

Public Document Pack

Legal and Democratic Services



PLANNING COMMITTEE

Wednesday 13 May 2020 at 7.30 pm

Place: Remote Meeting

PLEASE NOTE: this will be a 'virtual meeting'.

The link to the meeting is: <https://attendee.gotowebinar.com/register/8326421643833809679>
Webinar ID: 837-882-891

Telephone (listen-only): 0800 031 4738, Telephone Access Code: 548-494-301

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, email: democraticservices@epsom-ewell.gov.uk.

Public information

Information & Assistance:

Please note that this meeting will be a 'virtual meeting'

This meeting will be held online and is open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection.

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

Agendas, reports and minutes for the Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at Democraticservices@epsom-ewell.gov.uk.

Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. Should any such matters arise during the course of discussion of the above items or should the Chairman agree to discuss any other such matters on the grounds of urgency, the Committee will wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Public speaking

Public speaking in support or objection to planning applications is permitted at meetings of our Planning Committee. As this meeting of the Committee will be held online, **you must register in advance if you wish to speak.**

To register to speak at this Planning Committee meeting, please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, tel: 01372 732000 in advance of the deadline for registration, which is given below.

We will ask you to submit a written statement that can be read out at the meeting in the event of any technical issues during the meeting. The statement must be of no more than 3 minutes in length when read aloud.

If a number of people wish to speak on a particular application, public speaking will normally be allocated in order of registration. If you fail submit your written statement, then your place may be allocated to those on speakers waiting list. Further information is available by contacting Democratic Services, email: democraticservices@epsom-ewell.gov.uk, tel: 01372 732000.

Deadline for public speaking registration: Noon, 11 May

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 5 - 26)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 12 March 2020 (attached) and authorise the Chairman to sign them.

3. FORMER EPSOM POST OFFICE 74 HIGH STREET EPSOM KT19 8BE (Pages 27 - 40)

Variation of Condition 2 (Approved drawings) 3 (External materials) 9 (Roof Details) 10 (CTMP) of planning permission 17/01868/FUL.

4. FORMER EPSOM POST OFFICE 74 HIGH STREET EPSOM KT19 8BE (Pages 41 - 50)

Internal and external demolition, refurbishment and extension to building (Listed Building Consent) in association with application reference 19/01397/REM.

5. MONTHLY REPORT ON PLANNING APPEAL DECISIONS (Pages 51 - 54)

The Planning Service has received the following Appeal decisions from 21 February to 1 May 2020.

Minutes of the Meeting of the PLANNING COMMITTEE held on 12 March 2020

PRESENT -

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

In Attendance:

Absent: Councillor Debbie Monksfield

Officers present: Ruth Ormella (Head of Planning), Tom Bagshaw (Planner), Euan Cheyne (Planning Officer), Virginia Johnson (Planner), Steven Lewis (Planning Development Manager) and Danny Surowiak (Principal Solicitor)

65 DECLARATIONS OF INTEREST

The following declarations of interest were made in relation to the business to be considered at the meeting:

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

Councillor Monica Coleman, Other Interest: In the interests of openness and transparency Councillor Monica Coleman declared that she was a visitor to Hobbledown.

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

Councillor Jan Mason, Other Interest: In the interests of openness and transparency Councillor Jan Mason declared that she was a visitor to Hobbledown.

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

Councillor Lucie McIntyre, Other Interest: In the interests of openness and transparency Councillor Lucie McIntyre declared that she was a visitor to Hobbledown.

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

Councillor Neil Dallen, Other Interest: In the interests of openness and transparency Councillor Neil Dallen declared that he was a visitor to Hobbledown and knows the General Manager.

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

Councillor Peter O'Donovan, Other Interest: In the interests of openness and transparency Councillor Peter O'Donovan declared that he knew Hobbledown's marketing manager, who was a parent at the same school.

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

Councillor Clive Woodbridge, Other Interest: In the interests of openness and transparency Councillor Clive Woodbridge declared that his son was a member of the RAC.

The Lodge, West Street, Ewell, Surrey, KT17 1XU

Councillor David Reeve, Other Interest: In the interests of openness and transparency Councillor David Reeve declared that he thought he knew one of the speakers.

66 MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting of the Planning Committee held on 16 January 2020 were agreed as a true record and signed by the Chair.

67 MAPLINS, 42 HIGH STREET, EPSOM, SURREY, KT19 8AH

Description

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.

This application was brought before the Planning Committee as it had been called in by Town Ward Councillor, Councillor Neil Dallen.

The Committee noted that there was an update report on this item, which had been published as a supplement to the agenda prior to the meeting.

