

PLANNING COMMITTEE

Thursday 14 January 2016 at 7.30 pm

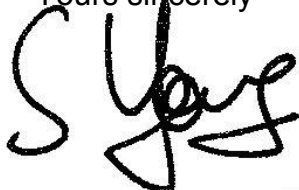
Council Chamber - Epsom Town Hall

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

Councillor Humphrey Reynolds (Chairman)
Councillor Michael Arthur (Vice-Chairman)
Councillor John Beckett
Councillor Neil Dallen
Councillor Robert Foote
Councillor Jan Mason
Councillor Tina Mountain

Councillor Peter O'Donovan
Councillor Martin Olney
Councillor Vince Romagnuolo
Councillor Clive Smitheram
Councillor Mike Teasdale
Councillor David Wood

Yours sincerely



Head of Legal and Democratic Services

For further information, please contact Sandra Dessent. 01372 732121 or
sdessent@epsom-ewell.gov.uk

AGENDA

1. **MINUTES OF THE PREVIOUS MEETING** (Pages 3 - 14)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on the 03 December 2015 (attached) and authorise the Chairman to sign them.

2. **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.

3. **PLANNING APPLICATION 15/00767/TPO - 74 EWELL PARK WAY,
STONELEIGH KT17 2NW** (Pages 15 - 24)

Objection to the implementation of a Tree Preservation Order on a Scots Pine tree at 74 Ewell Park Way – Tree Preservation Order 449.

4. PLANNING APPLICATION 15/00845/FUL - SALESIAN COLLEGE SPORTS GROUND, OLD SCHOOL LANE, EWELL KT17 1TJ (Pages 25 - 58)

Demolition of existing buildings. Erection of a part 2 /part 3 storey building to be used as a 60 unit Extra Care facility (Use Class C2) with associated communal and ancillary facilities, including car and cycle parking and landscaping. Re-laying of sports pitches including an all-weather surface, the erection of a two storey pavilion, and provision of associated car and cycle parking. Provision of altered access onto Old Schools Lane.

5. PLANNING APPLICATION 14/01017/CAT - 9 WALNUT CLOSE, EPSOM KT18 5JL (Pages 59 - 68)

Objection to the implementation of a Tree Preservation Order on a Silver Birch tree at 9 Walnut Close - Tree Preservation Order No. 442A

6. PLANNING APPLICATION 15/00783/CAT - 1 WILLIS CLOSE, EPSOM, SURREY KT18 7SS (Pages 69 - 78)

Objection to the implementation of a Tree Preservation Order on a Goat Willow at 1 Willis Close – Tree Preservation Order 448.

7. SITE VISITS (Pages 79 - 80)

Members are asked to put forward any applications which it is considered warrant a site visit.

Minutes of the Meeting of the PLANNING COMMITTEE held on 3 December 2015

PRESENT -

Councillor Humphrey Reynolds (Chairman); Councillor Michael Arthur (Vice-Chairman); Councillors John Beckett, Alex Clarke, Neil Dallen, Robert Foote, Jan Mason, Peter O'Donovan, Martin Olney, Clive Smitheram, Mike Teasdale and David Wood

In Attendance:

Absent: Councillor Tina Mountain and Councillor Vince Romagnuolo

Officers present: Adele Castle (Planning Development Manager), Louise Mathie (Solicitor), John Robinson (Planning Officer) and Sandra Dessent (Democratic Services Officer)

26 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting of the Planning Committee held on 05 November 2015 were agreed as a true record and signed by the Chairman.

27 DECLARATIONS OF INTEREST

Declarations of Interest are recorded against the relevant item on the Agenda.

28 PLANNING APPLICATION 15/00992/FUL - RYEBROOK STUDIOS, WOODCOTE SIDE, EPSOM KT18 7HD

Description

Demolition of single-storey former office building and the erection of a part two/part three-storey building, accommodating 14 self-contained flats, with 20 associated surface and lower ground floor level car parking spaces.

Decision

PERMITTED subject to the following conditions:

Subject to a legal agreement being completed and signed by 12 January 2016 to secure the following heads of terms:

a) 2 affordable flat units, (2 two bedroom rental units)

b) A commuted sum of £104,147

The Committee authorise the Head of Place Development to grant planning permission 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) Prior to the commencement of development, details and samples of the materials to be used for the external surfaces of 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 Document 2015.

- (3) Prior to the occupation of any part of the development hereby permitted, privacy screens to the balconies/terraces shall be erected as per the approved plans. The development shall be carried out in accordance with the approved details and the screens shall be retained.

Reason: In the interests of safeguarding residential amenity in accordance with Policy DM10 of the Development Management Policies Document 2015.

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

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy DM10 of the Development Management Policies Document 2015.

- (5) No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Transport Management Plan has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include:

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

(b) loading and unloading of plant and materials

- (c) storage of plant and materials used in constructing the development
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary security hoarding behind any visibility zones
- (f) wheel washing facilities
- (g) measures to control the emissions of dust and dirt during construction
- (h) a scheme for the recycling/disposing of waste resulting from demolition and construction works.

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

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

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

- (7) 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).

- (8) Access to any flat roofed area of the development hereby permitted shall be for maintenance or emergency purposes only and the flat roof

shall not be used as a balcony, roof garden, patio or similar amenity area.

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

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

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

- (10) The development hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plans for 20 vehicles and 24 cycles to park and turning areas provided to enable vehicles to enter and leave the site in forward gear. The parking and turning areas shall be permanently retained exclusively for its designated purpose.

Reason: To ensure that the development does not prejudice highway safety or cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policies DM35 and DM37 of the Development Management Policies 2015.

- (11) Contaminated Land:

1.1 Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

1.2 Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in full accordance with the approved details prior to the commencement of development, other than the work required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme and prior to the first occupation of the site, a verification report that demonstrates the effectiveness of all the remediation carried out must be submitted to and approved in writing

by the Local Planning Authority. This must include a certificate of completion by an appropriate person.

