

PLANNING COMMITTEE

Thursday 12 March 2020 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 Neil Dallen
Councillor Previn Jagutpal
Councillor Colin Keane
Councillor Jan Mason

Councillor Steven McCormick
Councillor Lucie McIntyre
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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- Do not stop to collect personal belongings;
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- Do not re-enter the building until told that it is safe to do so.

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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 - 12)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 16 January 2020 (attached) and authorise the Chairman to sign them.

3. MAPLINS, 42 HIGH STREET, EPSOM, SURREY, KT19 8AH (Pages 13 - 34)

Change of use at ground floor from retail to A3 Restaurant use and the conversion of first second and third floor of the building to nine residential apartments.

4. HOBLEDOWN, HORTON LANE, EPSOM, SURREY, KT19 8PT (Pages 35 - 40)

Amendment to play structure permitted under 17/00988/FUL to provide new smaller play structure for younger children.

5. THE ROYAL AUTOMOBILE COUNTRY CLUB (RAC), OLD BARN ROAD, EPSOM, SURREY, KT18 7EW (Pages 41 - 56)

Variation of Condition 15 of Planning Permission ref: 17/00542/FUL, dated 7 December 2017, to extend the opening hours of the external play facilities and café area in the walled garden from 6:00pm to 8:00pm between April and September (inclusive) and in the winter months 5pm on any given day.

6. 57 SALISBURY ROAD WORCESTER PARK SURREY KT4 7DE (Pages 57 - 78)

Redevelopment of the site for 15 apartments (1 x studio unit, 9 x 1 bed and 5 x 2 bed apartments) with car port, car parking, cycle store, bin store and associated external works.

7. THE LODGE, WEST STREET, EWELL, SURREY, KT17 1XU (Pages 79 - 104)

Demolition of existing detached house and construction of Two houses and Three flats.

8. MONTHLY REPORT ON APPEALS AND HOUSING NUMBERS (Pages 105 - 108)

The Planning Service has received the following Appeal decisions from 1st January to 20th February 2020.

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Minutes of the Meeting of the PLANNING COMMITTEE held on 16 January 2020

PRESENT -

Councillor Clive Woodbridge (Chair); Councillor Monica Coleman (Vice-Chair);
Councillors Nigel Collin, Neil Dallen, Previn Jagutpal, Colin Keane, Jan Mason,
Steven McCormick (From 7.05pm), Lucie McIntyre, Debbie Monksfield,
Peter O'Donovan and David Reeve

In Attendance:

Absent: Councillor Humphrey Reynolds

Officers present: Steven Lewis (Planning Development Manager), John Robinson
(Senior Planner), Danny Surowiak (Principal Solicitor) and Sandra Dessent (Committee
Administrator)

58 DECLARATIONS OF INTEREST

No declarations were made on items in this agenda

59 MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting of the Planning Committee held on 19 December
were agreed as a true record and signed by the Chair

60 ASHLEY CENTRE CAR PARK, ASHLEY AVENUE EPSOM KT18 5AL

Description

Wall mounted A1 frames on Levels 1, 2, 3 and 4 of the car park

Decision

This application had been submitted because the car park is owned by Epsom &
Ewell Borough Council. Consent was sought to display commercial advertising
on A1 size advertising poster frames on the walls of the Ashley Centre car park.

It was confirmed that the application would have an acceptable impact on
amenity and would not affect highway safety, meeting planning policy and was
therefore acceptable.

An amendment to Condition 3 was proposed in the Update Report and agreed.

Commercial advertising is **PERMITTED** subject to the following conditions:

Conditions:

- (1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

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

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

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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

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

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

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

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

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

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

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

Location photographs dated 14.10.2019

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 CS1 and CS15 of the Core Strategy (2007).

- (7) Under the provisions of Part VIII of the Town and Country Planning Act, 1990, IT IS HEREBY EXPRESSLY CONSENT subject to the conditions specified to the display for a period of five years from the date hereof, of the advertisements(s) 16 January 2020.

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

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.

- 61 BAMBINI DAY NURSERY EWELL COURT HOUSE LAKEHURST ROAD
EWELL SURREY KT19 0EB

Description

Change of use of existing storage space to classroom and kitchen space (D1)

Decision

This application had been submitted to Committee because the property is owned by the Council. Permission was sought to change the use of an existing storage area located within the grounds of Ewell Court House (a grade II listed building) to a classroom and kitchen space to accommodate a maximum of 10 additional children aged 3-5 and 2 members of staff.

Change of use is **PERMITTED** subject to the following conditions:

Conditions:

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

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

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

Proposed floorplan

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 operating hours of the nursery school hereby permitted shall be between the hours of 08:00 -18:000 (Monday – Fridays) only.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy DC10 of the Development Management Policies Document 2015

Informative:

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

- 62 BAMBINI DAY NURSERY EWELL COURT HOUSE LAKEHURST ROAD
EWELL SURREY KT19 0EB

Description

Change of use of existing storage space to class room and kitchen space (D1)
(Listed Building Consent)

Decision

This application was referred to Committee because the property is owned by the Council. It was confirmed that no external changes to the building were proposed, and the internal amendments would not harm the fabric of the building. It was further noted that the proposals were policy compliant.

Listed Building Consent is **AGREED** subject to the following conditions:

Conditions:

- (1) The works hereby granted shall be commenced before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 (1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 52 (4) of the Planning and Compulsory Purchase Act 2004.

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

Proposed Floor Plan received on 11.10.2019

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).

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.

63 MONTHLY REPORT ON APPEALS AND HOUSING NUMBERS

The Committee noted the appeal decisions from 3 December 2019 to 1 January 2020 and the number of dwellings for which planning permission has been granted.

64 KINGS ARMS PUBLIC HOUSE 144 EAST STREET EPSOM KT17 1EY

Description

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

Decision

At the Planning Committee on 19 December 2019 the application (19/00900/REM) was approved subject to conditions and to a new legal agreement (under the same terms as the extant agreement) being completed and signed by 31 March 2020.

Following the Committee decision, the legal team have advised that a further Legal agreement is superfluous as there was a clause in the signed s106

agreement which secures all future amendments with a S73 planning application.

Accordingly delegation was **GRANTED** to the Head of Planning to determine the application without the requirement to secure a further legal agreement. In all other respects the decision remains unchanged

The meeting began at 7.00 pm and ended at 7.18 pm

COUNCILLOR CLIVE WOODBRIDGE (CHAIR)

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Maplins, 42 High Street, Epsom, Surrey, KT19 8AH

Change of use at ground floor from retail to A3 Restaurant use and the conversion of first second and third floor of the building to nine residential apartments.

Ward:	Town Ward;
Contact Officer:	Tom Bagshaw

1 Plans and Representations

- 1.1 This application is before planning committee today as it was called in by Town Ward Councillor Neil Dallen.
- 1.2 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=PZ44EBGYG8600>

2 Summary

- 2.1 This application features two separate elements. The changes of use of the upper floors to use class C3 (Residential) and the change of use of the ground floor to A3 use Class (restaurant)
- 2.2 The proposed upper floors are comprised of disused and vacant offices that are no longer fit for purpose. The proposed development proposes to create nine residential units, comprising eight 1 bedroom flats and one 3 bedroom flat.
- 2.3 Car parking is not provided for the residential properties due to the highly sustainable location of the property within the Epsom Town Centre.
- 2.4 Apartments 1-8 will not have any amenity space as they would be one bedroom units and it is not considered that amenity space is necessary as the occupants will either be a single person or dual occupants and the units would not be suited to family accommodation. The three bedroom unit on the third floor will be served with a large terrace. All units comply with internal space standards.
- 2.5 The residential element of his scheme is therefore acceptable.

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- 2.6 The proposed changes of use of the ground floor to A3 would be contrary to Plan E Policy E4 which states that there should be a proliferation of A1 units and this should not fall below 66%. The proposed change of use would result in a fall of A1 unit percentage from 68% to 64% along this section of the High Street.
- 2.7 The applicant has supplied 21 months' of marketing evidence to show that there is little realistic demand for an A1 occupier in this site. However there has been significant interest from A3 operators.
- 2.8 Although the proposed change of use would be contrary to Policy E4 of Plan E, from a spatial context this unit is uniquely suited for a change of use towards a restaurant type occupier due to its location adjacent to the Derby Square (a centre for leisure uses). This was referenced in Epsom's recent draft retail needs assessment recommendation EP3.
- 2.9 Officers consider that although this change of use does not strictly conform to Plan E, Policy E4, the applicant has demonstrated that this site has little demand for an A1 occupier over a significant period of time and that this is a site uniquely suited to a change of use because of its location, whereas other units in the area might not be so well suited. Officers consider that this proposed change of use when considered with the benefits of additional housing would be acceptable in this specific case.

3 Site description

- 3.1 The application site is pleasant interwar terrace which forms part of Epsom High Street located in a corner plot at the entrance to Derby Square. The site is located in a primary frontage area, an archaeological site (Epsom - Historic Town Core), and the Epsom Town Centre Conservation Area. The site is not listed however it is considered to be of a high architectural standard and contributes positively to the conservation area.
- 3.2 The upper levels of the site comprises offices that are currently unused and have been for a number of years. The ground floor of the site comprises an A1 use class retail unit which is referred to as Maplin's (Previous occupier). Since Maplin's as a business reverted to an entirely online business format and vacated the site (in Autumn 2018) the building has remained vacant.

4 Proposal

- 4.1 The applicant is seeking planning consent for the change of use at ground floor from retail to A3 Restaurant use and the conversion of first, second and third floor of the building to nine residential apartments comprised of eight one bedroom units and one three bedroom unit.

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5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 10 neighbouring properties, site notice and media advertisement. The initial round of public consultation commenced on 19.11.2019 and following amendments a secondary round of public consultation commenced on 29.01.2020. To date (19.02.2020) 1 letter of objection have been received regarding:

- Appearance of the ground floor retail frontage should be extended to face both the Derby Square and the high street.

6 Consultations

6.1 EEBC Ecology Officer – No objection and no further surveys required

6.2 SCC Highway Authority – No objections on subject to conditions

7 Relevant planning history

Application number	Decision date	Application detail	Decision
08/01418/ADV	21.04.2009	New internally illuminated fascia sign and projecting sign, 4 no. non -illuminated poster frames. (Amended drawing received 03.04.2009)	PER

8 Planning Policy**NPPF 2019**

Chapter 5	Delivering a sufficient supply of homes
Chapter 7	Ensuring the vitality of town centres
Chapter 9	Promoting sustainable transport
Chapter 11	Making Effective use of land
Chapter 12	Achieving well-designed places
Chapter 16	Conserving and enhancing the historic environment

Local Development Framework – Core Strategy 2007

Policy CS5	The Built Environment
Policy CS6	Sustainable Environment

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Policy CS11	Employment provision
Policy CS14	Epsom Town Centre
Policy CS15	Role of Local Centres
Policy CS7	Housing Provision
Policy CS8	Broad location of housing development
Policy CS11	Employment provision
Policy CS16	Managing transport and travel

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 DM37	Parking standards

Plan E (Epsom Town Centre Area Action Plan 2011)

Policy E1	Town Centre Boundary
Policy E4	Town Centre Primary Shopping Area and Primary and Secondary Retail Frontages
Policy E12	Town Centre Parking

9 Planning considerations

- 9.1 For purposes of this application the change of use of the ground floor and the upper floor will be assessed separately and their cumulative impact will be assessed in the planning balance.

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Conversion of upper floor to residential

Principle of the Change of Use to residential

- 9.2 Paragraph 85 of the NPPF sets out that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. It states that planning policies should define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre.
- 9.3 Paragraph 85 (d) states that planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
- 9.4 Core Strategy policy CS1 requires new development to be sustainable through positively contributing to social, economic and environmental improvements. Policy E1 of the Adopted Plan E states that within the town centre high density residential housing is in principle acceptable.
- 9.5 Policy CS14 supports the development of Epsom as a lively, vibrant and viable town centre. Developments within this area should contribute to five key objectives:
- Creating a diversity, richness and balance of uses which will contribute to a flourishing day-time and night-time economy, help satisfy community needs and enhance environmental quality and sustainability;
 - Ensuring that physical and land use changes recognise and build on the distinctive character different parts of Epsom town centre already have, and contribute to conserving and developing a “sense of place”;
 - Improving the pedestrian and cyclist environments by creating new links and developing a street network which is designed with their needs in mind, and which reduces the adverse impact roads and traffic have on the town;
 - Ensuring the town has a clear spatial structure for future growth and change and that development can be used to protect and enhance that pattern;
 - Developing a greater sense of safety and security for users, both during the day and at night, and improving the perception of the town as active, inclusive and safe.