Recommendation

An amendment to the recommendations of the report was moved and seconded. The proposed amendment put an additional obligation on the applicant to enter into a Section 106 agreement to prevent owner/occupiers from applying for a parking permit for the Epsom CPZ area. The reason for this condition was that the premises is located in a sustainable area, in the town centre.

Following consideration, this amendment was agreed.

Decision

Planning Permission is **PERMITTED** subject to the Applicant entering into a legal agreement to make the development car free, by amending the Traffic regulation orders to prevent owner/occupiers of the new residential properties from obtaining a parking permit and following conditions:

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.

- (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.

- (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:

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

68 HOBbledown, HORTON LANE, EPSOM, SURREY, KT19 8PT

Description

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

This application was referred to the Planning Committee as the land is owned by the Council.

Decision

Planning Permission is **PERMITTED** subject to the following 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):

- (4) 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.

69 THE ROYAL AUTOMOBILE COUNTRY CLUB (RAC), OLD BARN ROAD, EPSOM, SURREY, KT18 7EW

Description

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

Decision

Planning Permission is **PERMITTED** subject following 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:

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.

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.

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.

70 57 SALISBURY ROAD WORCESTER PARK SURREY KT4 7DE

Description

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.

Decision

Planning Permission is **PERMITTED** subject to the completion of a legal agreement 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 and subject to the conditions.

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.

Conditions:

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

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

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

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

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

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

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

71 THE LODGE, WEST STREET, EWELL, SURREY, KT17 1XU

Description

Demolition of existing detached house and construction of two houses and three flats.

The Committee received a report seeking to build two houses and three flats with direct access to West Street, Ewell Village and bounded by Gibraltar Recreation ground to the north west of the site. The development would accommodate

parking spaces on the site and it was proposed that the parking demand would be accommodated by this.

The report outlined paragraphs 7 and 8 of the National Planning Policy Framework (NPPF) and Members were encouraged to view the proposed development in terms of sustainable development i.e. in terms of economic, social and environmental impact. The Standardised Method of Housing Need that required the Borough to build 695 dwellings per year was also emphasized and the Council's commitment to maximising the five year land supply.

It was acknowledged that the proposed development would optimise the density of the site. Members deliberated the balance between potential less than significant harm to the character of a conservation area and the benefits associated with the provision of an additional five dwellings.

The Committee noted that an application for the site had been considered at its meeting on 17 November 2019 but had been refused by the Committee on two grounds. The Committee considered that the application in front of it at this meeting provided mitigation for one of those two grounds (parking standards), but not the other (that its scale, massing, bulk and detail would fail to preserve or enhance the character of the Ewell Village Conservation Area).

Decision

Planning permission is **REFUSED** for the followings reason:

- (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.

72 MONTHLY REPORT ON APPEALS AND HOUSING NUMBERS

The Committee noted the appeal decisions from 1 January 2020 to 20 February 2020.

The meeting began at 7.00 pm and ended at 9.55 pm

COUNCILLOR CLIVE WOODBRIDGE (CHAIR)

Former Epsom Post Office 74 High Street Epsom KT19 8BE

Variation of Condition 2 (Approved drawings) 3 (External materials) 9 (Roof Details) 10 (CTMP) of planning permission 17/01868/FUL.

Ward:	Town Ward
Contact Officer:	John Robinson

1 Plans and Representations

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PZVWE4GYGC600>

2 Summary

- 2.1 This application seeks to vary Condition 2 (approved drawings). Condition 3 (External materials), Condition 9 (Roof Details) and Condition 10 (CTMP) of the approved application (Ref 17/01868/FUL).
- 2.2 An associated application for Listed Building Consent for internal and external demolition, refurbishment and extension to building (19/01667/LBA) is also being reported for Committee decision.
- 2.3 The proposal would accord with the residential, environmental and highway policies contained in the Core Strategy 2007 and the Development Management Policies Document 2015.
- 2.4 The application is therefore recommended for APPROVAL.
- 2.5 This application has been submitted to committee at the request of the Ward Councillor Neal Dallen.

3 Site Description

- 3.1 The application site comprises part of a three-storey Grade II Listed Building located on the northern side of High Street, and within Epsom Town Centre Conservation Area. Numbers 74-76 High Street contain two commercial units at ground floor level with three residential flats above at first and second floor level, single-storey ancillary buildings to the rear and an area of hardstanding. This application relates to the rear ground floor commercial unit which was previously occupied by The Post Office.
- 3.2 The site extends to 777m² and has a narrow street frontage measuring approximately 5m in width, incorporating a large entrance door and small window. A short entrance hall leads through to a large open plan room, from which a number of smaller rooms are accessed. The yard to the rear is enclosed on all sides, bordered by adjacent development and close boarded fencing.
- 3.3 To the rear of the application site (to the north) is a 6/7 storey block of flats "Hudson House". To the west of the site is the flank wall of a large retail store "Wilkinsons", and to the east are rear extensions and car parking areas of buildings fronting Waterloo Road, which are used for a variety of purposes. There is an access way from Waterloo Road at the rear of Hudson House, which gives access to rear parking and service areas.
- 3.4 The site falls within the defined Epsom Town Centre Boundary, the Primary Shopping Area and the Primary Retail Frontage.