1.3 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1.1 and approved in writing by the Local Planning Authority

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

2.0 Condition - Ground Gas

The development hereby permitted shall not be occupied and/or brought into use until a scheme has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme will be fully implemented in accordance with the approved details, which includes the following measures:

(1) A comprehensive site survey by a competent person shall determine:

(i) The existence, depth, extent and character of any filled ground, and

(ii) The existence, extent and concentrations of any ground gas (VOCs and carbon dioxide) with the potential to reach the application site. As well as a risk assessment determining the risk to the occupiers of the proposed development from gas, the risk from leachate and or other contaminants should also be assessed. The requirements of the Local Planning Authority shall be fully established before the site survey is commenced.

and/or

(2) The requirements of a written scheme have been implemented and completed by a competent person detailing measures to contain, manage and/or monitor any gas with the potential to reach the application site. The scheme shall be agreed in writing with the Local Planning Authority and implemented prior to commencement of the development. A closure report shall be submitted to the Local Planning Authority upon completion of the works and before commencement of the development. The closure report shall detail the remediation works carried out and any post remediation sampling and analysis to show that the site has reached the required standard for the particular development. No deviation shall be made from this scheme.

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

- (12) No development shall take place until a scheme to enhance the biodiversity interest of the site has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved and thereafter maintained.

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

- (13) Prior to construction of the development hereby approved, detailed designs of the SuDS elements and drainage elements must be submitted to and approved by the local planning authority. This must include a drainage layout detailing the location of SUDs elements, pipe diameters and their respective levels and design drawings including long and cross sections of each of the proposed SuDS elements

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.

- (14) Before the commencement of the construction of the development hereby approved, details of how the Sustainable Drainage System will be protected and maintained during construction shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with those approved details

Reason: To ensure that the construction works do not compromise the functioning of the agreed Sustainable Drainage System, in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (15) Before the commencement of the construction of the development hereby approved, details of how the Sustainable Drainage System will cater for system failure or exceedance events, both on and offsite, must be submitted to and approved by the local planning authority.

Reason: To ensure that the proposal has fully considered system failure in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (16) 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 Drainage System has been constructed as per the agreed scheme.

Reason: To ensure that the Sustainable Drainage System has been constructed as per the agreed scheme, in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (17) Prior to the first occupation of the development, a maintenance plan detailing SuDs maintenance frequencies and who will own and maintain the assets needs to be submitted to and approved by the local planning authority. The Sustainable Drainage System shall be implemented and thereafter managed and maintained in accordance with the agreed details supplied within the submitted Maintenance Document.

Reason: To ensure an acceptable maintenance regime is in place for the Sustainable Drainage System within the development over its lifetime, in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

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

Proposed Lower Ground Floor Plan	0641/RS/110
Proposed Upper Ground Floor Plan	0641/RS/111 B
Proposed First Floor Plan	0641/RS/112 A
Proposed Second Floor Plan	0641/RS/113 A
Proposed Roof Plan	0641/RS/114
Existing Elevations	0641/RS/200
Existing Elevations	0641/RS/201
Proposed Elevations	0641/RS/210 B
Proposed Elevations	0614/RS/211 A
Proposed Elevations/Sections	0641/RS/212 A
Proposed Sections/elevations	0641/RS/213

Reason: For the avoidance of doubt to ensure that the development is carried out in accordance with the approved plans.

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 186-187 of the National Planning Policy Framework 2012.
- (2) This form of development is considered liable for the Community Infrastructure Levy (CIL). CIL is a non-negotiable charge on new developments which involve the creation of 100 square metres or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100 square metres. The levy is a standardised,

non-negotiable charge expressed as pounds per square metre, and are charged on the net additional floorspace generated by a development.

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

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

- (3) The water efficiency standard required under condition 9 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:

(a) using the 'fittings approach' where water fittings are installed as per the table at 2.1 in the AD or

(b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

- (4) Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 08.00 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays.
- (5) You are advised that the preferred material for the brick elevations to the approved scheme are London Stock bricks.

Part B:

In the event that the section 106 Agreement referred to in Part A is not completed by 12 January 2016, the Head of Place Development be authorised to refuse the application for the following reasons:

- (1) 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 CS9 (Affordable Housing) of the 2007 Core Strategy in relation to the provision of one affordable housing unit and a commuted sum in lieu of on-site provision of affordable housing.

Note: The Committee noted that in response to concerns regarding access to the rear of the building, the Applicant had agreed to investigate the possibility of erecting bollards to prevent unauthorised parking.

The Committee noted verbal representations from a ward Councillor, Councillor Liz Frost, a Consultant of the Applicant and an Objector. Letters of representation from local residents were published on the Council's website and

made available to the public and members of the Committee in advance of the meeting.

29 PLANNING APPLICATION 15/00761/FLH - 49 NONSUCH WALK, CHEAM SM2 7LG

Description

Hip-to-gable roof alteration and erection of rear dormer.

Decision

REFUSED for the following reasons:

- (19) By reason of its location, scale, bulk and form, the proposal would form a dominant and incongruous addition that would fail to respect the roof form and appearance of the host building. The proposal would have a significantly harmful impact on the character of the host building and on the wider appearance of the street scene and therefore fails to comply with the requirements of Section 7 of the National Planning Policy Framework (2012), and Policies DM9 and DM10 of the Development Management Policies Document (2015).
- (20) By reason of its mass and the position of windows in the side elevation, the proposal would be unduly overbearing and cause an unacceptable loss privacy to 47 Nonsuch Walk. The application therefore fails to comply with the requirements of Policy CS5 of the Local Development Framework Core Strategy (2007) and Policy DM10 of the Development Management Policies Document (2015).