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- 9.6 The Government's 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 13th February 2020.
- 9.7 Policy DM11 Housing Density states that in principle, proposals for new housing that make the most efficient use of sites within the Borough's urban area will be supported in principle.
- 9.8 Meeting any increase in the annual housing building target will be challenging. With the Borough being mostly comprised of existing built up areas, strategic open spaces or Green Belt, the supply of available development sites is now extremely limited. It is therefore important that available sites are optimised for housing delivery.
- 9.9 Policy E5 of Plan E states the following Proposals that seek to redevelop aging upper floor office floorspace for retail, other commercial A class uses or non-commercial uses will be considered providing the following are demonstrated:
- That there is a sufficient supply of high density employment floorspace within the Town Centre to meet the needs generated by future population growth
 - That the proposal site is no longer fit for purpose as Town Centre office stock
 - That the existing office use has been subject to an active marketing exercise lasting at least twelve months, prior to alternative uses being considered.
- 9.10 The upper floors of the property (above ground floor) are currently vacant and have fallen into disrepair. These floors would not represent a high standard of office stock. Precedent exists in the vicinity of the property for a change of use, as the neighbouring property at No. 44 High Street (Creams) recently gained planning consent for a similar conversion of the upper floors to a residential use in planning application 19/00271/FUL.
- 9.11 Furthermore, given that upper floor is currently unoccupied and is in a poor state of repair it would not be considered fit for purpose as a viable commercial use. The site would therefore comply with Policy E5 of Plan E's requirements for changing use and would be a suitable candidate for a change of use away from commercial office stock.
- 9.12 Given the site's highly sustainable location and the significant housing need in the borough, it is considered that the proposed redevelopment of this site for a residential scheme is appropriate in principle, subject to the detailed consideration of the other planning considerations below.

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Impact on Visual Amenity

- 9.13 The building occupies a prominent corner location on the northern side of High Street, in the Epsom Town Centre Conservation Area. The exterior alterations are located at the front, rear and the side of the property, consisting of two small dormer windows, a roof extension and seven rooflights. Epsom & Ewell's Conservation Officer has raised reservations regarding the four street facing rooflights.
- 9.14 The proposed roof extension would continue and extend the existing roof profile. Matching materials would be needed to assimilate the extension to the host to conserve the appearance of the conservation area. Matching materials are secured by planning condition. Epsom & Ewell's Conservation Officer has raised the point that a hipped end roof form would be more complimentary to the character of the property, but the proposed gable ended roof form would not cause undue harm and would therefore be acceptable.
- 9.15 The rooflights would be set below the parapet of the property and their visual prominence from the streetscene and any attributable harm to the character and appearance of the conservation area would not be considered severe. Upon inspection the site and the surrounding area, it is clear that there are areas of the high street roof scape where these types of window would be clearly unacceptable. However due to their lack of visual prominence in this location they would not be considered unduly harmful and acceptable in this case.
- 9.16 The limited and traditionally scaled dormers are common within the streetscene particularly on the south side of the high street and similar dormer windows are featured on No. 44 High Street. The proposed dormer would match those at No. 44 High Street and as such, they would be acceptable in terms of design. Epsom & Ewell's Conservation Officer has not raised objections to this element of the scheme.
- 9.17 Although glimpsed views of the physical additions will occur from the adjacent side of the road and selected areas of the streetscene they would not be considered to be significant and given the public benefits of the provision of additional housing, these minor impacts would be acceptable in terms of design and conservation.
- 9.18 The proposed scheme would therefore comply with Policy DM8, DM9 and DM10.

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Residential Amenity

- 9.19 The proposed development would not result in any material impacts to neighbouring residential amenity. The scale and massing of the proposed extensions is considered to be minor in its scale as the proposed roof extension would be located on the roof of the property and would not exceed the existing footprint. This increase in bulk and massing is not considered to be significant and it would not be of a location that would be considered to result in an increase in overbearing, overshadowing or impacts to the daylight/sun light provision of any nearby residential properties that would warrant the refusal of the application.
- 9.20 The proposed development includes the provision of a balcony/terrace area for the top floor flat. This would not be considered to result in any overlooking towards the western facing side of the property as it faces no habitable room windows on the side elevations of any neighbouring properties and looks towards Derby Square. It is acknowledged that from the eastern side of the balcony it may be possible to view the rear windows of residential units on the upper floors of high street Epsom. As such, a condition would be placed ensuring that there would be adequate screening along this boundary to ensure that the occupants of the top floor flat would not be able to have direct views into the rear windows of flats at high street.

Internal Space Standards/Amenity Space

- 9.21 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.
- 9.22 The application proposes the erection of nine new dwellings. Eight dwellings would have one bedrooms and one would have three bedrooms. The minimum space standards for a single storey one bedroom property is 39 m² of internal floor space. The minimum standards for a single storey three bedroom property is 95 m² of internal floor space.

Property	Bedroom 1 (m2)	Bedroom 2 (m2)	Bedroom 3 (m2)	Total Internal Floorspace (m2)	Private Amenity Space (m2)
Flat 1	17.6			61	
Flat 2	13.9			51	
Flat 3	12.8			43	
Flat 4	11.1			51	
Flat 5	17.9			60	
Flat 6	13.8			51	
Flat 7	12.9			43	

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9.23	Flat 8	11.1			51	
	Flat 9	32.9	18.1	12.95	136	48

he proposed properties meet the minimum internal floor space standards as set out in the National Space Standards in all but 2 bedrooms which fall slightly short of meeting the 11.5 m² of internal floor space. However, these rooms would fall short by 0.4 m² and the size and scale of these units would be considered to provide a good standard of accommodation and meet the minimum internal space standards. Therefore the quality of accommodation would be acceptable in this regard.

9.24 The private amenity space required for a family size unit (3+ Bedrooms) is 70 m² and for a 1-2 bedroom dwelling house it is 40 m². The amenity space require for a flat is 5 m² plus an additional 1 m² 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.

9.25 The proposal would not provide private or communal amenity space for the one bedroom units. As these units will not be occupied by families and are more likely to be occupied by single or dual occupants. Given the urban, town centre location, and the proximity of public open space at Rosebery Park, the lack of amenity space provision for the one bed flats is acceptable and therefore on balance the scheme would meet requirements of Policy DM12. The proposal include a large terrace balcony for the three bedroom property which would provide ample amenity space for this unit and would be acceptable in this regard.

Housing mix

9.26 Paragraph 122 of the NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.

9.27 Policy DM22 Housing Mix states that the council considers that schemes must provide a minimum of 25% 3 bedroom units however, exceptions will be accepted dependent on location and viability. The proposed scheme of nine units would be expected to provide two 3 bedroom units.

9.28 The scheme proposes 11% three bedroom units (three bed flats), 89% one bedroom units. The mix of units is not policy compliant.

9.29 However given the location of the site and the fact that design limitations make it not possible to accommodate more than one unit above 1 bedrooms in size (because of the requirement for outdoor amenity space) the unit mix is considered appropriate for a scheme in this location.

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Parking /Access

- 9.30 At the heart of the NPPF is a presumption in favour of sustainable development and states that all future developments that generate significant amounts of movement should be supported by a Transport Assessment or Transport Statement so that the likely impacts of the proposal can be assessed.
- 9.31 Paragraph 108 of the NPPF 2019 states that: In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.32 Paragraph 109 states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.33 Paragraph 110 states that: Within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

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e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

9.34 Policy DM37 Parking Standards, states that: Developments, redevelopments, conversions and extensions 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. Applicants will be required to demonstrate how their proposals will meet the objectives of the Epsom & Ewell Borough Parking Strategy.

9.35 The Council's Parking Standards for Residential Development SPD 2015 states that the parking standard for 1 - 2 bedroom flats within Epsom Town Centre is a minimum 0.75 spaces per unit. However, due to the site's physical constraints, no car parking provision would be provided on-site

9.36 The application is supported by a Transport Statement to justify the provision of a car free scheme.

9.37 The statement assesses trip generation as follows:

- *There is a good level of pedestrian and cycling infrastructure linking the site to the various town centre destinations and public transport connections. For journeys further afield public transport services facilitate links to the wider Epsom area, Guildford and south and central London. Future residents will be able to avail of the numerous sustainable travel connections and the proposed car-free development discourages single occupancy vehicle journeys. Furthermore, the development proposal complements EEBC policy objectives to encourage sustainable travel choices and reduce carbon emissions from transport.*
- *The predicted travel demand for the development proposal (residential and retail) has been compared to the existing uses (retail and office) and shown to result in a significant reduction in the number of trips. Furthermore, anticipated trips for the 9 proposed residential units has been shown to be negligible (5 twoway trips in AM peak and 7 two-way trips in the PM peak).*

9.38 The Site is also providing a secure cycle parking facility for 16 cycles on-site which will further encourage trips from the Site being made by active travel modes. This will be secured by condition.

9.39 The proposed transport statement assesses the scheme and determines that it is considered that the proposed development will not result in any material increase to the number of multi-modal trips which the Site generates. Furthermore, the number of vehicular trips is likely to be negligible due to the proposed development being car free with no parking.

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- 9.40 The proposed development is an appropriate use of the application site (in transport terms) in regard to policy aims to promote sustainable travel choices and a transition to a low carbon environment. This car-free development is in a highly accessible location, close to local amenities and facilities, provides on-site cycle parking and no car parking provision.
- 9.41 The proposed development is within walking distance of a range of public transport links, including Epsom Station and several frequent bus routes. The Site is therefore located within a highly sustainable area and on primary retail frontage, with secure cycle parking being provided on Site.
- 9.42 Given the small scale of development, the sustainable location of the Site, the lack of opportunities for providing parking on site and in the local area, it is considered that there is sufficient justification for the proposed development providing no parking spaces, and that this will have a negligible impact on parking levels in the local area.
- 9.43 The proposed development is unlikely to have any significant impact on on-street parking as there is extremely limited opportunity to park in the local area for free which is likely to be a major disincentive to owning a car. This is due to the double yellow line parking restrictions present on High Street, CPZs (which residents of the proposed development will not be eligible to obtain permits for), pay and display parking and private parking areas.
- 9.44 Officers concur with the conclusions reached in the Transport Statement and it is considered that the proposed scheme would not result in any material increase to the number of multi-modal trips which the site presently generates. In addition, the number of vehicular trips would likely to be negligible due to the proposed scheme being car free with no parking.
- 9.45 Surrey County Council Highways Officers has raised no objection to the scheme subject to securing the cycle parking spaces. They Made the following observations:
- ‘The CHA note that the site is situated in a highly sustainable location and it is not considered that car ownership is a necessity for future occupiers of the site.*
- The site is located within close proximity to local shops and amenities and is well connected with public transport links (such as train and bus). The CHA therefore raise no objection to this proposal on highway safety or capacity grounds.’*
- 9.46 Officers are of the opinion that a legal agreement would not be necessary in this instance as the scheme is not within reasonable distance of a Controlled Parking Zone and therefore would be unlikely to apply for a permit.

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- 9.47 A total of 16 cycle parking spaces would be provided on-site which is in accordance with and exceeds policy requirements.
- 9.48 A communal bin store would be provided at the rear of the property. The refuse arrangement would be per the existing servicing arrangement (bins wheeled via the rear service access road)
- 9.49 It is considered that the applicant has provided sufficient and robust information/ evidence to justify a car free scheme (notwithstanding the site's highly sustainable location), and therefore the scheme would comply with Policy CS16 and DM37

Community Infrastructure Levy

- 9.50 The proposed apartments would be CIL liable

Change of use of the ground floor unit

- 9.51 Policy E4 of Plan E (Epsom Town Centre Area Action Plan, 2011) states the following:

Primary Shopping Area

- 9.52 This area, as defined on the Proposals Map, will serve as the Town Centre's core shopping area. The area incorporates the Primary and Secondary Retail Frontages. Retail uses will form the dominant use within this area. The Council will actively encourage new retail to locate within this area.

Primary Retail Frontages

- 9.53 Within these frontages, as defined on the Proposals Map, the percentage of A1 units will not fall below 66%. The Council will actively encourage a higher proportion of A1 uses within these frontages. Uses other than the A1, A2 or A3 uses, as identified by Use Classes Order, will not be permitted.
- 9.54 The proposed development site is situated within a primary retail frontage. As such, the high street would be expected to retain a minimum of 66% retail units along this frontage. During a site visit it was noted that of the shops along the high street 25 units were A1 Use class and 17 were other use classes (A2, A3, A4, A5). The existing A1 uses therefore comprise 68% of the high street.
- 9.55 Permitted development rights for change of use from Use Class A1 to other Use Classes along primary retail frontages within the Epsom Town centre conservation area have been removed. The Town and Country Planning (General Permitted Development) Order 2015 (as amended). Therefore, the development would not have permitted development rights and would therefore require planning permission to move between use classes.

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- 9.56 Application 18/00086/FUL at 17 High Street Epsom was refused on 06.06.2018 for loss of and A1 units resulting in the number of A1 use class units falling below 66%.
- 9.57 A recent Retail and Commercial Leisure Needs Assessment commissioned by the Council and undertaken by study by Urban Shape Planning Consultants was released to the public in draft form at Licensing and Planning Policy Committee on the 23rd of January. This draft document states that the north side of the High street has an A1 use percentage of 68%. If this change of use were to be approved it would reduce this percentage to 64% and would therefore not comply with Policy E4.
- 9.58 However, the same report makes specific recommendations regarding the Maplin's site (Recommendation EP3 - page 65) and states that in a spatial context this site could possibly benefit from a change of use to family sit down dining because of its relationship with the Derby Square, which is a centre for leisure activities in the area, with various A3 operators and has recently been granted planning permission to operate as a cinema. Officers do recognise that this is only a draft and not the final document and as such should not be given the full weight of adopted policies however, this is a published document and will be given moderate weight as an aide to making a reasoned judgement on this application.
- 9.59 The applicant has supplied detailed marketing information regarding this site which shows that it has been advertised for a minimum of 21 months and that no reasonable offers have been made by A1 retailers for this site. The marketing report goes on to show that there have been offers from 4 different A3 operators.
- 9.60 Given that the applicant has been able to demonstrate that they have taken significant efforts to market the site for A1 Use with little interest and that the site has remained vacant for nearly 2 years, this gives a strong indication for the lack of demand for the unit within a retail use. The change in use of his site would strictly be contrary to Policy E4, but cannot be considered in isolation of the policy. Weight must also be given to the additional residential units created by the application and also to its spatial location at the corner entrance to Derby Square which is uniquely situated in a location where a change of use to A3 could lead to enhancement and which was noted in the retail study by Urban Shape Planning Consultants.

