harm that can be contributed is considered to be less than significant harm and is positively balanced against the delivery of additional housing.

- 2.6 The proposed development would result in an increase in 5 dwellings on the site and is considered to be maximising the potential of this site. The less than significant harm in this case is considered to be outweighed by the benefits of additional housing given the Boroughs lack of a 5 year housing land supply.

3 Site description

- 3.1 The application property occupies a plot on the North side of West Street in Ewell. The site is a standalone dwelling located within a built up area.
- 3.2 The existing property is a two storey property named Gibraltar Lodge, it is not listed and is located within the Ewell Village Conservation Area. The property is a single dwelling house and is thought to be a former grounds keeper lodge serving Gibraltar recreation ground.
- 3.3 The entrance is gated and with two brick pier gate posts. The building is a post war detached dwelling and is of limited architectural interest. The site would be accessed from the existing point of access with an additional exit being created opening onto West Street to form an in/out arrangement.
- 3.4 The site is adjacent to a vacant plot of land situated on the northern side of West Street, Ewell. This plot of land benefits from planning permission for 3 dwellings granted under ref 19/00015/FUL. The adjacent site is located to the east of The Lodge and to the south of the Gibraltar Recreation Ground. Both sites and developments would be visible from Gibraltar Recreation ground and the surrounding properties.
- 3.5 The character of the neighbouring properties is a mixture of terrace, semi-detached and detached houses ranging from single, two to three storeys' The Two storey post war properties nearby the site are a modest size and there are small roughly a metre separation distances between side facing walls of the properties. Some properties benefit from private driveways whilst others utilise on street parking. The existing buildings are constructed using a variety of finishes including render, mock Tudor facades and facing red brickwork.
- 3.6 The character of West Street is verdant, with trees to grass verges, hedges and shrubs to front gardens, the dwelling houses are nestled behind the greenery and step back from the road, enhancing the sense of openness and space of the street.

4 Proposal

- 4.1 The applicant is seeking planning permission for the demolition of the existing detached house and construction of two houses and four flats.
- 4.2 The proposed flats would be 12.45 metres in width; 7.95 metres in depth; 7.5 metres to the eaves; and, 9.6 metres to the roof ridge.

- 4.3 House 1 would be 5 metres in width; 9 metres in depth; 7.5 metres to the eaves; and, 9.6 metres to the roof ridge.
- 4.4 House 2 would be 5 metres in width; 9 metres in depth; 7.5 metres to the eaves; and, 9.6 metres to the roof ridge.
- 4.5 The proposed dwelling would be of a constructed from the same materials and design as the approved plans for the approved development 19/00015/FUL. The maximum height of the dwellings would match that of the approved 3 dwelling houses. The proposed development is proposed to extend the approved plans to form a wider streetscene.
- 4.6 The contemporary design of the buildings would not match the building architecture of other nearby properties. However, the finishes and design are considered to be of a high architectural merit.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 13 neighbouring properties. To date (13.09.2019) 135 letters of objection have been received regarding:
 - Design and character
 - Overlooking
 - Car parking
 - Scale of the development
 - Overdevelopment
 - Impacts upon heritage asset
- 9 letters of support were received regarding
- Housing need
 - Optimising the site
 - Design and character

6 Consultations

- 6.1 Design and Conservation – Comments regarding design – No objections
- 6.2 Highways – No Objections Subject to Conditions
- 6.3 Ecology – No Objections

7 Relevant planning history

Application number	Decision date	Application detail	Decision
06/00972/FUL	18.01.2007	Proposed detached 4 bedroom house with integral garage.	Permit
19/00015/FUL	16.05.2019	Construction of 3 new houses.	Permit

8 Planning Policy

National Planning Policy Framework (NPPF) 2019

Householder Design Guidance 2004

Local Development Framework – Core Strategy 2007

Policy CS01 - General Policy

Policy CS05 - Built Environment

Policy CS06 - Sustainable Development

Policy CS07 - Housing Provision

Policy CS08 - Housing Location

Policy CS16 - Highways

Development Management Policies Document – 2015

Policy DM8 - Heritage Assets

Policy DM9 - Townscape Character and Local Distinctiveness

Policy DM10 - Design Requirements for New Developments

Policy DM11 - Housing Density

Policy DM12 - Housing Standards

Policy DM 37 - Parking Standards

Planning considerations

- 8.1 The Planning system requires that sustainable development and its objectives of economic, social and environmental is pursued in a positive way and at the heart of which is a presumption in favour of sustainable development.