Informative(s):

- (2) The plans considered in the determination of this application are as follows: Drawing Numbers PB-15/49NON/15, PB-15/49NON/06A and PB-15/49NON/07.
- (3) You are advised that the following policies and/or proposals in the development are relevant to this decision:
 - National Planning Policy Framework
Section 7 Design
 - Local Development Framework - Core Strategy 2007
Policy CS1 Creating Sustainable Communities
Policy CS5 Built Environment
 - Development Management Policies Document (2015)
Policy DM9 Townscape Character and Local Distinctiveness
Policy DM10 Design Requirements for New Developments

Note: In the interests of openness and transparency Councillor David Wood declared that the property where he resides was situated within view of the application being discussed and therefore withdrew from the Chamber for this item.

The Committee noted a verbal representation from Ward Councillor, Councillor Graham Dudley. Letters of representation from local residents were published on the Council's website, and had been made available to the public and members of the Committee in advance of the meeting.

30 PLANNING APPLICATION 15/01049/FLH - 4A LYNWOOD AVENUE, EPSOM KT17 4LQ

Description

Replacement windows, patio door, back door and roof lantern.

Decision

PERMITTED subject to the following conditions:

Condition(s):

- (21) 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.

- (22) Prior to the commencement of development, a sample of a typical replacement window and/or frame section, 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 and DM10 of the Development Management Policies 2015.

- (23) The replacement windows hereby permitted shall be "Crown" aluminium 52mm framed units as detailed on the "Crown Window System" schedule.

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

- (24) The development hereby permitted has been assessed in accordance with the following documents: "Crown" casement window specification; "Crown" window brochure; "Crown Window System" typical sections.

Reason: For the avoidance of doubt to ensure that the development is carried out in accordance with Policies DM8, DM9 and DM10 of the Development Management Policies 2015

Informative:

- (4) **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 186-187 of the National Planning Policy Framework 2012.**

31 SITE VISITS

The Committee reviewed appropriate site visits and decided that a visit should be held at the appropriate time in connection with the following applications:

- Salesian College Sports Ground, Old Schools Lane, Ewell, KT17 1TJ – Ref: 15/00845/FUL

The meeting began at 7.30 pm and ended at 8.50 pm

COUNCILLOR HUMPHREY REYNOLDS (CHAIRMAN)

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74 Ewell Park Way, Stoneleigh KT17 2NW

Objection to the implementation of a Tree Preservation Order on a Scots Pine tree at 74 Ewell Park Way – Tree Preservation Order No. 449

Ward:	Stoneleigh
Contact Officer:	Jeremy Young

1 Summary

- 1.1 This report is for the Planning Committee to consider whether to confirm Tree Preservation Order (TPO) No. 449 following objections to its implementation by the tree owner at 74 Ewell Park Way and the neighbours at 72 and 76 Ewell Park Way.
- 1.2 The Scots Pine was originally thought to be protected by Tree Preservation Order No. 313. The Committee have previously authorised the protection of the Pine tree and this TPO was made. A tree work application was received under this order, seeking consent to fell the tree (application No. 15/00767/TPO). Officers were minded to recommend refusal of this application. However, it transpired that the tree preservation order in relation to this tree may not have been confirmed in full accordance with the correct administrative procedure.
- 1.3 Delegated authority was obtained to make a new tree preservation order on 16th October 2015.
- 1.4 The letter of objection from the tree owner was received on 10th November 2015 and the letters of objection from the neighbours was received on 29th October and 7th December 2015.
- 1.5 Where objections are received these are reported for consideration by the Planning Committee. A decision is required whether the Order should be confirmed, modified or revoked after taking into account the amenity value of the tree and the validity of the objections received.

2 Site description

- 2.1 74 Ewell Park Way is set in a pleasant residential neighbourhood. It is a semi-detached house that was built in 1936. One of the notable qualities of the road is its attractive sylvan character. In the distance there is a backdrop of mature trees (mainly conifers) which are a surviving feature from a historic mansion called Stoneleigh and a farm which were demolished several decades ago. There are also forest trees located in the road island and an attractive mix of ornamental street trees that reinforce the scene. The Pine further strengthens the landscape of the street in an aesthetically positive way.

- 2.2 The Scots Pine is a middle aged specimen estimated to be about 50 years old. Scots Pine have a reasonably long life expectancy and can survive well over 150 years. Although they can have a diverse mature size range, they generally tend to be slower growing and smaller where there is a clay content in the soil. It is thought the soil in this area is a clay loam (mixed with sand).
- 2.3 The Scots Pine has attained a height of 12m. It has a crown spread of 10.5m and the trunk diameter measures 540mm at 1.5m above ground level.
- 2.4 No defects were observed in the Pine. It has a good biomechanical form and healthy physiology.
- 2.5 At a distance of 7m from the house the Pine has slightly constrained growing environs. It is not toughing the house but it may need light pruning as it matures to reduce overhang.
- 2.6 74 Ewell Park Way has a frontage which is almost entirely laid to brick pavements. In places these have erupted or been displaced by root growth. Damage is moderate but looks unsightly.

3 Proposal

- 3.1 When a tree preservation order is served it takes effect immediately for a provisional period. If the TPO is to remain valid it must be confirmed within expiry of six months from the date the Order is made or a new Order has to be made. There is an opportunity for those affected by the TPO to raise an objection or make comments. The Committee has agreed that any unchallenged orders are confirmed automatically. Where objections are received these are reported for consideration by the Planning Committee and a decision is required whether the Order should be confirmed, modified or revoked after taking into account the amenity of the tree and validity of the objections received.
- 3.2 Subsequent to the making of this tree preservation order objections have been received to its implementation from the owner and two neighbours. The letters of objection are appended to this report and Members are advised to take account of the points raised.
- 3.3 In summary the basis of the objection to the TPO on the Pine tree is set out below:
 - Damage to the drive caused by roots and the nuisance this creates to occupiers and visitors.
 - Size of the tree leading to light loss and overhang.
 - Falling branch debris and needle debris, posing a risk, blocking gutters, littering the hardscape and increasing the maintenance burden.
 - Detritus from birds and associated mess.