Design Context

- 9.61 This site is located at the corner of Derby Square, an area dedicated to leisure uses. The current use has a frontage that directly faces onto the high street and does not interact with the Derby Square.

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- 9.62 The proposed use is well suited to an active frontage facing onto Derby Square. The applicant has provided no details of the proposed internal layout however from a design and spatial context this application site would be a positive addition to the square and would help to draw people into this area of the town.

Planning Balance

- 9.63 Given the extent of the housing demand, the provision of an additional 9 units is considered to be a significant benefit. The mix of units does not meet policy compliant levels however due to the circumstances regarding the design and location of the building it is not considered possible to provide a policy compliant level of 3 bedroom units. The provision of the additional units is considered to be a significant benefit in favour of this application and as such this is something to which significant weight is attributed.
- 9.64 The upper floors of the property are a poor standard of commercial floor space and are not considered fit for purpose as a modern office space. The loss of the upper floors of the site as employment floor space would be attributed minimal weight against the proposal, because although there is demand for office space in the town centre this offer would not be considered adequate to accommodate the needs of a modern business.
- 9.65 The design changes to the property are small. The rooflights are considered to be visible and although they would represent a negative impact to the proposal their scale, design and the presence of similar extensions nearby would result in the changes being attributed minor weight against the proposed development.
- 9.66 The loss of the A1 unit ordinarily along the high street would be attributed significant weight against the proposal due to it falling below policy compliant levels of A1 units along the High Street (66% of units should be A1). However spatial circumstances support the change of use of this unit due to its relationship with the Derby Square, as this is a leisure orientated area of the town centre and an A3 use would fit in with this character. This would therefore dampen the degree of harm resulting in this loss of an A1 unit due to its specific circumstances. Therefore to this I attribute minor weight against the proposal.
- 9.67 Officers consider that the benefits of the proposal referring to the creation of 9 new units represent a significant benefit resulting from the development. The harm caused by the loss of the offices, the loss of the A1 unit and the minor design issues created by the proposal be considered to be minor given the location of the site. On balance the proposed benefits would be considered to demonstrably outweigh the negatives of the proposal and therefore the resulting scheme is considered to be acceptable.

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10 Conclusion

- 10.1 The upper floors are considered to be redundant and not of an acceptable standard of office accommodation and therefore the proposed change of use would be acceptable
- 10.2 The proposed residential development would be a parking free scheme which would be acceptable in this case given the site location in the centre of the town.
- 10.3 8 of the residential units do not have any amenity space however these would be 1 bed room units which as they are not family sized units and are close to various local amenities would be an acceptable standard of living for single or dual occupancy. The 3 bedroom unit would have a large terrace on the third floor.
- 10.4 The ground floor change of use would result in this section of the high street falling below policy compliant levels of A1 uses which require 66% of A1 uses (the change would be from 68% falling to 64%).
- 10.5 This site is uniquely placed to accommodate an A3 use due to its location adjacent to the Derby Square and as such this site could support a change of use.
- 10.6 The applicant has supplied detailed marketing information to show that the site has not received credible interest as an A1 use in the past 21 months however has received interest as an A3 use.
- 10.7 The change of use due to the location of the site and the lack of interest as an A1 use would therefore be acceptable.
- 10.8 Overall the harm caused by the loss of the A1 unit, the lack of private amenity space and the unit mix is outweighed by the facts that the proposed development helps address the Borough's housing need and it creates an A3 unit in a suitable location which relates well to the Derby Square.

11 Recommendation

- 11.1 Planning permission be granted subject to conditions.

Condition(s):**General 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.

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

19.3166.110 Rev.P1 – Proposed Site / Ground Floor

19.3166.111 Rev.P1 – Proposed Floor Plans

19.3166.112 Rev.P1 – Proposed Floor Plans

19.3166.113 Rev.P1 – Proposed Elevations

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

- (3) Prior to the Commencement of the 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.

Upper Floors Conditions

- (4) The rooflight window(s) hereby approved shall be of a 'conservation style' and shall not project beyond the plane of the roof.

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

- (5) The development shall not be occupied until details of all boundary treatment on the eastern side of the terrace to apartment 9 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.

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- (6) 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 extensions 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.

- (7) 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.

- (8) 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).

- (9) 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 16 cycles to be parked, in a secure and covered location. Thereafter the cycle parking areas shall be retained and maintained for their designated purposes.

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 37 Parking Standards of the Epsom & Ewell Borough Council Development Management Policies Document September 2015.

Restaurant specific conditions

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- (10) The application notwithstanding the Town and Country Planning (General Permitted Development) order (England) 2015 (as amended) or any future iterations of permitted development rights this site shall remain as an A3 Use Class and any change of use shall require consent from the local planning authority in the form of planning consent.

Reason: To ensure the vitality of the Primary Retail frontage in accordance with Plan E - Epsom Town Centre Area Action Plan (2011), and the development management policies document (2015)

- (11) No development shall take place until a scheme detailing the noise and vibration attenuation measures to be adopted between the ground Floor A3 use and the first floor and above residential C3 use is submitted and approved in writing by the local planning authority. Such a scheme must achieve an airborne noise design target of at least 55 dB DnTw + Ctr. Thereafter the use hereby approved shall not commence until the approved scheme has been fully implemented and the approved measures shall thereafter be maintained in perpetuity.

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

- (12) No occupation of the residential units shall take place until pre completion testing has been submitted to the local planning authority demonstrating the above design target has been achieved or exceeded.

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

- (13) The proposed use shall not operate outside of the hours of 07:30:and 23:30

Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy DM10 of the Development Management Policies 2015.

- (14) No occupation shall take place until a schematic plan and design specification for the fitting of suitable ventilation and filtration equipment has been submitted to and approved in writing by the local planning authority. Such a scheme and details must include equipment to suppress and disperse all fumes/smoke/grease/steam/odour/gases and proposals to treat the

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plant and machinery against the transmission of sound and/or vibration. The approved equipment shall be installed before the use commences and thereafter must be operated and maintained in full working order in accordance with manufacturer's instructions throughout the proposed use.

Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy DM10 of the Development Management Policies 2015.

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

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

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 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.

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

- (4) The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

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

- (5) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from un-cleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149).
- (6) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.

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Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT

Amendment to play structure permitted under 17/00988/FUL to provide new smaller play structure for younger children.

Ward:	Ruxley,
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=Q1OH DNGYGLK00>

2 Summary

- 2.1 This application is referred to Planning Committee for decision as the property is in the ownership of Epsom and Ewell Borough Council.
- 2.2 The proposed children play area would include reducing the size of the play equipment and removing the netting. The motivation behind this is that the applicant is seeking to target a younger age group for the play area and a large structure such as that which has been approved is not considered appropriate for an infant demographic.
- 2.3 The proposal would result in a reduction in the size of the play equipment of the approved scheme and would therefore be considered to reduce the impacts to the openness of the greenbelt and would be positive in this regard.
- 2.4 The proposed development is considered acceptable in planning terms.

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3 Site description

- 3.1 The application relates to Hobbledown Children's Farm, previously known as Horton Park Farm, on Horton Lane. The site was formerly a farm associated with the hospitals that was granted planning permission to become an agricultural/educational facility in 1985. The agricultural/educational use has evolved over time through various planning applications and since the planning permission granted in 2011 the leisure attraction has undergone major refurbishment and expansion. It is now a fantasy themed adventure park and zoo comprising a play barn with outdoor areas containing tunnels, mazes, role play areas, giant sandpits, a zip wire, animal zoo and petting farm together with children's play structures.
- 3.2 The overall site is located on the west side of Horton Lane adjacent to the Horton Lane/McKenzie Way roundabout. The whole of the site is in the Green Belt and forms part of Horton Country Park. Immediately to the north of the site on the opposite side of Bridleway 73 is Clarendon Park and to the east on the other side of Horton Lane are the shops and houses of Livingstone Park.
- 3.3 The current application is situated amongst the existing play structures including two 'jumping pillow' trampolines which are provided towards the centre of the park and approximately 150m from the nearest residential properties to the north.

4 Proposal

- 4.1 The original application (17/00988/FUL) sought permission for the creation of a new play structure comprising 4 wooden towers and posts with enclosed netting suspended in between. This amendment would be to reduce the size and massing of the proposed play areas in order to accommodate a younger demographic area.
- 4.2 The tower would be 10 metres in height to the ridge and approximately 8 metres to the eaves. The two smaller towers would be a maximum height of 7 metres to the ridge and 6.5 metres to the eaves. The main castle would be a maximum height of 9 metres and would feature a slide. The proposed structures would be constructed of natural timber materials.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 9 neighbouring properties. To date (06.02.2019) 0 letters of objection have been received.

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6 Consultations

6.1 There are no external consultations required for this application.

7 Relevant planning history

Application number	Decision date	Application detail	Decision
17/00988/FUL	20.12.2017	Addition of timber and netting outdoor play structure	PER - Application Permitted

8 Planning Policy

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework (NPPF) 2018

Local Development Framework – Core Strategy 2007

Policy CS1 – General Policy

Policy CS2 – Green Belts

Policy CS4 – Open Spaces and Green Infrastructure

Policy CS5 – Built Environment

Policy CS11 – Employment Provision

Development Management Policies Document – 2015

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

Policy DM6 – Open space provision

Policy DM10 – Design Requirements

Policy DM25 – Development of employment premises

9 Planning considerations

Principle of Development

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- 9.1 In principle the proposal for a timber outdoor play structure within this area of the children's farm is compatible with national Green Belt policy that allows for provision of appropriate outdoor recreation facilities as long it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 9.2 The proposal also accords with condition 19 of 11/00511/FUL (the original consent for Hobbledown) that requires play activities and equipment to only be sited in certain specified areas which includes the current application site notated as Zone B on the approved Master Plan 6773/50 Rev H.

Layout, Design and Scale.

- 9.3 Condition 6 of 11/00511/FUL requires that no part of play structures should exceed a height of 7m above existing ground level other than the turret housing the zip wire launch platform which was allowed to be up to 9.5m above ground level. This permission will override that condition for this piece of equipment only and remains valid and enforceable for planning permission granted under reference 11/00511/FUL.
- 9.4 The proposed new play structure rises 10m above ground level at its highest point.. These structures are similar in scale and design to the existing climbing frame towers within the adjoining Hobbledown village part of the site and it is considered that the tower would not in itself have an unacceptable visual impact from outside the site.
- 9.5 It is considered that given the distance of at least 150m between the proposal and nearest dwellings within the Clarendon Park development together with existing landscaping between the two would mean that there would be only a minimal visual impact and that this would not in itself be harmful to the visual amenities of neighbouring occupiers.
- 9.6 It is accordingly concluded in the light of the facts presented and advice from the Borough Environmental Health Officer regarding noise that the proposed development complies with Policy DM10 in respect of its impact on residential amenity.

Green Belt

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- 9.7 It is considered that the proposal does not conflict with any of the five purposes that the Green Belt is considered to serve as set out in paragraph 80 of the NPPF. The proposed play structure is designed as an outdoor recreational and sport facility for children. Paragraph 89 of the NPPF states that new buildings are inappropriate in the Green Belt other than in certain exception cases. One of these exceptions is the 'provision of appropriate facilities for outdoor sport, outdoor recreation... as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'. The siting and appearance of the play structure would not have an adverse impact on the openness of the Green Belt.

Local economic benefits.

- 9.8 Hobbledown Children's Farm provides in the order of 70-80 jobs and makes a valuable contribution to the local economy both directly and indirectly to other local businesses. The proposed development would assist in providing a diversified offer and increased dwell time for visitors which should lead to additional employment at the park and increased expenditure with local service providers.

Parking and access

- 9.9 Comments from the original proposal state that Surrey County Council has no objection to the proposal. As the structure is almost exactly the same with only minor reductions in scale this application would not be considered as a significant change and Surrey County Council Highways have raised no objections to the proposal.

Community Infrastructure Levy

- 9.10 The scheme would not be CIL liable.

10 Conclusion

- 10.1 The application proposal is compatible with Green Belt policy and in terms of design, scale and appearance is considered to have no harmful impact on the residential amenity of neighbouring occupiers or upon the visual amenities of the area.

- 10.2 In view of the above, it is recommended that planning permission is granted.

11 Recommendation

- 11.1 The application is recommended for Approval subject to the following condition(s):

12 March 2020

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 and documents: Submitted Elevation Plan 1.0 dated 29/10/2019, Proposed Site Plan 1.0 dated 29/10/2019 and agent's letter dated 21/11/2019.

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 dated 21/11/2019.

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.