8.2 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.

8.3 The main issues for consideration in relation to this application are as follows:

Principle of development

Design and Character

Conservation Area / Heritage Impact

Transport

Flood risk

Landscaping

Ecology

Quality of Accommodation

Impact on Amenity

Refuse

Sustainability

Community Infrastructure Levy

Principle of development

8.4 When considering both the principle of development upon the site and decision making the National Planning Policy Framework is fundamental. The latest iteration of the framework was republished in February 2019 and is a key consideration in relation to the determination of this application and a material consideration.

8.5 The National Planning Policy Framework 2019 (the Framework) states that the purpose of the planning system is to contribute to the achievement of sustainable development. That is a very positive aim.

8.6 NPPF Paragraphs 7 and 8 states there are three dimensions to sustainable development: economic, social and environmental. The social role of the planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing.

- 8.7 The Economic objective helping to build a strong, responsive economy and ensuring that the right types of sufficient land are available in the right places, and the environmental making efficient and effective use of land to improve the environment.
- 8.8 Development policies that are the most important for determining a specific planning application are regarded as being out of date where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years (Paragraph 11d and footnote 7).
- 8.9 Development proposals that accord with an up-to-date Development Plan should be approved and where a planning application conflicts with an up-to-date Development Plan, permission should not usually be granted (Paragraph 12).
- 8.10 Section 5 of the Framework sets out policies aimed at delivering a sufficient supply of houses and maintaining the supply to a minimum of five years' worth (Paragraph 73).
- 8.11 The Governmental standard method for calculating the objectively assessed housing need identifies a housing requirement for the Borough of 579 new homes each year. In the absence of a five year housing land supply this has been increased to 695 under the housing delivery test as published on 20th February 2019. The Council is presently falling significantly short of this requirement and cannot presently demonstrate five years Housing Land Supply.
- 8.12 Paragraph 11d of the National Planning Policy framework is engaged via footnote 7 in circumstances where Local Planning Authorities cannot demonstrate a 5 year supply. The practical application and consequence of this is that unless the site is located in an area or involves an assets of particular importance that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impacts demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 8.13 Existing policies should not be considered out-of-date simply because they were adopted or made prior to the re-publication of the Framework 2019 and subsequent update in 2019. Due weight should be given to them according to their degree of consistency with the policies of the Framework (Paragraph 213). The Framework is therefore an important material consideration that may over-ride Development Plan policies which were adopted prior to the publication of the Framework and are not consistent with it.
- 8.14 Local Plan policies DM10 and DM13 set out that in-fill dwellings must provide adequate space separation, and maintain the character and appearance of the area, including landscaping, density and layout.

- 8.15 Policy DM11 states that in principle proposals for new housing that make the most efficient use of development sites located within the Borough's existing urban area are supported and that housing proposals must demonstrate how the density of development would contribute towards maintaining and enhancing the visual character and appearance of the wider townscape and not lead to a net loss of biodiversity.
- 8.16 Policy CS7 of the Core Strategy is considered out of date under the terms of the NPPF. The housing target of 188 dwelling per annum was taken from the South East Plan. The South East Plan was revoked in 2012, with housing requirements now determined by local need.
- 8.17 The Core Strategy pre-dates the NPPF and in accordance with para 213 of the Framework, the policies of the core strategy should be given due weight according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). In the case of old housing targets within CS7 no weight should be given.
- 8.18 The proposed C3 use of the site is established by the existing house. This development seeks to subdivide the existing house but retain the same Use Class. Therefore, the principle of this development is acceptable subject to the scheme being acceptable in terms of Design and Character; Quality of Accommodation, Impact on Amenity, Transport, Refuse, and Sustainability.
- 8.19 The site is located within the built area and as such the principle of replacement is considered acceptable subject to the impact of the development with specific regards to issues such as design, heritage, highways and housing.