- Blockage of drains.
- Doubt about the expediency to protect the tree.
- Perceived risk of subsidence damage.

4 Consultation and Comments from third parties

- 4.1 A copy of the tree preservation order was served on the owner/occupiers and adjoining neighbours where the trees overhang, 72 and 74 Ewell Park Way.
- 4.2 Support for the tree preservation order has been expressed by the Tree Advisory Board at their meeting on the 17th November 2015.

5 Relevant planning history

Application number	Decision date	Application detail	Decision
15/00767/TPO		Felling of Scots Pine	Withdrawn as invalid

6 Planning Policy

National Policy Planning Framework (NPPF) 2012

Chapter 11 Conserving and enhancing the natural Environment

Core Strategy 2007

Policy CS1 Sustainable Development
Policy CS5 Built Environment

Development Management Policies 2015

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

7 Planning considerations

7.1 Amenity Considerations

- 7.2 The Town and Country Planning Act 1990, Section 198 provides that Local Planning Authorities may make a tree preservation order (TPO) if it appears to them to be “expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”. tree preservation orders and trees in conservation areas planning practice guidance (updated 6/3/2014) recommends that “TPO’s should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

- 7.3 To define what amenity means in practice the Council's procedure is to use a systematic scoring system to evaluate whether a tree has sufficient amenity to justify the serving of a TPO. This also ensures a consistent approach to tree protection across the Borough. In considering the amenity value such factors as the size, age, condition, form, rarity, prominence, screening value, appropriateness to setting and presence of other trees are taken into account.
- 7.4 Two amenity appraisal methods were used - The Helliwell system and Tree Evaluation Method for Preservation Order (TEMPO). Under both systems the tree obtained high enough scores to justify protection. The amenity appraisals are attached to this report.
- 7.5 In stature the Pine is a medium sized specimen, large enough to make a good contribution to the visual amenity of the landscape but not overbearing in scale. This Pine is situated prominently in the front garden where it is clearly visible from public view as an attractive feature of both the garden and street setting.
- 7.6 Reference to the attached photographs shows how the Pine integrates with other trees to create a very pleasant amenity to the street and front gardens. This cover generally compliments the larger established trees further from the site and helps soften the built form.
- 7.7 The fine orange bark and rich bluey green of the Pines evergreen foliage gives the tree good contrast against the autumn leaf colours and winter tracery of the street trees.
- 7.8 If the Pine is felled it would be missed and this detrimental effect on landscape amenity and beauty would be noticeable.
- 7.9 Validity of the Objections
- 7.10 Officers have considered the moderate damage to the drive, which looks unsightly and has a number of unacceptable trip hazards. This problem could be controlled by other action such as possible root pruning or relaying the drive way in a different finish. Block pavements are a good surface around trees as they are permeable to moisture, the down side is they are easily displaced and need more frequent repair.
- 7.11 No evidence has been provided to substantiate the claim that roots are damaging, or threaten to damage the house foundations. Pines are not thought to be strong water demanding species having adaptations in the needle growth to limit the loss of water through transpiration. The probable loam nature of the soil means that it is not so prone to shrinkage as heavier London Clays for example on sloping sites. The risk of subsidence damage from the Pine is therefore regarded as minimal.

- 7.12 Much of the other nuisance factors described such as bird mess, leaf litter/debris, and shade are the expected consequences of living with trees. Although tiresome, the clearance of such litter is really a chore of everyday life. These biological consequences either individually or collectively should not preclude making a Tree Preservation Orders as all trees have these issues to varying degrees. In this case the nuisance seems no greater than countless other protected trees. The Pine is a healthy specimen and has no pest or disease or defect to indicate it is weaker or more prone to shed branches or leaf litter.
- 7.13 Pines only tolerate sympathetic pruning but remedial tree surgery works can still be undertaken where appropriate to mitigate some of the concerns raised by the objectors.
- 7.14 The findings of a drain investigation report are also cited as a reason to remove the tree. Investigations revealed that the pipework and run to the gully was blocked with a heavy build-up of leaves, silt and debris. No damage was reported to the pipework and the recommendation of the report was to action pipe/gully cleaning. Again this is regarded as a maintenance issue rather than there being a genuine problem with the tree.
- 7.15 Officers concluded that the objections raised to the TPO do not appear compelling enough to override the need to protect the tree in the interest of amenity.
- 7.16 Expediency
- 7.17 The felling application indicates the intention to remove the Pine tree. It would therefore seem reasonable for the Council to believe the Pine is at risk of being cut down.
- 7.18 Once the amenity assessment indicates the trees are worthy of protection it becomes more compulsive for the Council to act and issue a TPO. In this case the Council have also previously resolved to protect the tree.
- 7.19 Confirming the TPO will have the effect of creating a planning constraint on the use of the land, however this impact is not considered to be a disproportionate burden on the owner or neighbours who would retain the right to make applications for tree works and appeal planning decisions.

8 Conclusion

- 8.1 The Pine makes a significant contribution to the local landscape. It is a healthy specimen of good form and has a considerable safe useful life expectancy.
- 8.2 If the order is not confirmed the tree could be removed or pruned significantly to the detriment of the visual character and amenity of the landscape.

- 8.3 Removal of the tree would be contrary to policies contained in the Development Management Policies Document and the Core Strategy of the Local Development Framework - these seek to conserve and enhance landscape character and the natural environment.
Confirmation of the TPO and retention of the tree promotes environmental sustainability.
- 8.4 It is the Officers view that the objections raised against the making of Tree Preservation Order 449 do not override the public interest to protect the tree as an amenity and natural feature.

9 Recommendation

- 9.1 That Tree Preservation Order 449 is confirmed without modification.