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 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 15 of Planning Permission ref: 17/00542/FUL, dated 7 December 2017, to extend the opening hours of the external play facilities and café area in the walled garden from 6:00pm to 8:00pm between April and September (inclusive) and in the winter months 5pm on any given day

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/simpleSearchResults.do?action=firstPage>

2 Summary

- 2.1 A Section 73 of the Town and Country Planning Act 1990 application has been submitted to the Local Planning Authority, seeking to vary Condition 15 of Planning Permission ref: 17/00542/FUL. It seeks to extend the opening hours of the external play facilities and café area in the Walled Garden from 6:00pm to 8:00pm, between April and September (inclusive) at the Royal Automobile Club (RAC). The applicant sets out that this is due to a demand for use of the external areas of the Walled Garden beyond 6pm in the summer months.
- 2.2 A Noise Impact Assessment, dated 24 September 2019 and Noise Impact Assessment Addendum Report, dated 8 January 2020, accompanies this application. These documents conclude that noise levels associated with the proposed extension of hours are unlikely to cause unreasonable disturbance to occupiers of nearby residential properties.
- 2.3 The Local Planning Authority is satisfied that the proposed extension of hours will not adversely impact the residential amenity enjoyed at neighbouring properties, by means of noise and disturbance, given the evidence accompanying this application and the mitigation proposed. The application is considered to comply with Policy DM10 of the Development Management Policies Document (2015).
- 2.4 This application is brought to Planning Committee as it seeks to vary a Condition of a Major Planning Application.

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 is otherwise referred to as The Royal Automobile Club (RAC). The wider Site measures approximately 350 acres in size 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 Woodcote Park is the Ridge, which is a linear residential development comprising 29 detached dwellings, each within sizable plots.
- 3.3 The wider surrounding area comprises open countryside, residential settlements and towns and villages. Specifically, Epsom Town Centre is to the North-West of Woodcote Park and the village of Ashted is to the West of the Park. Epsom and Walton Downs is to the East of the Park, which comprises Epsom Downs Racecourse.
- 3.4 Woodcote Park is well connected with good links to the M25, A24 and B290. It also has good rail accessibility, with Epsom Railway Station, Tattenham Corner Railway Station and Ashted Railway Station located in close proximity. There are various informal footpaths running through Woodcote Park and public rights of way on Headley Road and Langley Vale Road.

Application Site ('Site')

- 3.5 The Site is located within the rectangular Grade II Listed Walled Garden, at Woodcote Park. The Grade II Listed Gardener's Cottage also forms part of the Walled Garden.
- 3.6 The Walled Garden is immediately bound by trees to the North and East and by residential properties to the South and West. The residential properties located to the South of the Site include Ridge Court and Woodlands and the residential properties to the East of the Site include The Gold Peak, Woodcote and Five Oaks. To the North-East of the Site are residential properties Baroncroft and The Columbarium.
- 3.7 The Site is designated within the Green Belt. It is in Flood Zone 1 (low probability of flooding).

4 Proposal

- 4.1 Full Planning Permission was granted for a children's facility within the Walled Garden on 7 December 2017, under ref: 17/00542/FUL. The formal description of development is as follows:

"Provision of childrens facilities within walled garden, including a childrens activity centre , indoor swimming pool, cafe and associated areas, with associated landscaping, engineering works and operations"

- 4.2 There are 25 Planning Conditions attached to the Decision Notice. Condition 15 relates to the opening hours of the external play facilities and café area in the Walled Garden. It sets out that these areas shall not be used before 8am or after 6pm between April and October (inclusive) and in the winter months 5pm on any given day. The facilities within the pool house (within the Walled Garden) shall not be used before 6am or after 10pm on any given day. For clarity, the formal wording of Condition 15 is provided below:

“The external play facilities and café area in the walled garden shall not be used before 8am or after 6pm between April and October (inclusive) and in the winter months 5 pm on any given day. The facilities within the pool house (within the walled garden) shall not be used before 6am or after 10pm on any given day.

- 4.3 The reason for imposing the Condition was to protect the amenities of neighbouring occupants, in accordance with Policy DM10 of the Development Management Policies Document (2015).
- 4.4 An application can be made under Section 73 of the Town and Country Planning Act 1990, to vary or remove conditions associated with a Planning Permission. This Section 73 application seeks to formally vary Condition 15 of Planning Permission ref: 17/00542/FUL, to extend the opening hours of the external play facilities and café area in the Walled Area from 6:00pm to 8:00pm between April and September (inclusive). This is due to a demand for use of the external areas of the Walled Garden beyond 6pm in the summer.
- 4.5 The applicant initially submitted a Cover Letter, dated 4 June 2019 and a Noise Assessment Update, dated 25 October 2017, with this application. When reviewed by Officers, this documentation was considered to be insufficient to support an extension of permitted hours. A further Cover Letter, dated 17 October 2019, Noise Impact Assessment, dated 24 September 2019, and a MUGA Management & Monitoring Plan, dated 3 October 2019, was subsequently submitted.
- 4.6 The Local Planning Authority's Environmental Health team raised concerns relating to the Noise Impact Assessment, dated 24 September 2019. The Report assessed the impact of vocal noise expected from MUGA use (para 3.15) but it did not consider other noise impacts of MUGA use, including, for example, likely noise generation from balls bouncing, etc. The Report also failed to consider the noise impacts from all of the facilities within the Walled Garden, rather, it concentrated on vocal noise from the MUGA only. For these two reasons, the Local Planning Authority's Environmental Health team raised an objection to extending the permitted hours, in the absence of being able to evidentially demonstrate whether this would adversely impact the neighbouring amenity enjoyed at adjoining properties.
- 4.7 The applicant then submitted a Noise Impact Assessment Addendum, dated 8 January 2020 and a Cover Letter, dated 14 January 2020. The Noise Impact Assessment Addendum is an add-on to the Noise Impact Assessment, dated 24 September 2019. The Noise Impact Assessment Addendum responds to additional points, made in respect of:
- Clarification regarding library source levels for the MUGA noise assessment; and

- The assessment of additional noise sources within the Walled Garden (such as from users of the splash pad, external terrace and other play equipment).

4.8 The Noise Impact Assessment Addendum concludes that noise levels associated with the proposed extended hours of opening are unlikely to cause unreasonable disturbance to occupiers of the nearest residential properties.

5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 36 neighbouring properties. The following representations were received:

Neutral (1):

- confirmation required that the Families Facility will not be rented out

Objection (4) (note that numerous representations submitted by one neighbouring property is treated as 1 representation, although all comments are taken into consideration):

- Accuracy of Noise Impact Assessment
- Impact on Neighbour Amenities
- Generation of Noise and Disruption
- Ecological impacts.

5.2 A Site Notice was displayed and the Application was advertised in the Local Paper.

6 Consultations

Surrey County Council (Highways) (14.11.2019): the application would not have a material impact on the safety and operation of the adjoining public highways. The County Highway Authority (CHA) therefore has no highway requirements.

Within 'Note to Planner', the CHA state that no parking analysis has been submitted with the proposal, but extending the opening hours is likely to increase the dwell time of private vehicles parked on-site. It would have been beneficial for the applicant to confirm that the 30-space car park associated with the Walled Garden continues to be appropriate to support the extended opening hours application, if approved. However, it is noted that the wider site does offer additional car parking if required.

EEBC's Environmental Health Team: the source date used in the assessment is unlike the proposed use at the RAC, in that it was intensive, competitive 5-a-side football, whereas the proposed usage at the RAC is less intense. The numbers involved are always somewhat notional and the RAC is motivated to limit the use of the facilities.

7 Relevant planning history

There is an extensive planning history relating to the wider RAC site. The below table details recent and relevant planning history pertaining to the Walled Garden and Gardener's Cottage only:

Reference number	Proposal	Decision	Decision date

Reference number	Proposal	Decision	Decision date
19/01677/FUL	Remedial repairs to the Grade II listed walls to the Walled Garden to the south and west elevations	Granted	11.02.2020
19/01678/LBA	Remedial repairs to the Grade II listed walls to the Walled Garden to the south and west elevations	Granted	11.02.2020
19/01379/COND	Discharge of Condition 23 (MUGA noise management and monitoring plan) of Planning permission ref: 17/00542/FUL, dated 7 December 2017	Granted	09.01.2020
19/01695/COND	Discharge of Condition 6 (Travel Plan) of Planning Application ref: 17/00542/FUL, dated 17.12.2017	Granted	03.02.2020
19/01067/COND	Application to discharge Condition 4 (outdoor play equipment) of Planning Permission ref: 17/00542/FUL, granted 7 December 2017	Granted	15.10.2019
19/00825/LBA	Single-storey building, to accommodate changing rooms and WC facilities, associated with the approved Family Facility (ref: 17/00542/FUL)	Granted	22.08.2019
19/00747/FUL	Repairs, partial reconstruction and removal of brick arch of Grade 2 listed walled garden, to incorporate a wider entrance	Granted	13.08.2019
19/00748/LBA	Repairs, partial reconstruction and removal of brick arch of Grade 2 listed walled garden, to incorporate a wider entrance	Granted	13.08.2019
19/00547/FUL	Single-storey building, to accommodate changing rooms and WC facilities, associated with the approved Family Facility (ref: 17/00542/FUL)	Granted	23.08.2019
19/00124/COND	Discharge of Condition 7 (External Lighting Scheme) of Planning Permission 18/01104/FUL, granted on 08.01.2019	Granted	18.04.2019
19/00037/COND	Discharge of Condition 21 (drainage and suds) of Planning Permission ref: 17/00542/FUL, dated 7 December 2017	Granted	29.03.2019
18/01543/COND	Discharge of conditions 19 (Sustainable Drainage System) of Planning Permission ref: 17/00542/FUL, dated 7 December 2017	Granted	25.03.2019
18/01475/COND	Discharge of Condition 20 (Surface Water, Pollution Risk, Sustainable Drainage System) of Planning Permission 17/00542/FUL	Granted	25.03.2019

Reference number	Proposal	Decision	Decision date
18/01439/COND	Discharge of Condition 8 (Arboricultural Method Statement) of Planning Permission ref: 17/00542/FUL	Granted	27.03.2019
18/01362/FUL	The use of existing Gardener's Cottage for activities associated with the Royal Automobile Club (limited to B1(a), D1 and D2 Uses) and the erection of a single storey extension with associated landscaping and engineering works	Granted	08.03.2019
18/01363/LBA	The use of existing Gardener's Cottage for activities associated with the Royal Automobile Club (limited to B1(a), D1 and D2 Uses) and the erection of a single storey extension with associated landscaping and engineering works	Granted	08.03.2019
18/01351/FUL	Repairs and partial reconstruction of part of a grade II listed walled garden	Granted	14.02.2019
18/01352/LBA	Repairs and partial reconstruction of part of a grade II listed walled garden	Granted	14.02.2019
18/01339/COND	Application to discharge Condition 5 (Construction Management Plan) of Planning Permission 17/00542/FUL	Granted	27.03.2019
18/01341/COND	Application to discharge Conditions 2 (Ground Works) 3 (Materials) and 7 (Landscaping Scheme) of Planning Permission 17/00542/FUL	Granted	28.02.2019
18/01104/FUL	Creation of a hard surface pathway route between car park and Walled Garden with associated lighting, landscaping and engineering works.	Granted	08.01.2019
17/00542/FUL	Provision of children's facilities within walled garden, including a children's activity centre, indoor swimming pool, cafe and associated areas, with associated landscaping, engineering works and operations	Granted	05.12.2017
16/00900/FUL	Repair and restoration of parts of a Grade II listed walled garden and cottage	Granted	08.11.2016
16/00901/LBA	Repair and restoration of parts of a Grade II listed Walled Garden and Cottage	Granted	08.11.2016
15/01540/LBA	Internal refurbishment works in the Grade II Listed Building, Woodcote Park	Granted	16.03.2016

8 Planning Policy

National Planning Policy Framework (2019)

Core Strategy (2007)

Development Management Policies Document (2015)

Chapter 12 Achieving well-designed places

Chapter 13 Protecting Green Belt Land

Chapter 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 15 Conserving and Enhancing the Natural Environment

Chapter 16 Conserving and Enhancing the Historic Environment

CS1 Sustainable Development

CS2 Green Belt

CS3 Biodiversity

CS5 Built environment

CS16 Managing transport and travel

DM4 Biodiversity and new development

DM5 Trees and landscape

DM8 Heritage assets

DM9 Townscape character and local distinctiveness

DM10 Design requirements for new developments

DM35 Transport and new development

DM36 Sustainable Transport for new development

DM37 Parking standards

9 Planning considerations

- 9.1 This Section 73 application seeks to formally vary Condition 15 of Planning Permission ref: 17/00542/FUL, to extend the opening hours of the external play facilities and café area in the Walled Garden from 6:00pm to 8:00pm between April and September (inclusive). This is due to a demand for use of the external areas of the Walled Garden beyond 6pm in the summer. Officers are considering this aspect of the proposal only. It is not a reassessment of the application for the Family Facility. Subject to this application being approved, all Conditions listed on the Decision Notice attached to planning permission ref: 17/00542/FUL, are included and updated where necessary.