Design and Character

- 8.20 Local Policy and the NPPF promote 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.
- 8.21 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.
- 8.22 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.
- 8.23 The design of the proposed properties is contemporary in character and is considered to be of a very high architectural standard. The roof heights decrease towards the boundaries of the site which reduce the impact of the maximum height of the property.
- 8.24 As the application site is located within a conservation area a high standard of design and quality is required. The proposed properties contrast to the properties in the surrounding area. However, their high standard of design is considered to positively contribute towards the merit of the conservation area, provide a positive modern element and would be acceptable in this case.
- 8.25 The proposed development would continue the building line of the properties approved in planning permission 19/00015/FUL. It would be of the same style and character helping to contribute towards the contemporary nature of this element of the conservation area and would be of a high architectural value.
- 8.26 The proposed flats would increase the massing of the development over that of the existing approved scheme on the adjacent. This mass would be noticeable however not unacceptable given that its design character and height would be aligned with the character of the properties approved in 19/00015/FUL.
- 8.27 The proposal has retained greenery at the front boundary of the site which helps screen and soften the properties and mitigates for some of the greenery which has been lost by the development.
- 8.28 Epsom and Ewell's Design and Conservation officer has made comment in regard to massing and scale of the proposal, and has not objected to the proposal

Conservation and Heritage

- 8.29 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.
- 8.30 Paragraph 185 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.
- 8.31 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.32 Paragraph 195 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.
- 8.33 Paragraph 196 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.
- 8.34 The second phase of development raises some concerns regarding its impact on the streetscape of this suburban site.
- 8.35 With narrow spacing between the developments, they may take on the appearance of a single block of flats and houses which will be seen in the context of the first phase of the scheme. The varying heights and repeated gables will help to break up this massing and the lack of separation will contrast with the more spacious detached and semi-detached 2 storey houses in the area.
- 8.36 These taller buildings will have a greater impact on the streetscape than the approved 19/00015/FUL development as they are 3 storey houses with gables and would be 2.5m from the verge which is narrower at this side of the site than was present in the first phase. This contrasts with the generous front gardens behind wide pavement to the front of the 2 storey houses opposite (Most of which front onto the street with sloped or hipped roof, further reducing the impact of their height.).
- 8.37 The first phase of the development starts with two 3 storey houses and then reduces to a 2 storey house as the site narrows. This reduced the scale and massing of the development appropriately as the site narrowed.
- 8.38 The second phase of the development now increases back up to 3 storeys and because the flats are all 3 storeys under the 3 successive gables the massing increases at the narrowest part of the site.
- 8.39 The flank wall at the western end of the development overlooks the entrance to the cricket ground and faces into the conservation area. This mainly blank 3 storey elevation would have an imposing and negative impact of some pedestrian level views from the west.
- 8.40 The general design approach to the buildings is a good one as it develops on the character of the approved scheme - all be it in less intensely massed buildings.
- 8.41 The materials of the proposal have changed slightly from the first development e.g. UPVC windows are proposed. In this location they would be unacceptable and as such, the materials would be required as a condition to be discharged.
- 8.42 Overall it is considered that the creation of additional dwellings although built in a greater density than the previous approval in application 19/00015/FUL would result in less than substantial harm.

Conservation and Heritage Conclusion

- 8.43 Paragraph 196 states that where less than substantial harm is identified this should be weighed against the public benefits of the development including achieving it optimum viable use.
- 8.44 The proposed development although more dense than the previous development would fit on the site and meet all internal space standards.
- 8.45 Concerns regarding its character in relation to surrounding properties are mitigated by the fact that its character although not strictly in keeping with other properties is of a high standard and seeks to add to the conservation areas high architectural merit, whilst being unique in its own right and thus is not required to strictly conform to the surrounding character of the properties.
- 8.46 The proposed development would result in an increase from 1 to 6 new dwellings which is a significant increase given the councils need for housing and the lack of provision in the borough.
- 8.47 Overall, given the less than significant harm to the character of the conservation area and the fact that there are significant public benefits in the form of the provision of an additional 5 dwellings the proposed impacts upon the conservation area is considered to be acceptable in this case.

Transport

- 8.48 The proposed development includes 2 parking spaces. The dwelling house would be allocated with 1 spaces each. This does not meet the council's minimum parking standards that sets out that family sized units (3+ bedrooms) should have a minimum of 2 car parking spaces and 1-2 bedroom units should have 1 car parking space. The proposed development would require a total of 8 parking spaces to meet the minimum parking standards.
- 8.49 However, the applicant has provided a transport statement that justifies that the on street car parking can accommodate the additional parking requirements. SCC Highways have not raised any objection to the proposed transport assessment and have recommended conditions and therefore the proposed development is considered to be acceptable in terms of parking provision.
- 8.50 The proposal includes a minimum of 1 bicycle storage spaces per flat and 4 per house which would be in line with Surrey County Council cycle allocation standards of 2 cycle storage spaces per new family sized dwelling.