4 Proposal

- 4.1 This application seeks to vary Condition 2 (Approved Drawings) Condition 3 (External Materials), Condition 9 (Roof Details) and Condition 10 (CTMP) of the approved application (Ref 17/01868/FUL).
- 4.2 The variation of Condition 2 would permit amendments to the design comprising a revised roof to the conservatory extension, new timber roof to bin store, two additional polycarbonate roof lights, and a revised rooftop plant layout.
- 4.3 Condition 3 (External Materials) was originally worded as follows:

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 DM8, DM9 and DM10 of the Development Management Policies 2015.
- 4.4 It is proposed to amend the wording as follows:

The external materials to be used in the development hereby permitted shall be in accordance with those shown on drawing 3722.03(15) A Proposed External Finishes and the samples submitted on 24 October 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 DM8, DM9 and DM10 of the Development Management Policies 2015.

- 4.5 Condition 9 (Roof Details) was originally worded as follows:

Prior to commencement of the development hereby approved, details of the roof to the bin store, as well as details of the retractable roof assembly, installation and future maintenance, shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

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

- 4.6 It is proposed to amend the wording as follows:

The roof to the bin store, as well as the retractable roof assembly, installation and future maintenance, shall be completed in accordance with the approved details on drawings 3722.03(10) Conservatory Detail and 3722.03(14) Bin Store Detail.

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

- 4.7 Condition 10 (Construction Transport Management Plan) was originally worded as follows:

No development shall commence until a Construction Transport Management Plan has been submitted to and approved by the Local Planning Authority, to include details of:

- (a) Parking for vehicles of site personnel, operatives and visitors;*
- (b) Loading and unloading of plant and materials;*
- (c) Storage of plant and materials;*
- (d) Programme of works (including measures for traffic management);*
- (e) Provision of boundary hoarding behind any visibility zones;*

(f) HGV deliveries and hours of operation (see restricted vehicle movement hours below);

(g) Vehicle routing;

(h) Measures to prevent the deposit of materials on the highway;

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

(j) HGV movements to or from the site shall not take place between the hours of 8.00 to 9.15 am and 4.45 to 6.00 pm only;

(i) On-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority.

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

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

4.8 It is proposed to amend the words as follows:

The development shall be undertaken in accordance with the Construction Transport Management Plan submitted to the Local Planning Authority on 24 October 2019.

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

5 Comments from Third Parties

5.1 The application was advertised by means of letters of notification to 132 neighbouring properties, a site and press notice. To date (30 March 2020) 4 letters of objection have been received regarding:

- Noise and disruption
- The submitted Technical Note does not give any assurance that noise arising from the HVAC plant will not be an issue to local residents, with suggested mitigating measures only partially assessed and not fully quantified.
- The new proposal now provides larger door openings than those currently approved and hence an increased area to allow noise breakout.
- Conditions applied to the planning consent should be clarified to explicitly state that the conservatory gable end doors must also be closed (and remain closed) in conjunction with closing of the roof.

- The conservatory roof and gable end are proposed to be of clear glass. This is unacceptable and will cause considerable light pollution to break out and cause nuisance to residents. Mitigation is required in the roof and gable end to prevent this.
- To further reduce light pollution adversely affecting local residents, all lights in the garden area and smoking area should be turned off when these areas are not permitted to be in use
- Roof lights and lanterns should be fitted with blinds, which are closed during the hours of darkness/low light to ensure light pollution does not break out.
- The gable end doors, conservatory walls, doors and roof should be similarly fitted with blinds which are closed during the hours of darkness to prevent light pollution break out adversely affecting local residents,

6 Consultations

6.1 Highways: No objection.

6.2 Design and Conservation Officer: No objection.

6.3 Environmental Health Officer: No objection.

7 Relevant Planning History

Application Number	Decision Date	Application Detail	Decision
17/01868/FUL	06.06.2019	Change of use of former Post Office (A1) to restaurant / drinking establishment (A3 / A4) including internal and external demolition, refurbishment and extension as well as the associated infrastructure (Amended drawings received 18.09.2019)	GRANTED
17/01869/LBA	06.06.2019	Internal and external demolition, refurbishment and extension to building (Listed Building Consent) in association with application reference 17/01868/FUL	GRANTED
19/01682/LBA	05.03.2020	Works to the main public facade of 74-76 High Street, Epsom, including the installation of replacement non-illuminated and illuminated signage, painting of the existing timber windows behind tracery, works to make good existing ashlar, reinstate and re-glaze existing boarded up fanlight, making good of existing door ready to receive gloss paint finish and antique brass ironmongery.	GRANTED