TREE EVALUATION METHOD FOR PRESERVATION ORDER AGENDA ITEM 3 ANNEXE 1

SURVEY DATA SHEET & DECISION GUIDE

Date: 9/10/2015	Surveyor: Jeremy Young
Tree details TPO Ref: T35 Tree/Group No: Species: Scots Pine Owner (if known): Mrs West Location: 74 Ewell Park Way	

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

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

Score & see report

3

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

Refer to 'Species Guide' section in Guidance Note

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

Score & see report

4

c) Relative public visibility & suitability for TPO:

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

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

Score & see report

4

d) Other factors

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

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

Part 2: Expediency assessment

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

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

Part 3: Decision guide

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

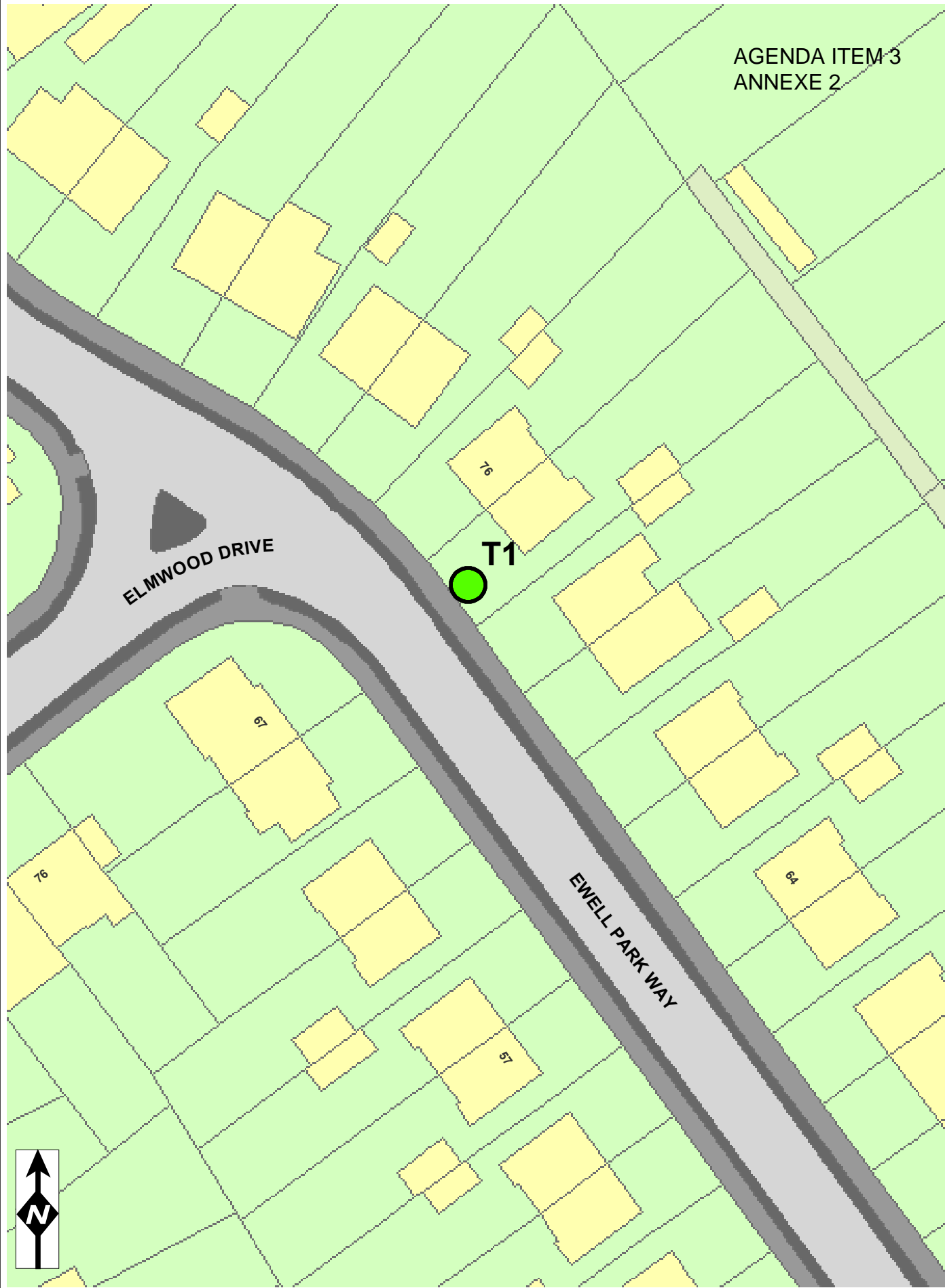
Add Scores for Total:


17

Decision:

TPO recommended

[illegible]
$$5 \times 3 \times 2.75 \times 2 \times 2 \times 1 \times 30.84 = \text{£}5088.60$$

Created by: Jeremy Young	Proposed Tree Presevation Order T1 - Scots Pine - 74 Ewell Park Way	 <small>Reproduced from the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Epsom & Ewell Borough Council License No 100023771 2008.</small>
Reference: TPO 449		
Revision No:		
Date: 09/10/2015		
1:500		

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Salesian College Sports Grounds Old Schools Lane Ewell Surrey KT17 1TJ

Demolition of existing buildings. Erection of a part 2 /part 3 storey building to be used as a 60 unit Extra Care facility (Use Class C2) with associated communal and ancillary facilities, including car and cycle parking and landscaping. Re-laying of sports pitches including an all-weather surface, the erection of a two storey pavilion, and provision of associated car and cycle parking. Provision of altered access onto Old Schools Lane. (Amended drawings received 30.11.2015)

Ward:	Ewell
Contact Officer:	John Robinson

1 Summary

- 1.1 The application site is located to the north west of Ewell Village Centre and is on Old Schools Lane, off Chessington Road. The former playing fields site is currently occupied by a sports pavilion and sports grounds equipment store
- 1.2 The application proposes the demolition of the existing buildings and the erection of a part 2 /part 3 storey building to be used as a 60 unit Extra Care facility with associated communal and ancillary facilities, including car and cycle parking and landscaping. It includes the re-laying of the sports pitches including an all-weather surface, the erection of a two storey pavilion, and provision of associated car and cycle parking, as well as the provision of an altered access onto Old Schools Lane.
- 1.3 **The application is recommended for APPROVAL.** As the grant of planning permission would involve a “departure” from the development plan any resolution to approve would need to be referred to the Secretary of State (SoS) who may decide to determine the application under call-in powers.