- 8.51 Concerns regarding deliveries of materials, machinery and how these would access to the property were raised during the consultation process. Details of where vehicles will park during deliveries and the times of day that they can arrive will all be detailed within the construction management plan which will be required a condition to be discharged for this application in order to minimise disturbance and maintain constant access to Gibraltar recreation ground.

Flood Risk

- 8.52 Policy DM19 of the Development Management Policy Document - 2015 states that In order to manage flood risk, we will take a sequential approach to the allocation of sites in a Site Allocations Policy Document and when determining planning applications.
- 8.53 The proposed development is located within flood zone 1 and as such, the development is not considered to present future potential flood risk for the owners/occupiers of the development. A condition will be attached to the application requiring details of the implementation of a Sustainable Urban Drainage System (SUDS).

Landscaping

- 8.54 The proposal includes details of hard landscaping at the front and locations of vegetation however there are no definitive details of soft landscaping or plant species. Details of soft and hard landscaping would be required via a condition to be discharged should the application be approved. These details will be required to be a high standard to soften the impact of the development upon the streetscene which at present features front gardens. This condition will be discharged in co-operation with Epsom and Ewell's ecology officer to ensure that new plant species are of a high ecological value.

Ecology

- 8.55 The applicant has provided a phase 1 habitat survey and no suitable habitats or evidence of protected species were found on the site of any protected species was found within the proposed development. Epsom and Ewell's Ecology officer has confirmed no objection to the proposal.
- 8.56 The proposal will be required to include bird and bat boxes. This would be secured by condition to ensure a high ecological value, the condition will include the requirement for swift bricks (Condition 17).

Quality of Accommodation

- 8.57 The Nationally Described Space Standards, introduced by DCLG in March 2015, sets clear internal minimum space standards for bedrooms within new dwellings of 7.5 m² for single bedroom and 11.5 m² for a double bedroom. All new units should be designed in accordance with the National Space Standards.
- 8.58 The application proposes the erection of 3 new dwellings. One dwelling would have two bedrooms and two would have 3 bedrooms. The minimum space standards for a 3 storey 3 bedroom property is 90 metres squared of internal floor space. The minimum standards for a 2 storey 2 bedroom property is 70 metres squared of internal floor space

Property	Bedroom 1 (m2)	Bedroom 2 (m2)	Bedroom 3 (m2)	Total Internal Floorspace (m2)	Private Amenity Space (m2)
Flat 1	12.9	8.1		61.3	37.4
Flat 2	10.3			42	5
Flat 3	10.3			42	5
Flat 4	14.8	12.2		92	12.7
House 1	13.2	17.5	8.75	119.4	70
House 2	13.2	17.5	8.75	119.4	72

8.59 The proposed properties meet the minimum internal floor space standards as set out in the National Space Standards. Therefore the quality of accommodation would be acceptable in this regard.

8.60 The private amenity space required for a family size unit (3+ Bedrooms) is 70 square metres and for a 1-2 bedroom dwelling house it is 40 metres squared. The amenity space require for a flat is 5 metres squared plus an additional 1 square metre per intended occupant. The proposed external amenity space would meet the minimum square footage of external amenity space as shown in the table above and would therefore result in an acceptable quality of accommodation in this regard.

Impact on Amenity

8.61 Policy CS05 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.

8.62 The main properties to consider in an assessment of the impacts upon neighbouring amenity are the neighbouring properties at Land at The Lodge, West Street to the east.

8.63 To the east of the proposed development there is a development site that has received planning consent for three dwelling houses. This application would be built to align with the front and building lines of the approved dwellings in application 19/00015/FUL. As such it would not project beyond the rear of any of the approved properties and would be acceptable in terms of overshadowing, daylighting/sunlighting and overbearing to the neighbouring properties.

- 8.64 The proposal includes balconies to the rear of the properties for each of the flats and the houses and ground floor flat would have garden space to the rear. The houses would have an additional internal terrace at first floor level. In the interest of preserving the privacy of neighbouring properties all balconies would be required to be screened at the sides and would be obscurely screened and non-openable from 1.7 metres above finished floor level.
- 8.65 To the rear of the site is the Gibraltar Recreation Ground. There are no residential properties and the proposed development would be set well back from the rear of the site. And would not result in any overbearing, overshadowing, overlooking or daylighting/sunlighting impacts to any neighbouring properties.
- 8.66 The proposed development would be separated from other properties along West Street by the road. It would maintain a normal separation distance from the front elevations of neighbouring properties and would not be considered to result in any unacceptable loss of outlook, overbearing, overlooking or loss of daylighting/sunlighting impacts to my neighbouring properties.