8 Planning Policy

National Policy Planning Framework (NPPF) 2019

Chapter 7 Paragraph 85	Ensuring the Vitality of Town Centres
Chapter 12 Paragraph 130	Achieving Well Designed Places
Chapter 16 Paragraph 192	Conserving and Enhancing the Historic Environment

Core Strategy 2007

Policy CS5	The Built Environment
------------	-----------------------

Policy CS11	Employment Provision
Policy CS14	Epsom Town Centre
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
Policy DM14	Shopfront Design
Policy DM32	Parking and Servicing at Existing Retail Centres
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

9 Planning considerations

Principle of Development

- 9.1 The principle of the change of use of the former Post Office (A1) to a restaurant / drinking establishment (A3 / A4) including internal and external demolition has been established by way of the previously approved planning application (17/01868/FUL) granted in June 2019.

Visual Impact

- 9.2 The NPPF promotes attractive environments by creating well-designed buildings in terms of appropriate massing, bulk, materials and details, and in doing so, raising the profile of the borough in a positive way.
- 9.3 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.

- 9.4 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.
- 9.5 Policy CS5 also states that the settings of heritage assets such as historic buildings, conservation areas, archaeological remains, ancient monuments, parks and gardens of historic interest will require higher standards of design to protect and enhance these assets.
- 9.6 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.
- 9.7 The proposed external alterations to the front elevation (High Street) street scene would be minimal and would include the refurbishing of the front door and some revised signage, which Officers consider would be sympathetic to the location and historic nature of the building. (The necessary advertisement consent application has been granted under delegated authority under application 19/01683/ADV).
- 9.8 The proposed amendments to the design of the conservatory extension and the revised arrangement of the rooftop plant would be located at the rear of the building and would not be visible in the streetscene. The works would comprise the following:
- The retractable fabric roof of the conservatory extension would be replaced by a retractable glazed roof
 - The re-arranged rooftop plant (comprising extract ducts and attenuators, condenser units) would be partly enclosed by timber, 1.55m high acoustic fencing.
 - . 2 additional 600mm x 600mm polycarbonate rooflights to the proposed kitchen area
 - . New timber roof to bin store
- 9.9 The design, details and scale of the proposed additions to the building are acceptable and would not detract from the appearance and character of the original building, or have a harmful impact on the streetscene.
- 9.10 The amended scheme would therefore comply with Policy DM10

Proposed amendment to Condition 3 (External materials)

- 9.11 The extant Condition 3 is a pre-commencement condition requiring the submission of details and samples of the external materials to be used for the development.
- 9.12 The applicant proposes that the condition be reworded as a compliance condition, and in support of this application, has submitted the required details and material samples.
- 9.13 Officers are satisfied with the submitted details/materials and no objections are raised with regard to imposition of an appropriate compliance condition.
- 9.14 The amended scheme would therefore comply with Policy DM8 and DM9

Proposed Amendment to Condition 9 (Roof Details)

- 9.15 The extant Condition 9 is a pre-commencement condition requiring the submission of details of the roof to the bin store, as well as details of the retractable roof assembly, installation and future maintenance.
- 9.16 The applicant proposes that the condition be reworded as a compliance condition, and in support of this application, has submitted the required details and information.
- 9.17 Officers are satisfied with the submitted details and no objections are raised with regard to imposition of an appropriate compliance condition.