2 Site description

- 2.1 The application site is located to the north west of Ewell Village Centre and is on Old Schools Lane, off Chessington Road. The overall site area is 4.970 ha of which 0.784 ha is partly within the Hogsmill woodland area along the northern boundary, and partly within a wooded embankment along the northern part of the south east boundary
- 2.1 The northern section of the south-eastern boundary abuts the Hogsmill River. Gardens to residential properties and the grounds of an apiary adjoin the remainder of the south eastern boundary. Old Schools Lane adjoins the south western boundary which provides access to the site. Old Schools Lane becomes a pedestrian route only, beyond the Priory Court care home opposite the site, connecting with a footbridge across the railway. The Epsom to London Waterloo railway line adjoins the north western boundary of the site.

- 2.2 The proposed extra care development site is some 0.91ha, and the remainder of the site for the (refurbished) playing fields, including the pavilion, storage building and parking /manoeuvring areas after subtracting the woodland and embankment areas, would be around 3.278 ha.
- 2.3 The existing site access position is at the southern corner of the site leading from Old Schools Lane.
- 2.4 The whole of the application site is identified on the Proposals Map as being Strategic Open Space, and also falls within the Ewell Village Conservation Area. The northern boundary of the site is within the protected Hogsmill Wood.

3 Proposal

- 3.1 The application seeks permission for the removal of the existing sports pavilion and sports grounds equipment store adjacent to the site frontage, and the erection of a part two/part three storey building to be used as a 60 unit extra care facility (Use Class C2) with associated communal and ancillary facilities, including car and cycle parking and landscaping. It also seeks permission for the re-laying of the sports pitches including an all-weather surface, the erection of a two storey pavilion, and the provision of associated car and cycle parking.
- 3.2 The scheme would include a mix of apartment types comprising 35 one bedroom apartments at 55m², 11 two bedroom apartments at 73m² and 14 two bedroom apartments at 80m². A mixed tenure arrangement is proposed.
- 3.3 It is proposed to provide a new wider access on Old Schools Lane located some 7 metres to the north of the existing access, connecting with a new access road serving the extra care facility in the southern site section and the retained and improved sports facility in the larger northern site section. 3.278 Ha of the open recreation land would be retained for sporting activities and recreation, and a new sports pavilion would be constructed.
- 3.4 A new arrangement and mix of sports pitches is proposed, including an all-weather multi-purpose floodlit pitch in the north west corner of the site.
- 3.5 The new care facility would be of contemporary design which would be expressed as three, three-storey wings, beneath a combination of shallow mono-pitched and flat roofs, radiating from a central “coned” roofed “communal hub. The building would utilise a palette of materials comprising metal roofs, a brick cladding system in two contrasting bricks together with a render system in off-white/cream render. All metalwork would be in metal with a white coated finish.
- 3.6 The part two storey/part single storey pavilion would have a “cranked” footprint, with part white rendered/part timber shiplap elevations under a sweeping, curved roof.
- 3.7 31 parking spaces would be provided for the care home and 40 spaces for the sports pavilion.

- 3.8 It is proposed to remove one category B Willow tree (in close proximity to the proposed extra care proposals), one category C Horse Chestnut tree (in close proximity to a goalmouth) as well as the removal of three category C Cypress trees (to facilitate the new site access) and 4 category U trees at the northern perimeter.
- 3.9 It is proposed that Epsom Sports Club is the formal “sports” partner and would run and manage the sports facilities.
- 3.10 This application is supported by the following documents:
- Planning Statement
 - Design, Access and Heritage Statement
 - Sportsfield Development Statement
 - Arboriculture Impact Assessment
 - Preliminary Ecological Appraisal
 - Bat Surveys Report
 - Transport Statement
 - Archaeological Desk-Based Assessment
 - Geophysical Survey
 - Ground Investigation Report
 - Sustainability and Energy Statement
 - BREEAM 2111 Pre-Assessment Estimate
 - Flood Risk Assessment
 - Design and Access Addendum
 - CIL Form
 - Preliminary Drainage Strategy Details.

4 Comments from third parties

- 4.1 The application was advertised by means of letters of notification to 455 neighbouring properties, a site and press notice. To date (04.01.2016) 131 letters of objection have been received raising the following concerns:
- Detriment to the Old Salesian Club, which provides an essential service to the youth
 - Flood risk
 - Traffic congestion
 - Highway safety
 - Parking provision
 - Impact on wildlife
 - Loss of trees
 - Loss of sports fields
 - Out of character
 - Loss of strategic open space
- 4.2 295 supporting representations have also been received on the following grounds:
- Proposal will allow greater choice and provision of care facilities
 - Would secure long term improved sports provision on the site available to the local community

5 Consultations

- 5.1 *County Highway Authority:* No objections. The plan for Old Schools Lane shows works to the public highway to slow vehicles and provide protection for pedestrians by means of a raised table in block paving with bollards to protect the pedestrians. The footway to the front of 1 & 2 Old Schools Lane is also to be widened to at least 1.5m, which is sufficient to allow a child to walk side by side with a buggy or adult.

The increased traffic generated by the care home can be easily accommodated on the road network. The reduced number of playing fields and the control of the site by one organisation should reduce the possibility of vehicles parking in Old Schools Lane and adjoining streets. The care home will have a travel plan to encourage sustainable means of transport and conditions will be imposed to prevent the use of the pavilion for activities not ancillary to the use of the playing fields.