Refuse and recycling

- 8.67 The application has proposed to locate the refuse and recycling bins in bin stores at the front of the properties. This would be considered to be acceptable as it would mitigate any increase in street clutter. Details of the size and materials of the bin store would be confirmed by condition.

Sustainability

- 8.68 Core Strategy Policy CS6 requires proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development.
- 8.69 An appropriate planning condition is recommended to secure their inclusion should the application be recommended for approval (Condition 16).

Community Infrastructure Levy

- 8.70 The proposed scheme is CIL liable.

9 Conclusion

- 9.1 The surrounding Ewell Village Conservation Area is of a mixed high quality building typology. The proposed property although of a different building style would be of a high standard of design and would be considered to contribute to the architectural quality and interest of the surrounding area.

- 9.2 The massing and location of the property would not be considered to result in any unacceptable impacts upon neighbouring amenity as the building would not be located in close proximity to any nearby residential properties and would be built to align with the approved plans from application 19/00015/FUL.
- 9.3 The car parking provision on site would not confirm with Epsom & Ewell Borough Council's parking standards/ however, the applicant has provided sound justification that the existing street can accommodate further on street parking and the site is considered to be a sustainable location within walking distance of West Ewell train station and multiple bus services within Ewell Village.
- 9.4 The LPA have applied the presumption in favour of sustainable development outlined in para 11d of the NPPF. The benefits of the proposal have been identified and weighed. When assessing the any adverse impacts from this proposal they are not considered to significantly and demonstrably outweigh the benefits when assessed against the Policies of the framework as required by Para 11 of the NPPF. As such, the proposal is considered an acceptable form of sustainable development and is recommended for Approval.

10 Recommendation

- 10.1 Application Permitted Subject to 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:**
0117-P-61 – Proposed Block Plan
0117-P-62 – Proposed Site Plan
0117-P-63 – Proposed Site Access Plan
0117-P-426– Proposed First Floor Plan
0117-P-427 - Proposed Second Floor Plan
0117-P-428 – Proposed Roof Plan
0117-P-429 – South View From West Street
0117-P-430 – Proposed North Elevation
0117-P-500 – Proposed Ground Floor Plan
0117-P-501 – Proposed First Floor Plan
0117-P-502 - Proposed Second Floor Plan
0117-P-503 – Proposed Roof Plans

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).

Pre-commencement conditions

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

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

- (4) No development shall take place until 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

- (5) No development shall commence until a Construction Transport Management Plan, to include details of Note: Notice in writing must be given by the Local Planning Authority to the Applicant that if planning permission is granted this condition is intended to be imposed, or pre-authorisation from the applicant must be sought before recommending the imposition of this condition. The Validation requirements for planning applications needing the submission of a Construction Management Plan will provide this notice.):

- (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) measures to prevent the deposit of materials on the highway
- (e) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (f) 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.

(g) When undertaking works on site, no work shall be undertaken 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.

(h) No deliveries or the operation of any heavy machinery shall be undertaken on Weekends or Bank Holidays.

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) 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

- (7) No development shall take place till a scheme of Hedgehog Holes Bat, swift bricks and bird boxes are to be installed on the dwelling are submitted to and approved in writing by the Local Planning Authority. The development shall be conducted in strict accordance with the approved details 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

- (8) 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 variation 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
- 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.

- (9) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge 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 and 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.

- (10) The demolition works hereby permitted shall not be carried out before a contract for the carrying out of the works of redevelopment has been made and evidence of the construction contract has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that premature demolition does not take place before development works start in order to safeguard the visual amenities of the area Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

Pre-occupation conditions

- (11) No part of the development shall be first occupied unless and until the proposed vehicular access has been constructed and provided with visibility zones in accordance with the approved plan numbered 0117-P-63 and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

Reason: The above condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and DM 35 Transport and New

Development of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (12) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for a minimum of 2 vehicles to be parked. Thereafter the parking 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 and DM 37 Parking Standards of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (13) 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 a minimum of 6 cycles to be securely parked. Thereafter the cycle parking 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 and DM 37 Parking Standards of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (14) The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.**

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019.

- (15) Before any occupation of the development hereby permitted, window/s on the side elevations, shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing of a patterned type only which shall thereafter be retained as such. Obscure glazed windows should be obscured to minimum of level 3 of the Pilkington Scale. The use of any type of**

film or material affixed to clear glass is not acceptable for the purposes of this Condition.

Reason: To protect the amenities and privacy of the 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.