Residential Amenity

- 9.18 Policy CS5 of the Core Strategy and Development Management PolicyDM10 seeks to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbances
- 9.19 Paragraph 180 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
 - a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.20 A retractable glazed roof would replace the retractable fabric roof to the “conservatory” dining area, and the layout of the roof-mounted plant would be amended. All ductwork would be acoustically lagged and in addition the plant would be enclosed by noise reduction fencing.
- 9.21 Concerns have been raised regarding the impact on the residential amenity of the occupants of the flats in Hudson House with regard to noise, disturbance and light pollution generated by the proposed use.
- 9.22 A Noise Impact Assessment Report has been submitted, supported by a (revised) “Technical Note” Ref: BD/CC/P18-1472/06TN, which states that in comparison to the extant plant layout *“the predicted resultant sound pressure level at the nearest noise sensitive receptor is 4 dB lower than the lowest recorded background sound level”*
- 9.23 The report concludes that the proposed rooftop plant, subject to mitigation measures comprising the use of lagging material “muftilag®” wrapped around the fan casings and the erection of a timber acoustic fence, would suitably reduce the rated sound pressure level to below the background sound levels.
- 9.24 The submitted “Technical Note” (Ref: BD/JEB/P18-1660/05TN) concludes that the noise levels emanating from the glazed roofed conservatory would be no greater than that emanating from a fabric roof.
- 9.25 Within the report it states that “A PVC-coated, high tenacity polyester yarn fabric cover (as identified in the original noise impact assessment ‘NIA’) would need be substantially thicker to achieve the same rating as the glazed pane”, it is therefore contended that the glazing is likely to have a better acoustic performance.
- 9.26 Officers concur with this assessment and recommend that as previously imposed, a further condition requiring the roof to be retracted at 20h.00, the conservatory rear sliding doors to be closed, as well as the use of the external garden area to cease at the same time, would address noise concerns.
- 9.27 Concerns have been raised regarding light pollution and its impact on the residents of Hudson House. It is considered that a condition requiring that roof lights, lanterns, gable end doors, conservatory walls, doors and roof be fitted with blinds which are closed during the hours of darkness/low light would be unreasonable and difficult to enforce. (The site is within the town centre where ambient light levels are relatively high and the light pollution from the proposal would not be unacceptable in this context)

- 9.28 In summary, Officers are satisfied that the proposed amendments would not have a materially harmful impact on neighbour amenity, in terms of noise, disturbance and light pollution, to justify the refusal of this application. The replacement of the roof is considered to at least match if not improve upon the acoustic performance of a fabric roof covering, and due to the relatively high levels of ambient light in this town centre location, the impact on the residents of Hudson Court in terms of a material increase in light pollution, is not considered to be significant. The application would therefore comply with Policy DM10.

Proposed Amendment to Condition 10 (Construction Transport Management Plan)

- 9.29 Paragraph 108 of the NPPF sets out that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.30 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.
- 9.31 Policy DM32 relates to parking and servicing at existing retail centres.
- 9.32 The applicant seeks to vary condition 10 (Construction Transport Management Plan) which states that no development shall commence until a Construction Transport Management Plan (CTMP) has been submitted to and approved by the Local Planning Authority.
- 9.33 In support of this application, the applicant has submitted a CTMP. The Highways Officer has raised no objections to the CTMP and therefore the rewording of Condition 10 to an appropriate compliance condition is supported.
- 9.34 The scheme would therefore comply with Policy CS16.

10 Conclusion

- 10.1 It is considered that there are no significant impacts arising from the amended scheme that cannot be mitigated. Having considered all consultation responses and the views of neighbouring residents, it is considered that the proposal would meet local and national planning policy objectives and accordingly the application is recommended for APPROVAL

11 Recommendation

- 11.1 APPROVAL subject to conditions

Condition(s):

- (1) The development hereby permitted shall be commenced within 3 years from the 6 June 2019, the date of the originally approved application 17/01868/FUL that is subject to this application to variation.

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

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

3722 03 (08) A Proposed Sections

3722 03 (03) B Proposed Demolitions & Alterations Sheet 1 of 2

3722 03 (04) B Proposed Demolitions & Alterations Sheet 2 of 2

3722 03 (7) C Proposed Elevations

3722 03 (01) D Proposed floor plan

3722.03(10) Conservatory Detail

3722.03(11) A Proposed HVAC Roof Plan Sheet 1 of 2

3722.03(12) A Proposed HVAC Roof Plan Sheet 2 of 2

3722 (03) 13A Proposed External Elevations (HVAC)

3722 03 (14) Bin Store Detail

3722 03 (15) A Proposed External Finishes

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 external materials to be used in the development hereby permitted shall be in accordance with those shown on drawing 3722.03(15) A Proposed External Finishes and the samples submitted on 24.10.19.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

- (4) The premises shall only be open for customers between the following hours:

08:00 hrs – 23:00hrs Mondays – Thursday and Sunday and Bank

Holidays and 08:00 hrs – 24:00 hrs Fridays and Saturdays.

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

- (5) The retractable roof and rear sliding doors to the rear conservatory extension shall not be opened between 20:00hrs – 08:00hrs Monday-Sunday.

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

- (6) The outdoor garden area shall not be utilised by patrons or members of the public after 20:00 hrs Monday – Sunday

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

- (7) Empty bottles should only be cleared into disposal bins between the following hours;

08:00hrs – 17:00hrs Monday - Sunday

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

- (8) The measures submitted as part of the planning application for noise control shall be implemented prior to the occupation of the development and thereafter retained as such. The plant and equipment shall be maintained in accordance with manufacturer's instructions throughout the proposed use.