Noise

- 9.2 Policy DM10 (Design Requirements for New Developments - including House Extensions) of the Development Management Policies Document (2015) sets out that development proposals should (inter alia) have regard to the amenities of occupants and neighbours, including in terms of noise and disturbance.
- 9.3 Condition 15 of Planning Permission ref: 17/00542/FUL relates to hours of opening of the external play facilities and café area in the Walled Garden. It sets out that the external play facilities and café area shall not be used before 8am or after 6pm between April and October (inclusive) and in the winter months 5pm on any given day. The facilities within the pool house (within the Walled Garden) shall not be used before 6am or after 10pm on any given day.

- 9.4 The Committee Report for Planning Application ref: 17/00542/FUL sets out that concern had been raised about potential noise and disturbance to nearby residents because of the (now approved) Family Facility. It concluded that subject to restrictive conditions, the scheme would not have a materially harmful impact on neighbour amenity, in terms of noise and disturbance.
- 9.5 Comments have been received regarding the proposed extension of opening hours. Concerns regard noise and disturbance and the validity of the Noise Impact Assessment and Addendum submitted with the application. These comments have been taken into consideration by Officers within the below assessment.
- 9.6 On submitting this application, the applicant sought to extend the opening times from 6pm to 9pm between April and October (inclusive) (Cover Letter, dated 4 June 2019). A Noise Assessment Update, dated 25 October 2017, was also submitted with the application. The report did not specifically relate to this Section 73 application, as it was submitted with the Full Planning Application for the Family Facility (ref: 17/00542/FUL). Officers reviewed the Report, but, in the absence of robust information to support extending the permitted opening hours, Officers were unable to accurately determine the impact of extending the permitted hours of opening on neighbouring amenity.
- 9.7 The applicant subsequently submitted an updated Application Form, dated 17 October 2019, Cover Letter, dated 17 October 2019 and Noise Impact Assessment, dated 24 September 2019, to the Local Planning Authority. The application amended the proposed hours of opening of the external play facilities and café area in the Walled Garden from 6:00pm to 8:00pm between April and September (inclusive). The description of development was formally amended, with agreement from the applicant, to reflect the amended proposed hours of opening.
- 9.8 The applicant also submitted a MUGA Noise Management & Monitoring Plan, dated 3 October 2019, with this application. Strictly, this document accompanied an Approval of Details Reserved by Condition application, which was approved on 9 January 2020, under ref: 19/01379/COND. But, the applicant indicated that the Plan is also a consideration for this application.
- 9.9 The Local Planning Authority's Environmental Health team raised concerns relating to the Noise Impact Assessment, dated 24 September 2019. The Report assessed the impact of vocal noise expected from MUGA use (para 3.15), but, it did not consider other noise impacts of MUGA use, including, for example, likely noise generation from balls bouncing, etc. The Report also did not consider the noise impacts from all of the facilities within the Walled Garden, but rather it concentrated on the vocal noise from the MUGA only. For these two reasons, the Local Planning Authority's Environmental Health team raised an objection to extending the hours of opening, in the absence of being able to evidentially demonstrate whether this would adversely impact the neighbouring amenity enjoyed at adjoining properties.
- 9.10 The applicant then submitted a Noise Impact Assessment Addendum, dated 8 January 2020 and a Cover Letter, dated 14 January 2020. The Noise Impact Assessment Addendum is an add-on to the Noise Impact Assessment, dated 24 September 2019. The Addendum responds to additional points made in respect of:

- Clarification regarding library source levels for the MUGA noise assessment; and
 - The assessment of additional noise sources within the walled garden (such as from users of the splash pad, external terrace and other play equipment).
- 9.11 At paragraph 3.1, the Addendum sets out the additional noise sources within the Walled Garden that have been assessed. These include the external café on the terrace, splash pad, sports court and play areas.
- 9.12 At paragraph 3.4, the Addendum sets out that the measured prevailing background noise level of 40 dB LA90 is considered representative until 20:00 hours. Table 1 of the Noise Impact Assessment Addendum sets out the overall SPL on nearby receptors, comprising nine nearby residential properties. Of these, Ridge Court is identified as having the highest overall SPL, at 39.2Bd LAeq. This is lower than the prevailing ambient level at the proposed closing time of 20:00 hours, but, Officers do recognise that noise will be audible from Ridge Court as a result of extending opening hours.
- 9.13 The Noise Impact Assessment, dated 24 September 2019 and the Addendum are based on an assessment of an active MUGA, where competitive 5-a-side football matches are played. The Local Planning Authority's Environmental Health Team has set out that the data used in the assessment is therefore dissimilar to the proposed use within the Family Facility, where activities are likely to be less intensive. Furthermore, it is recognised that there is no established methodology for establishing noise from children playing (e.g. laughing, singing, shouting). Therefore, the numbers set out within the Noise Impact Assessment and Addendum are somewhat notional.
- 9.14 Condition 23 of Planning Permission ref: 17/00542/FUL requires the submission of a MUGA noise management and monitoring plan, prior to the occupation of the development. This was formally approved on 09 January 2020, under ref: 19/01379/COND. The plan, which was formally assessed by the Local Planning Authority's Environmental Health Team, sets out operational measures to control and monitor noise levels from the MUGA.
- 9.15 In assessing this application, it is recognised that the Family Facility is not operational. As such, it is not possible to fully comprehend noise levels. But, the applicant has submitted a Noise Impact Assessment and Addendum, which sets out predicted noise levels from the MUGA, users of the splash pad, external terrace and other play equipment, within the Walled Garden. The Addendum concludes that noise levels associated with the proposed extension of hours are unlikely to cause unreasonable disturbance to occupiers at the nearest residential properties.
- 9.16 The hours proposed to be extended are between April and September (inclusive) and therefore do not span the full calendar year. Indeed, in the winter months, the external play facilities and café area will be subject to closure at 5pm.

- 9.17 Officers do recognise that extending the permitted hours of opening will result in audible noise later into the evening, specifically to be heard at Ridge Court. But, the likely impact of further noise is considered to be within a reasonable tolerance and sound mitigation has been secured in the form of the MUGA Noise Management and Monitoring Plan. The evidence prepared, which has been reviewed and scrutinised by the Local Planning Authority's Environmental Health Team confirms that the noise generated by extending the opening hours by two hours for six months of the year is not deemed to cause "unreasonable disturbance" to the residential amenity enjoyed by nearby dwellings and the mitigation proposed is considered adequate.
- 9.18 The proposal is considered to comply with Policy DM10 of the Development Management Policies Document (2015).

Levels

- 9.19 Concerns have been raised by neighbouring residents regarding the levels within the Walled Garden.
- 9.20 Drawing ref: (90)LP001 Rev P09 – General Arrangement Plan – dated 25.04.2017 sits under Condition 25 of Planning Permission ref: 17/00542/FUL, approved December 2017. A previous version is included within the Noise Impact Assessment Addendum, dated 08.01.2020.
- 9.21 Drawing ref: 1524_105 P7 – Proposed Site Plan With Contours – dated 13.09.2017, shows proposed contours and levels, which sits under Condition 25 of Planning Permission ref: 17/00542/FUL, approved 7 December 2017.
- 9.22 Drawing ref: RAC(93)LP101 – Proposed Levels Plan – dated 21.09.18 was approved under ref: 18/01341/COND, dated 28 February 2019.
- 9.23 Condition 25 is an enforceable Condition and the applicant is required to ensure that the proposed development accords with the levels stipulated on the approved drawing. The applicant has not formally submitted an application to amend Condition 25 of Planning Permission ref: 17/00542/FUL, to amend the approved contours and levels drawing, nor has the application formally applied to re-discharge Condition 7 (landscaping) of Planning Permission ref: 17/00542/FUL. Furthermore, there is no evidence at this stage that the levels within the Walled Garden will differ from that approved.

Conditions

- 9.24 Section 70(1)(a) of the 1990 Town and Country Planning Act enables the Local Planning Authority, in granting Planning Permission, to impose "such conditions as they think fit". This power needs to be interpreted in light of material considerations.
- 9.25 Paragraph 55 of the NPPF (2019) sets out that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:
- necessary;
 - relevant to planning;
 - relevant to the development to be permitted;
 - enforceable;
 - precise; and

- reasonable in all other respects.

9.26 At present, Condition 15 is imprecise and does not define “winter months”. The applicant’s intention is to have extended operational hours for the months between April and September (inclusive). For the purposes of clarity, the external play facilities and café area in the Walled Garden shall now be conditioned with the new hours. Shorter operational hours are specified within the Condition for the remainder of the year between October and March, to allow for a precise and enforceable Condition,

10 Conclusion

10.1 The Local Planning Authority is satisfied that the proposed extension of hours will not adversely impact the neighbouring amenity enjoyed at neighbouring properties, by means of noise and disturbance, given the evidence accompanying this application and the mitigation proposed. The application is considered to comply with Policy DM10 of the Development Management Policies Document (2015).

11 Recommendation

11.1 Grant Section 73 of the Town and Country Planning Act 1990 to vary Condition 15 of Planning Permission ref: 17/00542/FUL to extend the opening hours of the external play facilities and café area in the Walled Garden from 6pm to 8pm between April and September (inclusive).

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of the Planning Permission dated 7 December 2017

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. Ground works shall be carried out strictly in accordance with the approved details, approved under application ref: 18/01341/COND, dated 28.02.2019

Reason: To ensure that the works are in keeping with the historic setting of the listed wall and to ensure a satisfactory external appearance of the building in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM8 and DM10 of the Development Management Policies Document - 2015

3. The development shall be carried out in accordance with the approved details and samples of materials for the external surfaces of the development, approved under ref: 18/01341/COND, dated 28.02.2019

Reason: To ensure a satisfactory external appearance of the building in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies Document – 2015

4. The development shall be carried out in strict accordance with the approved details of the children's outdoor play equipment, approved under ref: 19/01067/COND, dated 15.10.2019

Reason: To ensure a satisfactory external appearance of the building in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies Document - 2015

5. The development shall be carried out in accordance with the Construction Management Transport Plan and Logistics Plan and other approved documents and drawings, approved under ref: 18/01339/COND, dated 27.03.2019.

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

6. Prior to the first occupation of the development hereby approved, 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, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the 'Heads of Travel Plan' document. The approved Travel Plan shall be implemented on first occupation of the new development and for each and every subsequent occupation of the development, and the Travel Plan should thereafter maintained and developed to the satisfaction of the local planning authority.

Reason: To promote sustainable means of travel and 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 as required by Policy CS16 of the Core Strategy 2007

7. The landscaping shall take place in strict accordance with the approved details of the landscaping scheme, approved under ref: 18/01341/COND, dated 28.02.2019. The landscaping shall take place in strict accordance with the phased programme and the planting in each phase shall be maintained for a period of five years, such maintenance to include the replacement of any plants that die.

Reason: To ensure the provisions and maintenance of soft landscaping, in the interest of visual amenity as required by Policies CS1, CS2, CS5 of the Core Strategy (2007) and Policy DM5 of the Development Management Policies Document 2015

8. The development shall be carried out in accordance with the agreed details of the Arboricultural Method Statement and Tree Protection Plans, agreed under ref: 18/01439/COND, dated 27.03.2019. No equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

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

9. The development shall be constructed in accordance with the measures outlined in Energy and Sustainability Statement, dated October 2014

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials in accordance with Policy CS6 of the Core Strategy 2007

10. The development shall be implemented strictly in accordance with the mitigation and enhancement measures outlined in the Ecological Appraisal dated October 2014 (Report Reference - EDP1297_07e) and the principles set out in the Landscape and Biodiversity Management Strategy November 2014, Family Facility, Woodcote Park, Royal Automobile Club, Epsom Ecology Position Statement 2017 C_EDP1297_18, Technical Note: Ecological Update 2016 (ref:C_EDP1297_14); and Ecological Management Plan (EMP) (ref: C_EDP1297_15b).

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

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

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

12. 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

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 Document 2015

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

Reason: To ensure the development does not impact on local underground infrastructure or harm the future occupants of the site in accordance with Policy CS6 of the Core Strategy 2007 and Policy DM17 of the Development Management Policies Document 2015.

14. The development permitted by this planning permission shall only be carried out in accordance with the approved FRA produced by Atkins dated November 2014 reference no. 5127703_200/072/DG/007 and Drainage Strategy produced by Precision dated 13/09/17 reference no.002/RAC Drainage Strategy Rev.8

Reason: To ensure suitable drainage of the development to reduce risk of flooding in accordance with Policy CS6 of the Epsom & Ewell Core Strategy 2007

15. The external play facilities and café area in the Walled Garden shall not be used before 8am or after 8pm between April and September (inclusive) and in the remaining months 5pm on any given day. The facilities within the pool house (within the Walled Garden) shall not be used before 6am or after 10pm on any given day.

