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Interim Head of Place Development



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Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order
2015

Proposal: Demolition of existing dwelling and garage and erection of a two-storey building (with loft accommodation) comprising 7 flat units and associated parking

Location: 324 Kingston Road, Ewell, Surrey, KT19 0SU, .

Application Number: 22/01856/FUL

Epsom & Ewell Borough Council as the local planning authority has **GRANTED PLANNING PERMISSION** for the above development subject to the following conditions:

1. Timescales

The development hereby permitted shall begin 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. Approved Plans

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

Drawing Number 001 App 2
Drawing Number 09 App 2
Drawing Number 010 App 2
Drawing Number 012 App 2
Drawing Number 013 App 2

Drawing Number 014 App 2
Drawing Number 015 App 2
Drawing Number 016
Drawing Number 019 App 2
Drawing Number 020 App 2
Drawing Number 021 App 2
Drawing Number 2499-001
Drawing Number 2499-002

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

3. Materials

Prior to the commencement of development, details 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 Policy DM10 of the Development Management Policies 2015.

4. Hard and Soft Landscaping

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

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

5. Visibility Splays

No part of the development shall be first occupied unless and until the vehicular access to 324 Kingston Road has been provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2021, and to satisfy policies DM35 and DM36 of the Development Management

Policies 2015 and Policy CS16 of the Core Strategy 2007.

6. Parking Plan

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 (Drawing Number 021 App 2) for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2021, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

7. Construction 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
- (e) HGV deliveries
- (f) measures to prevent the deposit of materials on the highway
- (h) 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

8. Surface Water Drainage

No development shall take place until a strategy of surface water drainage for the site using a Sustainable Drainage System (SuDS) has been submitted to and approved in writing by the local planning authority. The approved development shall be implemented in accordance with the approved strategy prior to the first use/or occupation of the development thereafter retained in that condition.

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

9. Electric Vehicle Charging Points

The development hereby approved shall not be occupied unless and until each of the

proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019 to meet the objectives of the NPPF 2021, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

10. Secure Cycle Facilities

The development hereby approved shall not be first occupied unless and until the facilities for the secure, covered parking of bicycles within the development site have been provided in accordance a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

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

11. Ecology

The development hereby permitted shall be carried out and maintained in strict accordance with the recommendation set out in the Bat Survey Report, prepared by Deepdene Ecology, version 1 dated May 2021 and a subsequent Update Bat Presence or likely Absence Assessment, prepared by Simlaw, reference SE23-4112 and dated July 2023.

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

12. Sustainability Measures

The development hereby permitted shall be carried out and maintained in strict accordance with the sustainability measures set out on page 29 of the supporting Design and Access Statement .

Reason: To promote sustainable development outcomes in accordance with Policy CS6 of the Core Strategy 2007.

13. Hours of Construction

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 Document 2015.

14. Flat Roof

The single storey flat roof element of the development 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 occupiers of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the Development Management Policies Document 2015

15. Obscure Glazing

The first floor windows on the south east side elevation of the development hereby permitted serving a bedroom and a bathroom and the first floor window on the south east side elevation serving a living area shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing which shall thereafter be retained.

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

16. Restricted Windows/Openings

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 shall be formed at first floor level and above in the development 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 of the Development Management Policies Document Adopted October 2015.

Informatives

1. Positive and Proactive Discussion

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. Building Control

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. Party Wall Agreement

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:

- o carry out work to an existing party wall;
- o build on the boundary with a neighbouring property;
- o in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

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

4. Highway Damage

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).

5. Highway Repair Costs

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.

6. EV Electricity Supply

It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

7. Bats

Bats are a protected species under the Conservation of Habitats and Species Regulations 2017 (as amended). Should any bats or evidence of bats be found prior to or during the development, all works must stop immediately and an ecological consultant contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

8. Waste

The applicant is advised that the Waste Manager has requested that bins remain onsite and close to the bin storage area on collection days, as the Council will collect the bins from onsite rather than have them put out and obstruct the kerbside.

Dated: 25 August 2023

Signed:

A handwritten signature in black ink, appearing to be 'ST' or similar, written over a horizontal line.

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Notes for the applicant

This proposal may be liable for the Community Infrastructure Levy (CIL). This is payable to the Borough Council, as the local collecting authority, before development on application 22/01856/FUL is started.

If CIL is liable we will shortly contact all relevant interested parties and serve them with a Liability Notice. This will identify the parties, the scale of liability, how it was calculated, when it will be due for payment and the opportunities to claim relief. Should you wish to claim relief from CIL you must make an application to us before any work starts on site. There is no automatic exemption from the CIL and it is not possible to make a retrospective claim once work has started.

The party liable to pay CIL must assume liability before any work starts; they must also provide us with a valid [Commencement Notice](#). If this is not provided we will impose surcharges and require immediate payment.

Please contact us on 01372 732000 if you have questions about CIL, before work commences.

This permission relates only to planning legislation. It is your responsibility to seek authorisation required under other legislation. Please contact Customer Services on 01372 732000 for further advice.

In particular, Building Regulations approval may be required for this work. Applicants are advised to contact the Building Control Service at the Town Hall, Epsom, (telephone 01372 732000) to ascertain whether it is necessary for permission to be given under the building regulations.

Attention is drawn to Section 20 of the Surrey Act 1985 which requires that when a building is erected or extended, proper provision shall be made for the fire brigade to have means of access to the buildings and any neighbouring building.

Appeals to the Secretary of State

If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development, or to grant it subject to conditions, then you may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 within the following timescales:

Householder applications

If you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice

Full applications

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice

Enforcement applications (land already the subject of an enforcement notice)

A planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

Enforcement applications (land which has an enforcement notice served)

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice whichever period expires earlier.

Appeals must be made using a form which you can get from the Secretary of State online at <https://www.gov.uk/appeal-planning-decision> or by writing to Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (tel: 0303 444 5000).

The Secretary of State can allow a longer period for the giving of a notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order, and to any directions given under a development order.

Purchase Notices

If either the local planning authority or the Secretary of State refuse permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provision of the Town and Country Planning Act 1990.