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

- (9) The roof to the bin store, as well as the retractable roof assembly, installation and future maintenance, shall be completed in accordance with the approved details on drawings 3722.03(10) Conservatory Detail and 3722.03(14) Bin Store Detail.

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

- (10) The development shall be undertaken in accordance with the Construction Transport Management Plan submitted to the Local Planning Authority on 24.10.19

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

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

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

- (12) No sound-amplifying equipment, loudspeakers or public address system shall be installed or operated in any outdoor areas (including the covered terrace area) on the premises hereby approved.

Reason: To protect the occupants of nearby residential properties from noise disturbance in accordance with Policy 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.

Former Epsom Post Office 74, High Street Epsom KT19 8BE

Internal and external demolition, refurbishment and extension to building (Listed Building Consent) in association with application reference 19/01397/REM.

Ward:	Town Ward
Contact Officer:	John Robinson

1 Plans and Representations

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q2LIATGYGQ400>

2 Summary

- 2.1 This application seeks Listed Building Consent for internal and external demolition, refurbishment and extension to building to the ground floor of a Grade II listed building, the former Epsom Post Office.
- 2.2 An associated application for Variation of Condition 2 (Approved Drawings) 3 (External Materials) 9 (Roof Details) 10 (CTMP) of planning permission 17/01868/FUL (19/01397/REM) is also being reported for Committee decision.
- 2.3 The proposal would preserve the special architectural and historic interest of the listed building and cause no harm to its significance. **It is therefore recommended that Listed Building consent be GRANTED.**
- 2.4 This application has been submitted to committee at the request of the Ward Councillor Neil Dallen.

3 Site Description

- 3.1 The application site comprises part of a three-storey Grade II Listed Building located on the High Street, and within Epsom Town Centre Conservation Area. Numbers 74-76 High Street contain two commercial units at ground floor level with three residential flats above at first and second floor level, single-storey ancillary buildings to the rear and an area of hardstanding. This scheme relates to the rear ground floor commercial unit, which was previously occupied by The Post Office.

4 Proposal

- 4.1 This application seeks Listed Building Consent for internal and external demolition, refurbishment and extension to the ground floor of the Grade II listed building, the former Post Office. (This would facilitate the change of use of the ground floor to enable it to be used for A3 restaurant and A4 drinking establishment use).
- 4.2 Proposed external changes to the listed building facing the High Street formed part of a separate application granted under delegated authority (19/01682/LBA), but some internal and external alterations would be necessary to facilitate the change of use.
- 4.3 The extant permission (17/01869/LBA) granted consent for the removal of the stud walling at the front of the unit to provide a larger entrance lobby, the replacement of the existing double entrance doors to the same design and proportions, addition of conservation roof lights and glazed roof lantern over the proposed dining area, refurbishment of the interior including removal and relocation of some existing partitions and masonry walls to create kitchen and toilet facilities, the formation of garden enclosure, extension to create a new dining area (with a retractable fabric roof), and new fencing.
- 4.4 The current application seeks consent for two additional rooflights over the proposed kitchen area, a reduced size roof lantern, a retractable glazed roof to the rear extension (previously fabric), and a revised roof plant layout and design, in addition to the proposed works described above.

5 Comments from Third Parties

- 5.1 The application was advertised by means of letters of notification to 68 neighbouring properties, a site and press notice. To date (30 March 2020) no letters of objection have been received.

6 Consultations

- 6.1 Conservation Officer: No objections.

Application Number	Decision Date	Application Detail	Decision
17/01868/FUL	06.06.2019	Change of use of former Post Office (A1) to restaurant / drinking establishment (A3 / A4) including internal and external demolition, refurbishment and extension as well as the associated infrastructure (Amended drawings received 18.09.2019)	GRANTED
17/01869/LBA	06.06.2019	Internal and external demolition, refurbishment and extension to building (Listed Building Consent) in association with application reference 17/01868/FUL	GRANTED
19/01682/LBA	05.03.2020	Works to the main public facade of 74-76 High Street, Epsom, including the installation of replacement non-illuminated and illuminated signage, painting of the existing timber windows behind tracery, works to make good existing ashlar, reinstate and re-glaze existing boarded up fanlight, making good of existing door ready to receive gloss paint finish and antique brass ironmongery.	GRANTED

7 Relevant Planning History

8 Planning Policy

National Policy Planning Framework (NPPF) 2019

Chapter 16 Paragraph 185 - 195 Conserving and Enhancing the Historic Environment

Core Strategy 2007

Policy CS5 The Built Environment

Development Management Policies Document 2015

Policy DM8 Heritage Assets

Policy DM9 Townscape Character and Local Distinctiveness

Policy DM10 Design Requirements

9 Planning Considerations

Previous Application

- 9.1 Listed Building Consent (17/01869/LBA: Internal and external demolition, refurbishment and extension to building) was granted by the Committee in June 2019.
- 9.2 The current consent application which seeks to refine the detail of the extant conversion, including modest internal and external changes along with the installation of roof plant, differs in the following ways:
- Reduction in size of the roof lantern over the proposed dining area (From 4.2m x 6m to 3.4m x 4m);
 - Introduction of a retractable glazed rather than the approved fabric roof;
 - Redesigned roof plant and location.
 - The addition of two, 600mm x 600mm domed polycarbonate roof lights over the kitchen area.