Reason: To protect the amenities of neighbouring occupiers in accordance with Policy DM10 of the Development Management Policies Document 2015

16. No construction work shall be carried out before 07:30 hours or after 18:30 hours Monday to Friday; no construction work 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: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers in accordance with Policy DM10 of the Development Management Policies Document 2015

17. Vehicle service deliveries to the walled garden facilities shall only take place between 8am and 6pm weekdays and between 9am to 1pm on Saturdays

Reason: To protect the amenities of neighbouring occupiers in accordance with Policy DM10 of the Development Management Policies Document 2015

18. Prior to the commencement of the development (other than ground works and access construction) The applicant shall submit detailed hydraulic calculations of the final drainage calculation to include the following:

- a) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+Climate change allowance) for storm events. Detailed hydraulic calculation of each SUDs feature shall be included.
- b) 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 and including details of any flow restrictions.
- c) Half drain time of 24 hours shall be achieved for at least the 1:30 year storm

Reason: To ensure suitable drainage of the development to reduce risk of flooding in accordance with Policy CS6 of the Epsom & Ewell Core Strategy 2007

19. The development shall be carried out in strict accordance with the details of a Sustainable Drainage System, approved under application ref: 18/01543/COND, dated 25.03.2019

Reason: To ensure suitable drainage of the development to reduce risk of flooding in accordance with Policy CS6 of the Epsom & Ewell Core Strategy 2007

20. The development shall be carried out in strict accordance with the approved details relating to surface water, pollution risk and Sustainable Drainage System, as approved under ref: 18/01475/COND, dated 25.03.2019

Reason: To ensure suitable drainage of the development to reduce risk of flooding in accordance with Policy CS6 of the Epsom & Ewell Core Strategy 2007

21. The scheme detailing maintenance regimes and responsibilities of the drainage and SUDs elements during the operation and lifetime of the systems were approved under ref:

19/00037/COND, dated 29.03.2019. The development shall thereafter be managed and maintained in accordance with the approved details

Reason: To ensure suitable drainage of the development to reduce risk of flooding in accordance with Policy CS6 of the Epsom & Ewell Core Strategy 2007

22. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.

Reason: To ensure suitable drainage of the development to reduce risk of flooding in accordance with Policy CS6 of the Epsom & Ewell Core Strategy 2007

23. The development shall be carried out in accordance with the MUGA noise management and monitoring plan, approved under ref: 19/01379/COND, dated 09.01.2020

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

24. Any weldmesh fencing, panels or similar materials used to enclose the MUGAs shall be securely clamped with resilient fixings to avoid vibrations, and any advertising signs in proximity to the playing surface shall be made from vinyl or other material which is resistant to the generation of impact noise.

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

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

1524_105 P7; 1524_110 P15; 1524_111 P14; 1524_112 P2; 1524_120 P9;
1524_121 P2; 1524_125 P2; 1524_126 P1; 1524_130 P6;
(90)LP001 R09 - General Arrangement Plan
(90)LP002 R01 - Landscape Colour Masterplan

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)

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 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 applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds. Any works to trees should take place outside of the bird breeding season and if this is not possible an inspection for breeding birds should be

carried out by a qualified ecologist no more than 24 hours prior to any works taking place

- (3) The applicants are reminded of the need to secure a European Protected Species Mitigation Licence from Natural England prior to the commencement of any works hereby approved

57 Salisbury Road Worcester Park Surrey KT4 7DE

Redevelopment of the site for 15 apartments (1 x studio unit, 9 x 1 bed and 5 x 2 bed apartments) with car port, car parking, cycle store, bin store and associated external works.

Ward:	Cuddington 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=PUOV1WGYFLK00>

2 Summary

- 2.1 This application seeks permission for the demolition of an existing dwelling and the erection of a two storey building (with roof accommodation) comprising 15 flat units and associated parking and external works.
- 2.2 A similar application for 13 apartments was recently granted permission by committee in October 2019 (Reference 17/01760/FUL).
- 2.3 The proposal would comply with residential policies contained in the Development Management Policies Document 2015.
- 2.4 The application is therefore recommended for conditional permission subject to the completion of a S106 agreement to secure a clawback arrangement that is consistent with the viability appraisal and the previous and extant permission upon the site.

3 Site description

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

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

4 Proposal

- 4.1 This application seeks permission for the demolition of an existing dwelling and the erection of a two storey building (with roof accommodation) comprising 15 flat units (1 studio, 9 one bed and 5 two bed) and associated parking and external works.
- 4.2 The building would have a broadly rectangular footprint, and would be constructed broadly within the same envelope as the approved block, with the bulk mass and height also in line with that previously approved. It would be set back from the highway and side boundaries, allowing dense boundary trees and hedge screening to be retained, and would respect the front building lines of the adjacent dwellings. The existing access to the site from Salisbury Road would be retained unchanged.
- 4.3 Spatial separation distances and the distance proposed between the proposed flats and neighbouring dwellings would be similar to the extant 13 bed scheme.
- 4.4 The proposed building would be of a traditional design, with part brick/part timber clad elevations, incorporating features such as front gables, window detailing, bay windows and an entrance porch providing covered access. The flank elevations would be clad in timber boarding.
- 4.5 Parking for 17 vehicles, including a bin store, would be provided in a permeably paved forecourt. Five of the spaces would be covered by a proposed car port attached to the western flank elevation of the building. A cycle store would be provided in the rear garden area. Communal amenity space would be provided for all flats to the rear of the building.
- 4.6 It is proposed to remove a number of trees, from within the centre area of the site, to facilitate the proposals.

5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 28 neighbouring properties, a site and press notice 6 letters of objection have been received regarding:

- Overlooking and loss of privacy
- Loss of thatched dwelling
- Impact on wildlife
- Highway safety

6 Consultations

6.1 Highways: Conditions to be imposed on any planning permission granted

6.2 Tree Officer: No objections

6.3 Design and Conservation Officer: No objections

7 Relevant planning history

Application number	Decision date	Application detail	Decision
05/00353/FUL	20.09.2005	Demolition of existing house and erection of 14 no. apartments with associated parking (Drawing Nos.9492/PL01, 02, 03, 04A, 05A, 06A and 07A)	REFUSED
07/00994/FUL	28.02.2008	Demolition of existing dwelling and outbuildings and erection of new building comprising 13 apartments with carport, car parking, cycle store, bin store and associated external works and access.(As amended by drawing Nos.SD:WOR:07:01A and 03A)	REFUSED Appeal GRANTED 25.09.2008
17/01760/FUL	23.10.2019	Redevelopment of the site for 13 apartments (6 x 1 bed, 6x2 bed , 1x3 bed) with car port, car parking, cycle store, bin store and associated external works	GRANTED

8 Planning Policy

National Policy Planning Framework (NPPF) 2019

Chapter 5 para 64	Delivering a sufficient supply of homes
Chapter 11: Para 118, 122	Making effective use of land
Chapter 12: Para 128 -131	Achieving well-designed places
Chapter 16 para 197	Conserving and enhancing the historic environment

Core Strategy 2007

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

Development Management Policies Document 2015

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

9 Planning considerations

Previous Application

- 9.1 A similar residential scheme for development (17/01760/FUL) seeking detailed planning permission for the erection of 13 apartments was granted permission by Committee in October 2019. In addition a scheme for 13 flats was also approved under appeal in February 2008 (ref 07/00994/FUL)
- 9.2 The current scheme differs from the extant scheme in the following ways:
- The number of units would be increased from 13 to 15 units and the housing mix would change from 6 one bed, 6 two bed and 1 three bed, to 1 studio, 9 one bed and 5 two bed units.
 - The northeast corner of the building would be infilled. This would result in a small increase in the depth of the eastern end of the building of about 1.7 m compared to the extant scheme.
 - The proposed building would be re-positioned about 1.5m further forward in the site so the rear corner would be in the same position as the extant scheme.
 - The current proposal would remove the Juliette balconies that were included for upper floor units at this end of the building in the extant scheme.

Principle of Development

- 9.3 The principle of demolishing the dwelling and the redevelopment of the site has been established through the extant permission (17/01760/FUL) and previously at appeal (07/00994/FUL) for the erection of erection of 13 flats in a two-storey building with associated parking spaces.
- 9.4 The NPPF paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.5 Paragraph 68 of the NPPF encourages the promotion of small and medium sized sites – "giving great weight to the benefits of using suitable sites within existing settlements for homes".
- 9.6 Paragraph 122 of the NPPF states that planning policies and decisions should support development that makes sufficient use of land taking into account amongst other criteria ":(d) the desirability of maintaining an areas prevailing character and setting (including residential gardens) or of promoting regeneration and change...".

- 9.7 The Government's 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 and following the publication of the housing delivery test results on 13th February 2020 this has been increased to 695 per annum.
- 9.8 Meeting this substantial increase in the annual housing building target will be challenging. With the Borough being mostly comprised of existing built up areas, strategic open spaces or Green Belt, the supply of available development sites is now extremely limited. It is therefore important that available sites are optimised for housing delivery.
- 9.9 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.
- 9.10 Given the significant housing need in the borough, it is considered that the proposed redevelopment of this site in a sustainable location for a residential scheme is appropriate in principle, subject to the detailed consideration of the other planning considerations below.

Visual Impact

- 9.11 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.
- 9.12 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.

- 9.13 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.
- 9.14 Policies DM9 and DM10 encourage high quality development and planning permission will be granted for proposals, which make a positive contribution to the borough's visual character and appearance. Policy DM8 states that the Council will resist the loss of our Heritage Assets and every opportunity to conserve and enhance them should be taken by new development.
- 9.15 The design of the building closely follows that of the previous approval in terms of its massing, bulk, scale, appearance and materials. There would be little discernible visual impact upon the character and appearance of the area between the proposed and approved schemes.
- 9.16 The design approach continues to comprise a building of a traditional design, with part brick /part timber clad elevations, incorporating features such as front gables, window detailing, two storey bays, dormer windows would be contextually appropriate and would sit comfortably within the site and the streetscene. The existing trees along the highway boundary would largely obscure the new building.
- 9.17 It is therefore concluded that the proposed scheme in terms of its design, scale and massing would not have a harmful impact on the character and appearance of both the immediate and wider area and would therefore accord with Policy DM8, DM9 and DM10 of the development plan.

Heritage Assessment

- 9.18 The existing house is included on the Council's list of buildings of local architectural and historic interest but it is not statutorily protected.
- 9.19 Paragraph 197 of the NPPF 201 states that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".
- 9.20 Development Management Policy DM8 seeks to resist the loss of heritage assets and notes that as part of any assessment process the significance of the asset will be taken into account when determining whether the impact of any proposed development is acceptable

- 9.21 The previous Inspector noted with regard to the appeal scheme (07/00994/FUL) that although the building had been added to the Council's local list, it is screened from the adjacent roads by boundary fencing and planting and as a result makes little contribution to the street scene and does not enjoy the full protection of statutory listing.
- 9.22 The Inspector concluded that the demolition of the existing building was acceptable. She was not persuaded that the building is of such architectural or historic merit to warrant retention irrespective of the merits of any redevelopment proposal. She considered the proposed scheme was well designed and would contribute to the character and appearance of the local environment.
- 9.23 The current scheme is considered to offer the additional benefits over the extant approved scheme. The proposal would make an important contribution to meeting housing needs pursuant to the national policy to boost significantly the supply of housing.
- 9.24 It is officers' judgement that the overall merits of the scheme would outweigh the loss of this particular building and that the demolition of the existing building is justified having regard to its status as a non-designated heritage, and prevailing planning policies.
- 9.25 The proposal would therefore comply with Policy DM8

Neighbour Amenity

- 9.26 Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policy Document 2015 seeks to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbances.
- 9.27 The siting of the proposed building has taken into account the positioning of adjacent dwellings and ensures that the proposal will not result in any unacceptable loss of amenity to occupants of adjoining properties due to overlooking or loss of privacy.
- 9.28 The kitchen windows in the western flank elevation of the proposed scheme would face the garden immediately to the rear of "Oak House" at an oblique distance of some 17m which is considered adequate to avoid significant loss of privacy. There are no windows proposed in the eastern upper floor elevation. (It is also noted that existing trees along the boundaries of the affected properties would provide an additional element of screening).
- 9.29 The building would be setback around 16m from the flank elevation of Oak House and around 5m from the flank wall of No 59 Salisbury Road which prevent the building from having an overbearing impact on the outlook from the respective properties. The revised location of the bin store would not conflict with a 45 degree outlook angle taken from the nearest front facing window of the dwelling at No 59 Salisbury Road.

- 9.30 Subject to a safeguarding condition requiring the first floor flank kitchen window in the rear facing flat to be obscurely glazed would prevent any material overlooking of the garden of the affected adjoining property "Oak House", the proposed scheme would comply with Policy DM10.

Housing Space Standards

- 9.31 The Nationally Described Space Standards, sets clear internal minimum space standards for new dwellings. The space standards are intended to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures. The Standards provide separate standards for bedrooms within new dwellings stating that a single bedroom should be no smaller than 7.5 m² and a double bedroom should be no smaller than 11.5 m². All new units should be designed in accordance with the National Space Standards.
- 9.32 The proposed 2 bed (3 person) flat would have a Gross Internal Area (GIA) of 61m², the 2 bed (4 person) flat a GIA of between 70m² and 92m², the 1 bed (2 person) flats a GIA of between 50m² and 60m², and the studio flat (2 person) an area of 43m².
- 9.33 Each flat would therefore comply with the appropriate Nationally Described Space Standard technical requirements (61m², 70m², 50m² respectively) in compliance with Policy DM12

Amenity Space

- 9.34 Policy DM12 refers to housing standards and requires amenity space to be private, functional, safe and bio-diverse, easily accessible from living areas, oriented to take account of sunlight and shading, of sufficient size to meet the needs of the likely number of occupiers and provide for the needs of families with young children.
- 9.35 All flats would have access to communal amenity space to the rear of the building. Overall, this would be adequate in terms of both size and quality to suit the needs of small family accommodation, and would comply with policy DM12's requirement for amenity space for flatted developments

Car Parking and Access

- 9.36 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, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users; and

- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.37 Paragraph 109 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.
- 9.38 Policy DM27 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
- 9.39 The Council's adopted Parking Standards requirements for car parking provision within residential developments are a minimum of 1 space for one and two bed flat units.
- 9.40 The proposal is for the existing access point to be retained and re-used. Parking would be provided in the form of 17 parking spaces in compliance with current parking standards. Five of the spaces would be within a proposed carport. Cycle storage would be provided in the rear garden. A refuse store would be provided adjacent to the eastern flank boundary opposite the vehicular entrance to the site.
- 9.41 The Highways Officer has raised no objection to the scheme.
- 9.42 The scheme would therefore comply with Policy DM37 and the Council's SPD on Residential Parking standards.