- 5.2 *Tree Officer:* No objection. Condition requiring the submission of an Arboriculture Method Statement and Tree Protection Plan should planning permission be granted.
- 5.3 *Contaminated Land Officer:* The site lies adjacent to the railway and thus there is potential for contamination relating to this activity in the western area of the site. Historical maps also show the centre of the site as a pit, drain or pond from 1934 up to 1970. This area has been in-filled to create the existing playing fields. The concern relates to the material that was used to infill the void and also the potential for this material to decay and produce gas. The in-filled area is immediately next to the proposed new pavilion and hence needs to be investigated to determine if gas protection measures are required in this building. Contaminated land and landfill gas conditions to be imposed on any permission granted.
- 5.4 *Surrey County Archaeological Officer:* In line with the National Planning Policy Framework, an archaeological desk-based assessment has been produced on behalf of the applicants by their archaeological consultants, CgMs Consulting. A geophysical survey of the site was also undertaken which does not appear to indicate the presence of archaeological heritage assets of sufficient significance to merit the refusal of planning permission in order to achieve an in-situ preservation solution. The geophysical survey would need to be supplemented by the results of an evaluation trial trenching exercise to sufficiently robustly characterise the archaeological potential of the site and enable suitable mitigation measures to be determined, but this work can be undertaken after any decision on the permission, and the work secured by the addition of the standard archaeological condition to any planning permission granted.

- 5.5 *Environment Agency*: We object to this new application. To overcome our objection we require an FRA that demonstrates that the development is safe and does not increase flood risk elsewhere; and is informed by the updated flood mapping products and new flood levels from the Hogsmill river modelling completed by JBA Consulting in August 2015. (Officer Comment: It is expected that an updated FRA to address these concerns will be received after the finalisation of this report and therefore it will be confirmed at the planning meeting.)
- 5.6 *Strategic Housing Officer*: The applicants, who are a local independent registered social housing provider are not required under the C2 usage class to provide any affordable housing, however, in line with their charitable objectives, the applicants have agreed to commit to enter into a nomination agreement with EEBC whereby they are offering to allow nomination rights of the 24 units. This scheme will help to meet a priority housing need within the borough in providing both affordable rented extra care units and market rented housing units for vulnerable elderly residents. The local elderly persons' housing market is dominated by private leasehold accommodation. This scheme offers a welcome alternative for those with lesser means and as Abbeyfield are motivated by charitable aims, seeks to address social isolation and the general health and wellbeing of its residents.
- 5.7 *Friends of Old Schools Lane Playing Field*: We submit that the proposal does not represent an equivalent or better quality, quantity or management. Whatever investment is realised for the sporting provision, this does not compensate for the loss of around 40% of playing field space and the loss of 3 adult football pitches. The applicant's assumption that because the site is hidden justifies the loss of playing fields is disputed. The new building detracts from the conservation area (CA), as it reduces the amount of open space in the CA. One of the three proposed sports areas/pitches is to be constructed as artificial grass pitch (AGP) which would require flood lighting. They would be constructed as a hard surface & not entirely natural in appearance. In our view this proposal goes against the setting of the CA, contrary to policy DM6: The provision is certainly not surplus, the replacement provision is neither equal nor better within the locality.
- 5.8 *Epsom Civic Society*: Our position is best summed up as a cautious acceptance, subject to assurance given that this will not set up any unfortunate precedent, that satisfactory conditions are agreed in connection with the ownership of the remaining sports ground and the final design of the care facility.
- 5.9 *Sport England*: Has considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The policy states that:

“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies.”

Sport England therefore objects to the application as this proposal does not provide any ‘new’ playing field which would be equivalent or better in terms of quantity and quality to replace the playing field lost as a result of the development, Sport England considers the second criterion of paragraph 74 of the NPPF irrelevant. Secondly, the development as a whole is not an alternative sports facility, therefore as a whole it cannot be considered against the third criterion of paragraph 74 of the NPPF.

6 Relevant planning history

- 6.1 Demolition of existing store and pavilion buildings. Erection of a single-storey, part 2 and part 3 storey building to be used as a 60 unit Extra Care facility (Use Class C2) with associated communal and ancillary facilities including car and cycle parking and landscaping. Re-laying of sports pitches including an all- weather surface, the erection of a two-storey pavilion and provision of associated car and cycle parking. Provision of altered access onto Old Schools Lane ref: 14/00001/FUL: REFUSED 08/09/2014.

7 Planning Policy

Local Development Framework – Core Strategy 2007

Policy CS1	General Policy
Policy CS3	Biodiversity and Nature Conservation
Policy CS4	Open spaces and green infrastructure
Policy CS5	Built Environment
Policy CS6	Sustainable Development
Policy CS7	Housing Provision
Policy CS8	Housing Location
Policy CS16	Highways

National Policy Planning Framework (NPPF) 2012

Chapter 7: Requiring Good Design

Development Management Policies Submission Document November 2014

Policy DM6	Open Space Provision
Policy DM5	Trees and Landscape
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM 20	Environmentally Sustainable Development Standards/ Renewable Energy
Policy DM4	Biodiversity and New Development
Policy DM5	Trees and Landscape
Policy DM10	Design requirements for new developments
Policy DM11	Housing Density
Policy DM12	Housing standards

Policy DM35

Transport and New Development

8 Planning considerations

Previous Application

- 8.1 A similar application was refused by the Committee in September 2014 on the following grounds:

1. The proposed development of this strategic open space fails to preserve the character and appearance of the Ewell Village Conservation Area due to the proposed development on open space which would harm the pleasant rural quality and setting of the conservation area, contrary to Policy OSR1 of the Epsom and Ewell District Wide Local plan 2000 and Policy CS4 of the Core Strategy 2007

2. The proposed development, due to its design, substantial scale and massing, would not reinforce local distinctiveness and would have a materially harmful impact on the character and appearance of the wider conservation area contrary to Policies BE1, DC1, BE3 , BE4, CS5 and emerging policies DM9 and DM10

- 8.2 This application seeks to address the previous reasons for refusal in the following ways:

- A demand and demographic report has been submitted which, the applicants submit, demonstrates that there is an urgent and compelling need to provide the type of specialist accommodation proposed in the application;
- An alternative sites study has been submitted;
- A heritage statement has been submitted which examines the impact of the proposals on the character and appearance of the Ewell Village Conservation Area;
- The scale of the current proposal compared to the refused scheme has been reduced in terms of height (-32%), volume (-14%), land take (-14.5%), footprint (-14%) with a corresponding increase in the retained playing fields (+5%); and
- The pavilion has been redesigned.