Design and Impact on a Heritage Asset

- 9.3 The NPPF promotes attractive environments by creating well-designed buildings in terms of appropriate massing, bulk, materials and details, and in doing so, raising the profile of the borough in a positive way.

- 9.4 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.
- 9.5 Policy CS5 also states that the settings of heritage assets such as historic buildings, conservation areas, archaeological remains, ancient monuments, parks and gardens of historic interest will require higher standards of design to protect and enhance these assets.
- 9.6 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, size, 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, front boundary; and
 - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 9.7 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a general duty on the Council with respects to Conservation Areas in exercising its planning functions. In considering whether to grant planning permission for development within a Conservation Area, the LPA shall have special regard to the desirability of preserving or enhancing the character or appearance of that area. As such, officers have to give considerable importance and weight to the desirability to preserve the setting of heritage assets, including taking account of archaeological heritage.
- 9.8 Paragraph 185 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;

- The desirability of new development making a positive contribution to local character and distinctiveness;
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

9.9 Paragraph 195 of the NPPF further states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site;
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use.

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

“Historic photographs from 1898 and 1933 show that the exterior of the Grade II Listed Building known as “Epsom School of Art Extension the Post Office” (list entry number 1213288) remains largely as it was originally constructed in the 19th Century. The significance and special interest of the building are considered to derive from this relatively undisturbed main three-storey façade. This is supported by the list description from 1974 in which the building is listed for particular architectural features within the façade.”

*1086 EPSOM HIGH STREET (North Side) Nos 74 & 76 (The Post Office)
Epsom School of Art extension TQ 2060 30/234 II*

1897 (dated). Red brick. Ashlar ground floor, dressings and parapets. Pitched tile roof. 3 storeys. Eaves cornice with moulded flower ornament. Parapet with crenellations. 6 ranges of mullion and transom casements, including 1 canted bay. Ground floor windows of Post Office have cusped tracery in each light. Gable over central bay of Post Office.

- 9.11 Officers consider that since no external alterations are proposed to the rear of the building, the architectural features for which the building is listed would be unaffected by the proposed works. The list description does not address the interior of the property. The proposed works would not result in the loss of any important historic fabric inside the building. Nor would they have a significant impact on architectural features, room proportions or other significant aspects of the internal arrangement of the property.

Other issues

- 9.12 The issues considered are confined to the listed building character, other issues such as amenity and noise are not material to a Listed Building Consent application.

10 Conclusion

- 10.1 It is therefore concluded that the proposal would preserve the special architectural and historic interest of the listed building and cause no harm to its significance. It would accord with the requirements of the Act and the NPPF.

11 Recommendation

- 11.1 It is recommended that listed building consent be Granted subject to the following conditions:

Condition(s):

- (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 approved plans:**

3722 03 (08) A Proposed Sections

3722 03 (03) B Proposed Demolitions & Alterations Sheet 1 of 2

3722 03 (04) B Proposed Demolitions & Alterations Sheet 2 of 2

3722 03 (07) C Proposed Elevations

3722 03 (01) D Proposed Floor plan

3722.03(10) Conservatory Detail

3722.03(11)A Proposed HVAC Roof Plan Sheet 1

3722.03(12)A Proposed HVAC Roof Plan Sheet 2

3722.03(14) Bin Store Detail

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

- (3)** Prior to the commencement of development, details and samples of the 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 DM8, DM9 and DM10 of the Development Management Policies 2015.

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

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

Informative(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.

This page is intentionally left blank

MONTHLY REPORT ON PLANNING APPEAL DECISIONS

Report by Steven Lewis, Planning Development Manager/Viv Evans, Head of Planning

The Planning Service has received the following Appeal decisions from 21 February to 1 May 2020.