Ecology /Biodiversity

- 9.43 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.
- 9.44 Policy DM4, seeks to ensure that every opportunity should be taken to secure net benefit to the Borough's biodiversity.
- 9.45 The application is supported by a Preliminary Ecological Appraisal and Bat Survey which concludes the following:

The site was comprised of garden habitats and mixed plantation woodland of low relative biodiversity value. Mature trees, particularly along the southern boundary of the Site, had elevated biodiversity interest and should be considered a design constraint where practicable. The two garage buildings had a small number of features that could theoretically support crevice roosting bats, but neither possessed any evidence to suggest they were in use by bats, and the presence of bats is considered a low theoretical possibility in both buildings. Bat activity survey of both buildings has verified that neither supports a bat roost and that they could be removed without restriction in relation to roosting bats. The dwelling house and wood store had negligible potential to support roosting bats and could be removed without restriction. No other significant protected animal species constraints have been identified, but a precautionary approach is recommended in relation to vegetation clearance and tree removal in respect of breeding birds (as set out below), and it is possible that stag beetle may use the site.

- 9.46 Officers have considered the submitted Ecological Appraisal and concluded that the scheme would not detrimentally harm the habitat of any threatened species. Officers consider that the proposed development would meet the licensing criteria (the '3 legal tests') of Natural England to make sure that:
- the activity is for a certain purpose, for example it's in the public interest to build a new residential development
 - there's no satisfactory alternative that will cause less harm to the species
 - the activity doesn't harm the long-term conservation status of the species
- 9.47 It is recommended that a condition requiring the installation of bat and bird boxes, the planting of native trees and shrubs, and the provision of a stag beetle log pile be imposed, in order to enhance the value of the site for local wildlife, with a net gain for biodiversity as encouraged by Policy DM4.

Trees/Landscaping

- 9.48 Chapter 15 of the NPPF concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.
- 9.49 Policy DM5 (Trees and Landscape) of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia):
- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and

- Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.
- 9.50 The proposed site layout allows for the retention of number large mature trees on the frontage of the site. The proposed permeable hard surfaces at the site have been amended to ensure that the adjacent trees can be protected both during and post development of the site in accordance with the requirements of BS 5837:2012
- 9.51 It is proposed to remove a number of trees, from within the centre area of the site, to facilitate the proposals. However, these trees are not prominent within the wider landscape and the associated loss in amenity could be satisfactorily offset by replacement planting.
- 9.52 Details of hard and soft landscaping would need to be secured by an appropriate condition In this respect, the proposal would not fall contrary to Policy DM5 – Trees and Landscape

Affordable Housing

- 9.53 Paragraph 64 of the National Planning Policy Framework states that
“Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:
- a) provides solely Build to Rent homes;*
 - b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);*
 - c) is proposed to be developed by people who wish to build or commission their own homes; or*
 - d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.”*
- 9.54 Policy CS9 deals with affordable housing requirements. The policy seeks 40% affordable housing on sites of 15 dwellings and above. The Council will seek to ensure that the affordable housing remains affordable to successive as well as initial occupiers through the use of planning conditions or a planning obligation.
- 9.55 In this regard the proposal to be policy compliant should require 6 affordable units.

- 9.56 Paragraph 3.12.11 of the policy goes on to state that where there are specific and overriding site constraints or where development specific issues inhibit the provision of affordable housing, off site provision or financial contributions may be acceptable.
- 9.57 The applicant submitted a Viability Report which stated that there is insufficient value in the proposal to support an affordable housing contribution.
- 9.58 This evidence has been scrutinised by the Council's independent valuer who is in agreement that the scheme is unable to support a fully policy compliant affordable housing provision.
- 9.59 Para 64 of The NPPF advises that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership. This lower threshold is a material consideration, on the basis of the extant scheme providing nil units and the Council's current significant shortfall in housing land supply, these factors along with all the other identified benefits outweigh the lack of affordable housing within a planning balance.
- 9.60 It is recommended that a viability review mechanism (similar to the extant legal agreement) be included in the S.106 agreement. This would require the submission of a revised Viability Statement in the event that the slab level is not completed within two years from the date of the planning permission, and prior to the occupation of any more than 9 flats.

Sustainability

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

Community Infrastructure Levy

- 9.63 The proposal would be CIL liable

Planning Balance and Overall Conclusion

- 9.64 The proposal is for a block of 15 flats.
- 9.65 The Governments standard method for calculating the housing requirement for the Borough of 579 new homes each year. In the absence of a 5 year housing land supply this been increased to 695 under the housing delivery test as published on 13 February 2020.

- 9.66 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 asset of particular importance that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impacts demonstrable outweigh the benefits when assessed against the NPPF as a whole.
- 9.67 Meeting any increase in the annual housing building target will be challenging. With the Borough being mostly comprised of existing built up areas, strategic open spaces or Green Belt, the supply of available development sites is now extremely limited. It is therefore important that available sites are optimised for housing delivery.
- 9.68 The development has been considered with regard to applying the presumption in favour of sustainable development, and the latest housing land supply position has been taken into account.
- 9.69 As part of the application process it is necessary to consider the benefits arising from the proposal and the weight to which they are considered. These then need to be balanced against any identified harm.
- 9.70 The provision of an additional two units (compared to the extant scheme) is given further positive weight in the planning balance which in totality with the 15 provided overall is a significant benefit and a valued contribution to the Borough's housing target. Whilst the scheme does not meet the requirements of para 64 of the NPPF for at least 10% of the homes to be available for affordable home ownership, it is acknowledged the scheme would not be viable if it met this requirement.
- 9.71 It is considered that there are no adverse impacts that would otherwise outweigh the benefits of providing additional housing units. Whilst this would not make a substantial uplift in the contribution to the Borough's housing target, it is acknowledged that due to site constraints, the scheme represents an acceptable optimisation of the use of the site.

10 Conclusion

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

11 Recommendation

Part A

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

- A mechanism to review the viability of the development, if slab level is not completed or the occupation of 9 or less flats, within two years from the date of the planning permission. Subject to the viability testing the agreement secure a financial contribution towards affordable housing in the borough of Epsom and Ewell in lieu of any dwellings as affordable, payable up to a maximum of £444,981 Index Linked

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

Part B

In the event that the section 106 Agreement referred to in Part A is not completed by 12th June 2020 the Head of Planning be authorised to extend the deadline to complete the agreement or refuse the application for the following reason:

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

Condition(s):

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

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

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

- **2019 - P0043 - LP (Site Location Plan) (1:1250)**
- **2019 - P0043 – 200 (Coloured Site Layout) (1:250)**
- **2019 - P0043 - 201 (Proposed Site Information Plan) (1:250)**
- **2019 - P0043 - 202 (Proposed Floor Plans) (1:100)**
- **2019 - P0043 - 203 (Proposed Elevations) (1:100)**
- **2019 - P0043 - 204 (Proposed Street Scene) (1:250)**
- **2019 - P0043 - 205 (Proposed Bin Store) (1:100)**
- **2019 - P0043 - 206 (Proposed Cycle Store) (1:100)**

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 external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

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

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

- (5) No 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.

- (6) The first floor flank kitchen window(s) Flat 7 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.

- (7) No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown on Drawing Number DPA-69908-02, DPA-69908-03 in the Arboricultural Method Statement by DPA dated January 2019 have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.**

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

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

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

- (9) 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

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

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

- (11) Notwithstanding the submitted plans, no part of the development shall be first occupied unless and until a vehicular bell-mouth access, with tactile paving and dropped kerbs at the pedestrian crossing point, has been constructed in accordance with a revised scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter all shall be permanently retained.**

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 means of access to the development shall be from Salisbury Road only.**

The development hereby approved shall not be first occupied unless and until the existing access from the site to Cromwell Road has been permanently closed and any kerbs, verge, footway, fully reinstated.

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

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

- (a) parking for vehicles of site personnel, operatives and visitors**
- (b) loading and unloading of plant and materials**
- (c) storage of plant and materials**
- (d) programme of works (including measures for traffic management)**
- (e) provision of boundary hoarding behind any visibility zones**
- (f) measures to prevent the deposit of materials on the highway**

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

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

- (14) No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for a maximum of 17 cars and a minimum of 15 cycles to be parked, and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose.

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

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

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

- (16) 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)

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

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

- (18) No development shall take place until a strategy of surface water drainage for the site using a Sustainable Drainage System (SuDS) has been submitted to and approved in writing by the local planning

authority. The approved development shall be implemented in accordance with the approved strategy prior to the occupation of the building and thereafter retained in that condition.

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

- (19) The development hereby approved shall not be first occupied unless and until four parking spaces 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 scheme to be submitted to and approved in writing by the Local Planning Authority.

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

- (20) The flat roof to the carport hereby permitted shall not be converted or used as a balcony or a sitting out area, and no access shall be gained except for maintenance purposes.

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

- (21) Prior to the first occupation of the first unit hereby permitted, details of bird boxes and swift bricks shall be submitted to and approved in writing by the local planning authority. The enclosures shall be erected in accordance with the approved details and shall be retained, free of obstruction, in perpetuity thereafter.

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

Informative(s):

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

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

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

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

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

More information and the charging schedule are available online:

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

- (5) No construction work shall be carried out in such a manner as to be audible at the site boundary before 07:30 hours or after 18:30 hours Monday to Friday; no construction work shall be audible at the site boundary before 8:00 or after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank/Public Holidays
- (6) The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see:

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

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

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

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The Lodge, West Street, KT17 1XU

Demolition of existing detached house and construction of Two houses and Three 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=Q1Y2BRGYGMV00>

2 Summary

- 2.1 This application follows a refusal which was seen by planning committee on 07.11.2019 under planning reference 19/00801/FUL. The previous application was for four flats and two dwelling houses. The reasons for refusal are as follows:

- 1. The design of the development by reason of its scale, massing, bulk and detail would fail to preserve or enhance the character and appearance of the Ewell Village Conservation Area, resulting in less than substantial harm to the designated heritage asset. The development does not achieve public benefits that outweigh the harm and adverse impacts of the scheme when assessed against the policies in the National Planning Policy Framework taken as a whole. The proposal is contrary to the NPPF, policies DM8, DM9, and DM10 of the Development Management Policies Document 2015 and CS5 of the Core Strategy 2007.*
- 2. The proposed development would not meet the parking standards as set out in DM37 of the Development Management Policies Document 2015 resulting in harm on the surrounding area in terms of streetscene and availability of on street parking, and failing to comply with CS16 of the Core Strategy 2007.*

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- 2.2 The proposal will form part of a wider streetscene incorporating the approved development 19/00015/FUL so as to form a full row of five new dwelling houses and three 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.
- 2.3 The subdivision of existing site and erection of three 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.
- 2.4 The site is bounded by a the Gibraltar Recreation Ground to the north west, and a development site directly adjacent which is known land adjacent to The Lodge, West Street, Ewell (this site is subject to planning approval 19/00015/FUL for three houses, which would be contextual to the scheme being considered and adjoin and form the second half of the streetscene created by this development).
- 2.5 The proposed development would have seven on-site parking spaces. Surrey County Council Highways have reviewed this arrangement and confirmed that they have no objection on highway safety or capacity.
- 2.6 The proposed development is a contemporary design which would be complementary to the traditional character of the surrounding area. The proposal would be slightly less bulky than the previous approval, and is considered to result in less than significant harm in heritage terms and is positively balanced against the delivery of additional housing.
- 2.7 The proposed scheme results in a reduction in bulk and massing from that of the previous refusal. The flatted section of the scheme has been set in from the boundary and reduced in scale and massing and as such, Officers consider that the proposed scheme has addressed concerns regarding the scale and density of the proposal to the degree that it is acceptable in terms of design and scale.
- 2.8 The proposed development would result in an increase in four residential units on the site and is considered to be optimise the potential of this site. The less than substantial heritage harm in this case is considered to be clearly outweighed by the benefits of additional housing given the Borough's 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.

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- 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 pillars at the entrance to the site are owned and maintained by the owner of The Lodge, West Street. Outside of the pillars is a shared access between The Lodge and the Gibraltar Recreation Ground which is not in the ownership of The Lodge.
- 3.5 The site subject of this application is adjacent to a vacant plot of land situated on the northern side of West Street, Ewell. That plot of land benefits from planning permission for three dwellings granted under ref 19/00015/FUL. Both sites (subject of this case and approved) are visible from Gibraltar Recreation Ground and the surrounding properties and would be viewed in the context of each other.
- 3.6 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.
- 3.7 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 three flats.
- 4.2 The proposed flats would be 12 metres in width; 9.3 metres in depth; 7.1 metres to the eaves; and, 9.5 metres to the roof ridge.
- 4.3 House 1 would be 7.9 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 7.9 metres in width; 9 metres in depth; 7.5 metres to the eaves; and, 9.6 metres to the roof ridge.