- (16) 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

- (17) 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).

Regulatory conditions

- (18) 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.

- (19) 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.

- (20) 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.

- (21) 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.

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.

Monthly Report Planning Appeal Decisions

Ward:	(All Wards);
Contact Officer:	Steven Lewis

Report by Steven Lewis, Planning Development Manager

The Planning Service has received the following Appeal decisions from 20th August 2019 to 16th October 2019.

Site Address	Planning reference	Description of development	Decision and Costs
6 Links Road Epsom	APP/P3610/D/19/3235181 18/01437/FLH	One and half storey rear and side extension incorporating attic room above (re-submission of 18/01437/FLH).	Dismissed
6 Links Road Epsom	APP/P3610/W/19/3229660 19/0320/FLH	One and half storey rear and side extension incorporating a garage with attic room above (following demolition of existing side garage)	Dismissed
17 High Street, Epsom	APP/P3610/W/19/3232157 18/00944/FUL	Change of use of 2 nd floor and loft space at 3 rd floor level from retail (A1) usage to create a 3 bed flat, including external alterations.	Dismissed
11 The Hawthorns, Epsom	APP/P3610/W/19/3227263 18/01514/FUL	Erection of a two bedroom detached house.	Allowed No costs application
289 London Road, Ewell	APP/P3610/W/18/321522 18/00429/OUT	Construction of a terrace of 3 x 3 bedroom houses and access road following the demolition of two outbuildings	Allowed No costs application
346 Chessington Road, West Ewell	APP/P3610/W/19/3222948 17/01274/FUL	Erection of a detached dwelling on land to the rear	Allowed No costs application

Summary of Appeal Decisions:

6 Links Road

The Inspector found that form and materials proposed for the extensions in both appeals would not be complementary to the design and appearance of the original house.

In appeal for 19/00320/FLH, the angle of the mansard roof would held not reflect that on the house roof and the materials proposed would also contrast.

In appeal for 18/01437/FLH, the box like appearance of the upper floor and the use of cladding and render would not help the assimilation of the proposal to the host.

The extensions where held to be prominent, incongruous and discordant features in relation to the existing house and harm the character and appearance of the area.

17 High Street

The Inspector dismissed the case the proposal would not provide adequate living conditions for future occupiers in terms of private amenity space.

The Inspector employed the para 11 d exercise and gave additional weight to the sustainable location and additional housing. The moderate weight of the adverse impact was held in this case to significantly and demonstrably outweighs the benefits of the proposal.

11 The Hawthorns

The only issue of dispute between the parties was the proposed extent of private amenity space for the new property with the appellant stating that it would be 54.8sqm compared to the Council's measurements that it would be 26.1sqm

Despite the discrepancy between the parties the Inspector found that the area of rear garden would be similar to that for neighbouring properties and would fulfil the criteria included in Policy DM12 for private amenity space.

289 London Road

The proposal would replace existing outbuildings on the site, and whilst of a larger scale than the existing buildings, the built form of the appeal scheme was felt by the Inspector to be screened by the existing dwellings fronting London Road and Chadacre Road and their respective boundary treatments. As such they concluded that the new dwellings would not appear prominent as a result and in this particular context, would result in a modest redevelopment and not be harmful to the character of the area.

346 Chessington Road

The Council's reasons for refusal referred to the effect of the development on the maisonette dwelling Nos 344A and 344B. The main issues were the effect of the development on the occupants of adjacent occupants with particular reference to private amenity space and off-street car parking space.

Despite concluding that the private amenity space would not achieve the minimum 10 metre depth, in this case and owing to the shape and size of the site, they did not consider that it would be practical to achieve such a requirement and did not find any conflict with Policy DM12.

On the subject of parking the Inspector concluded that the proposal would not be unacceptably harmful to the safety of highway users in this location and there was no compelling evidence to indicate that an absence of on-site parking would lead to any significant car parking demand issues. As the proposal would not alter the existing car parking arrangements for neighbouring properties and the proposed dwelling would include one car parking space they concluded that the development would accord with Council's car parking standards.

Net No. of dwellings for which planning permission has been granted

Month	Committee	Delegated	Appeal
January	0	3	0
February	0	6	1
March	0	17	0
April	32	11	0
May	21	14	0
June	0	7	0
July	109	5	1
August	0	2	3
September	0	10	1
Total	243		

Annual target 695 dwellings

It should be noted that the above table and figures only count decisions which have been formally issued and also exclude decisions where there is an extant planning permission to avoid double counting.

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