Site Address	Planning Reference	Description of Development	Decision and Costs
St Martins Scout 7 guide Hut, Church Road, Epsom, KT17 4AB	APP/P3610/W/19/3242748 19/00115/FUL	Extension to the Forge building to create an additional meeting room and improved WC and kitchen facilities.	Dismissed – No Costs
91 Park Avenue East, Epsom, KT17 2PA	APP/P3610/W/19/3242057 19/00911/OUT	Erection 8 No. dwellings	Dismissed – No Costs
91 Park Avenue East, Epsom, KT17 2PA	APP/P3610/W/19/3242054 19/00157/OUT	Erection 8 No. dwellings	Dismissed – No Costs
100 Ruxley Lance, Ewell, KT19 0HY	APP/P3610/W/19/3240572 19/00960/FLH	Two storey side & rear extension with loft conversion and dormer extension to rear	Allowed – No Costs
113 Pams Way, Ewell, KT19 0HW	APP/P3610/D/19/3240392 19/01047/FLH	Single storey rear / side extension and hip to gable and rear dormer roof extensions, installation of 2 x front rooflights	Dismissed – No Costs
Land to rear of 23a to 33 Link Road, Epsom, KT17 3PP	APP/P3610/W/193240329 19/00354/FUL	4 new dwellings and associated access, parking, and landscaping	Dismissed – No Costs

23 Longdown Lane North, Epsom KT17 3HY	APP/P3610/D/19/3240222 19/00719/FLH	A two storey front extension and two storey rear	Dismissed – No Costs
1 Higher Green, Epsom KT17 3BB	APP/P3610/W/19/3238840 19/00758/FUL	Erection of new 2 ½ storey dwelling and associated landscaping and parking	Allowed – No Costs

Summary of Appeal Decisions:

St Martins Scouts and Guides Headquarters, Church Road, Epsom

The Inspector concluded that the proposal would occupy a proportion of the RPA (Root Protection Area) of a protected Sycamore tree and that it has not been demonstrated that the proposal would ensure the long-term health and survival of the tree.

91 Park Avenue East, Stoneleigh

The inspector considered the two appeals jointly, considering that character & appearance and living conditions of neighbouring occupiers should be the main issues.

On the subject of the character both proposals were considered to represent a significant permanent encroachment into existing gardens which, owing to the spaciousness, verdure and position of them amidst the similarly large garden spaces associated with neighbouring properties, would diminish the contribution the appeal site makes to its garden setting and the wider swathe of green infrastructure within which it sits.

On the subject of amenity impact the findings were that the proposal which is the subject of first appeal would adversely affect the living conditions of neighbouring occupiers with regard to outlook, whereas the proposal relating to the second appeal would ensure that the living conditions of neighbouring occupiers were not unacceptably harmed.

100 Ruxley Lane, Ewell

The inspector disagreed with the Council and considered the extensions would not overly dominate the rear of the dwelling when considered in the context of the proposed two storey side extension and would not be visible from the public highway.

113 Pams Way, Ewell

Given the position of the dwelling on the corner and its raised visibility in both street scenes the Inspector agreed with the Council that the hip to gable extension would be more prominent and noticeable compared to any of the examples provided in the area, concluding that it would have a harmful effect on the character and appearance of the area.

Land rear of 23a to 33 Links Road, Epsom,

The main issues were held to be the effect of the proposed development on the character and appearance of the surrounding area, including trees and whether it would preserve or enhance the character or appearance of the Higher Green Conservation Area.

The Inspector identified and concluded that the proposed development would have a harmful effect on the character and appearance of the surrounding area and nearby trees.

This harm was weighed against the Council's lack of five year Housing Land Supply in a tilted balance as outlined in paragraph 11d of the Framework. Having undertaken this balancing exercise, it was concluded that the identified adverse impacts of the scheme would significantly and demonstrably outweigh the benefits. The harm would be such that the proposed development would not constitute sustainable development when the Framework is read as a whole.

23 Longdown Lane North, Epsom

The harm to the Conservation Area was identified and classified as less than substantial and in such instances that such harm should be weighed against the public benefits of the proposal. These benefits were considered by the Inspector to be a private benefit to the appellant from the extensions and there are no public benefits to weigh against the less than substantial harm to the Conservation Area and as such was dismissed.

1 Higher Green, Epsom

The Council raised concerns about pressure in the future to remove an existing Lime tree that is located at the boundary of the site with the road and would be near to the side wall of the proposed dwelling. Given its prominent location at the boundary, its scale, and general appearance, this tree makes a positive contribution to the character and appearance of the conservation area.

The Inspector disagreed with the Council who wanted a 7.5m clearance from the tree (which would also have spaced the development more comfortably from the corner) and concluded that the overall impact on trees resulting from the proposed development would preserve the character and appearance of the conservation area and that the development was acceptable in visual terms.

Net No. of dwellings for which planning permission has been granted

Year 2019/2020

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	5	0
March	29	5	0
Total	444		

Year 2020/2021

Month	Committee	Delegated	Appeal
April	0	1	1

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.