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- 4.5 The proposed dwelling would be 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 three dwelling houses.
- 4.6 The contemporary design of the buildings would not match the building architecture of other nearby properties other than those approved. 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

Specific comments - The proposed development comprises 2 x 3 bed houses, 1 x 1 bed flat and 2 x 2 bed flats. These dwellings will be served by 7 off street car parking spaces. This parking provision meets the Epsom & Ewell Residential Parking Standards.

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The site is currently served by an existing vehicular access which is shared with the recreation ground car park. It is proposed that this access will be retained, and a new vehicular access created onto West Street to the east of this existing access. The County Highway Authority raises no objection to this proposal, but does recommend that a revised access plan be submitted demonstrating visibility splays from the proposed new access. West Street is an unclassified road subject to a 30mph speed limit. In accordance with Manual for Streets an access onto a 30 mph street should provide visibility splays of 2.4m 'x' distance by 43m 'y' distance. The CHA notes that the proposed site access plan does include visibility splays, however, the full 43m extent of these splays is not included on the plan.

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
19/00801/FUL	27.06.2019	Demolition of existing detached house and construction of Two houses and Four flats.	Refuse

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

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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 (hereafter referred to as the 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 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 Paragraphs 7 and 8 of the Framework state that 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 (Framework para 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).

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- 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 13th February 2020. The Council is presently falling significantly short of this requirement and cannot demonstrate five years Housing Land Supply.
- 8.12 Paragraph 11d of the 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 asset 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 Framework 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 Framework. The housing target of 188 dwellings 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.

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- 8.17 The Core Strategy pre-dates the Framework and in accordance with paragraph 213, 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 Framework 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

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- 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 softens the impact of the 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 plot. 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 and as yet unimplemented 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 the more developed appearance of the development.
- 8.28 The previous application 19/00801/FUL was refused on design grounds due to the scale and massing of the flats. The reduction in unit numbers has enabled the flats to be more evenly spread across the site with the flats being set in from the boundary. This has reduced the visual impacts and has resulted in them sitting more comfortably on the site with less bulk and reduced massing to that previous refused.
- 8.29 Epsom & Ewell's Design and Conservation Officer has made comment in regard to massing and scale of the proposal, and has not objected to the scheme, citing less than substantial harm needing to be considered in the Planning Balance.

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Conservation and Heritage

- 8.30 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.
- 8.31 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.
- 8.32 Paragraph 193 of the Framework 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.
- 8.33 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;

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- 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.
- 8.34 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.
- 8.35 The second phase of development raises some concerns regarding its impact on the streetscape of this suburban site.
- 8.36 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 two storey houses in the area.
- 8.37 These taller buildings would have a greater presence in the streetscape than the approved adjacent development (19/00015/FUL) as they are three storeys with gables and would be closer to the verge, which is narrower at the site subject of this application than at the first phase. This contrasts with the generous front gardens behind wide pavement to the front of the two storey houses opposite (Most of which front onto the street with sloped or hipped roof, further reducing the impact of their height).
- 8.38 The first phase (subject of earlier approval) of the development starts with two, three storey houses and then reduces to a two storey house as the site narrows. This reduced the scale and massing of the development appropriately as the site narrowed.
- 8.39 The second phase (subject of this application) of the development now increases back up to three storeys and because the flats three storeys under the three successive gables the massing increases at the narrowest part of the site.
- 8.40 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 three storey elevation would have an imposing and negative impact of some pedestrian level views from the west. However, it is set in from the boundary of the site in contrast to the refused application (in 19/00801/FUL) which proposed the flats to directly abuts the boundary of the site.

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- 8.41 The general design approach to the buildings is a good one as it builds upon the character of the approved scheme - albeit in a more intensely massed form.
- 8.42 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, a higher specification of suitable materials would be secured by as a condition.
- 8.43 Overall it is considered that the proposed development is of a contemporary and high quality architecture and the context of the adjacent approval is considered an acceptable approach to development upon this site. The Council's Conservation Officer has advised that the design of the scheme would result in less than substantial harm to be weighed in the planning balance.

Conservation and Heritage Conclusion

- 8.44 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.
- 8.45 The proposed development although more dense than the previous approved development would fit on the site and meet all internal space standards.
- 8.46 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 Ewell Village Conservation Area's 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.
- 8.47 The proposed development would result in an increase from one to six new residential units which is not insignificant increase is given the Council's need for housing and the lack of provision in the borough.
- 8.48 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 four residential units the proposed impacts upon the conservation area is considered to be acceptable in this case.

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- 8.49 As an additional note officers would like to add that this application comes as a resubmission following a refusal at planning committee on 07.11.2019 (Application - 19/00801/FUL). The massing of the flats in this proposal has been reduced from the previous refusal and it is worth noting that this does lessen the visual prominence of the proposed flats. Given the context of the development within the Ewell Village Conservation Area, this change is a positive amendment taking into account concerns raised by members at planning committee.
- 8.50 Overall the design changes would result in a reduced impact to the character and appearance of the conservation area and would reduce the extent to which design impacts of the scheme in the final planning balance.

Transport

- 8.51 The proposed development includes seven parking spaces. The dwelling house would be allocated with two spaces each and the flats would be allocated one space per unit. This meets the council's minimum parking standards that sets out that family sized units (3+ bedrooms) should have a minimum of two car parking spaces and 1-2 bedroom units should have one car parking space.
- 8.52 The proposal includes a minimum of one bicycle storage space per flat and four per house which would be in line with Surrey County Council cycle allocation standards of two cycle storage spaces per new family sized unit.
- 8.53 Concerns regarding deliveries of materials, machinery and how these would access to the property were raised during the consultation process. Details of parking and deliveries and the times of operation will all be required to be detailed within the construction management plan which will be secured by planning condition in order to minimise disturbance and maintain constant access to Gibraltar recreation ground.

Transport conclusion

- 8.54 The proposed development provides a policy compliant level of car parking. The previous application on the site for four flats and two houses was refused for reasons relating the non-compliance with Epsom & Ewell's Parking Standards.
- 8.55 This submission addresses the concerns regarding onsite parking provision and delivers a policy compliant level of parking and overcomes the previous reason for refusal. Therefore, Officers do not have any transport or parking objections to this scheme.

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Flood Risk

- 8.56 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.
- 8.57 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

- 8.58 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 & Ewell's Ecology Officer to ensure that new plant species are of a high ecological value.

Ecology

- 8.59 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 & Ewell's Ecology Officer has confirmed no objection to the proposal.
- 8.60 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

- 8.61 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.

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- 8.62 The application proposes the erection of two new dwellings and three flats. Both dwellings would have three bedrooms and the flats would comprises of 2 two bedrooms and a single bedroom unit. The minimum space standards for a three storey three bedroom property is 90 m² of internal floor space. The minimum standards for a one bedroom flat and two bedroom two storey flat is 39 m² and 70 m² of internal floor space respectively.

8.63

Property	Bedroom 1 (m2)	Bedroom 2 (m2)	Bedroom 3 (m2)	Total Internal Floorspace (m2)	Private Amenity Space (m2)
Flat 1	13.8	9.2		73	32
Flat 2	10.3			41	5
Flat 3	14.9	12.3		89	10.6
House 1	13.2	17.5	8.75	119.6	70
House 2	13.2	17.5	8.75	115.7	70

he 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.

- 8.64 The private amenity space required for a family size unit (3+ Bedrooms) is 70 m². The amenity space require for a flat is 5 m² plus an additional 1 m² 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

- 8.65 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.
- 8.66 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.
- 8.67 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.

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- 8.68 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.
- 8.69 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.
- 8.70 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

- 8.71 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

- 8.72 Core Strategy Policy CS6 requires proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development.
- 8.73 An appropriate planning condition is recommended to secure their inclusion should the application be recommended for approval (Condition 16).

Community Infrastructure Levy

- 8.74 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.

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- 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 conform with Epsom & Ewell Borough Council's parking standards and would be acceptable in this regard.
- 9.4 The LPA have applied the presumption in favour of sustainable development outlined in paragraph 11d of the Framework. 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 paragraph 11. As such, the proposals are considered an acceptable form of sustainable development that is recommended for approval.

10 Recommendation

- 10.1 Planning permission be granted 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 Rev.A– Proposed Block Plan
 - 0117-P-62 Rev.A– Proposed Site Plan
 - 0117-P-63 Rev.A– Proposed Site Access Plan
 - 0117-P-425 Rev.A– Proposed Ground Floor Plan
 - 0117-P-426 Rev.A– Proposed First Floor Plan
 - 0117-P-427 Rev.A - Proposed Second Floor Plan
 - 0117-P-428 Rev.A – Proposed Roof Plan
 - 0117-P-429 Rev.A– South View From West Street
 - 0117-P-430 Rev.A – Proposed North Elevation
 - 0117-P-500 Rev.A– Proposed Ground Floor Plan
 - 0117-P-501 Rev.A – Proposed First Floor Plan
 - 0117-P-502 Rev.A - Proposed Second Floor Plan
 - 0117-P-503 Rev.A– Proposed Roof Plans

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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.

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(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 & 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**

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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 & 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 to West Street has been constructed and provided with visibility zones in accordance with a 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 1.05m high.

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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 & 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 7 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 & 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 5 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 & 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

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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.

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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.

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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:**

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- 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 on Appeals and Housing Numbers

Report by Steven Lewis, Planning Development Manager/Ruth Ormella, Head of Planning

The Planning Service has received the following Appeal decisions from 1st January to 20th February 2020.

Site Address	Planning reference	Description of development	Decision and Costs
135 Holmwood Road, Sutton SM2 7JS	APP/P3610/Y/19/3235797 19/00569/PDE	Single storey rear extension.	Dismissed – No costs
132 Reigate Road, Epsom, KT17 3BX	APP/P3610/Y/19/3235973 19/00785/PDE	Prior Notification for a single storey rear extension.	Dismissed – No Costs
15 Downs Road, Epsom, KT18 5JF	APP/P3610/Y/19/3238643 19/00672/FLH	New porch and front steps extension, with amendments to fenestration and external materials.	Split decision – No Costs Porch Dismissed Front steps extension, fenestration external materials. Allowed
Il Capricio, 43-47 High Street, Ewell, KT17 1RX	APP/P3610/W/19/3239160 19/00817/FUL	Retention of boundary fence measuring 1.33m tall with bottom 1m frosted panels and upper 0.33m translucent panels	Dismissed – No costs

Summary of Appeal Decisions:

135 Holmwood Road, Sutton SM2 7JS

The appeal centred on whether a previous extension should be considered original or not. The Inspector concluded that they did not have conclusive evidence demonstrate that the 'original' property did not include the existing rear kitchen extension and dismissed the appeal.

132 Reigate Road, Espom, KT17 3BX

The appeal and case centred around a prior notification where the judgement is factual based on whether the proposal meets the provisions of the General Permitted Development Order 2015. The Inspector concluded that the proposed development is not permitted development under the above Order as the proposed extension would extend beyond a side elevation of the original dwellinghouse and would have a width greater than half of that of the original dwellinghouse.

15 Downs Road, Epsom, KT8 5JF

The main issue was the effect of the development on the character and appearance of the host property and the Downs Road Estate Conservation Area.

With regards to the porch the Inspector agreed that the changes to the porch would result in a more contemporary appearance, particularly due to the modern style of glazing which would appear incongruous with the original 1960s design of the host property harming the appearance of the conservation area.

With regards to the external materials the Inspector did not agree with the Council that these alterations would be harmful. Hanging tiles they felt are a design detail featured on buildings within the CA and Downs Road and therefore those changes would be in keeping with the character and appearance of the CA. The change to the design of the garage door was also held to be a minor alteration and not highly visible from Downs Road.

The Council did not have any use with regards to the changes at the rear of the property.

11 Capriccio, 43-47 High Street, Ewell, KT17 1RX

The main issue was the effect of the proposal on the character and appearance of the Ewell Village Conservation Area (EVCA), including with regard to the effect of the proposal on the significance of the host building, a locally listed building.

The panels by reason of their height, untraditional material, appearance was held not to be sympathetic and jarring to the conservation area. This harm was seen to be exacerbated by the prominence of the development resulting from the position of the appeal site frontage within the street and the mainly open views towards it which are not obscured to any significant degree.

In accordance with the Planning test set out in the NPPF, the Inspector concluded that the development amounted to less than substantial harm, but also found that the public benefits did not outweigh the harm in this case.

As the development is in-situ, the Enforcement Team are instructed to request the removal of the enclosure within a reasonable timeframe or commence enforcement action.

Net No. of dwellings for which planning permission has been granted (Till 20 February 2020)

Month	Committee	Delegated	Appeal
April	32	11	0
May	21	14	0
June	0	7	0
July	109	5	1
August	0	2	3
September	0	10	1
October	13	1	0
November	1	3	0
December	6	4	0
January 2020	161	5	0
February	0	4	0
Total	414		

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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