Loss of Strategic Open Space

- 8.3 The application site lies within the existing urban area and in the very broadest sense could be considered as a possible windfall (unallocated) housing site (Core Strategy Policy CS8). The site was considered but ultimately rejected (on the grounds of being strategic open space) by the Council's Strategic Housing Land Availability Assessment (SHLAA). The consideration of the site within the SHLAA does not provide in principle support to this proposal as it remains strategic open space.

- 8.4 Local planning policy is clear in stating that areas of strategic open space will be protected from inappropriate development and that proposals that involve the loss of provision will not be considered positively.
- 8.5 Core Strategy Policy CS4 which states inter alia that *“Emphasis will continue to be placed on protecting and enhancing the two Strategic Open Spaces of Nonsuch Park and the Hogsmill River, shown on the Key Diagram. These areas provide a particularly important recreational, amenity and wildlife resource. Provision of the amount and type of open space within the Borough will have regard to the standards identified in the most recent Audit of Open Space, Sport and Recreational Facilities and Assessment of Local Needs. The required quantity and range of open spaces will be rigorously maintained, and focus will be given to the creation and maintenance of an accessible network of green spaces within the built up area of the Borough”*
- 8.6 The applicant’s consultants have submitted a needs assessment that examines the demographics for the type of provision proposed. The summary of the report’s conclusions is as follows:
- The baseline shortfall in care home places within the borough today is in the region of 115 to 130 places (assuming Nescot is operational and included in supply). This is expected to rise to 190 to 265 units by 2024.
 - The borough has a shortfall of between 325 and 440 units of all care accommodation now, which is projected to rise to between 480 and 620 additional units of care accommodation by 2024.
 - By combining the baseline projection of the shortfall in extra care provision that has been identified, with the above estimates reflecting the anticipated reallocation of care home residents in more appropriate facilities for their care need, it would be reasonable to propose that the total shortfall in extra care provision is more realistically between 320 and 490 units today, rising to between 525 and 575 units in 2024.
- 8.7 Of sites identified by the council as future development sites, none would be considered viable or feasible at present for development for an extra care facility such as that being proposed, on the basis of size, proximity to local amenities, continued use or unavailability. They therefore conclude that the site at Old Schools Lane is the only suitable site within the borough for the proposed extra care scheme to meet local needs, when compared against those sites identified for development.
- 8.8 The applicants also carried out a land search which failed to identify any suitable sites in either the London Borough of Sutton or the Borough of Epsom & Ewell. They submit that there are very few of the 20 sites referred to above that are large enough to accommodate a 60 unit extra care facility and of those that are potentially large enough, there are other reasons why those sites are not appropriate and therefore were not pursued.
- 8.9 In addition the applicants submit that the part of the site to be developed for the extra care building at 0.42 ha would represent a loss of 0.3% of the total of 139.5ha (made up of Nonsuch Park and the Hogsmill River) strategic open space in the Borough.

- 8.10 It is also noted that Policy CS4 states that focus will be given to the creation and maintenance of an accessible network of green spaces within the built up area of the borough” (officer underlining). The landowner, the Salesians Trust, has no obligation to maintain the site as playing field provision. It would be entirely within their remit to close the site and allow it to remain unused. However, should planning permission be granted, the sports field element of the scheme would be protected in perpetuity for sports and leisure purposes.

In view of the above, officers consider that an acceptable case has been made for this form of accommodation in the borough and that there are no other suitable sites.

Loss of Playing Fields

- 8.11 The NPPF sets out a more flexible policy approach to the redevelopment of open space provision under NPPF Paragraph 74. This states that existing open space, including playing fields, should not be built on unless:
- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 8.12 It is proposed to provide three multi-use pitches on the site. These would comprise:
- A floodlit artificial all-weather pitch in the north western part of the site which would be used primarily for hockey but could also accommodate other sports including mini-soccer;
 - a full size grass pitch located parallel to and to the south of the artificial pitch capable of being used for football, rugby, mini-soccer and other sports;
 - a full sized cricket pitch with 9 wickets, 4 of which would be suitable for junior play. The outfield of this pitch would also be capable of being used for mini-soccer; and
 - the applicants acknowledge that the replacement senior football pitch would be smaller than two of the existing football pitches, but would nevertheless comply with the acceptable range of senior football pitch sizes as set down by FIFA.
- 8.13 The three proposed pitches would be laid out to “sports governing body” standards and with improved drainage, would provide the opportunity for more intense use for a wider range of sports than is possible on the current four main pitches. As well as providing much needed additional facilities for Epsom Sports Club (ESC) and its sports sections (particularly cricket and hockey), ESC would seek to work with the local sporting community, including existing users, to try and accommodate their facility needs.

- 8.14 Since the last application was determined, the applicants confirm that Nonsuch Abbeyfield and ESC have entered into a 125 year lease agreement for ESC to manage the retained sporting facilities.
- 8.15 The applicants anticipate that the reconfigured playing field provision on the retained part of the strategic open space would allow the pitches to be used more intensively for a wider range of sports and be available to a wider section of the local community than is currently the case. Accordingly, they submit that the proposals would lead to a net increase in the overall level of sports provision on the site.
- 8.16 With regard to the criteria set out in paragraph 74 of the NPPF, the applicants consider that the proposals would comply with both the second and third criteria for the following reasons:

(2) “the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location”.

They consider that the “re-provision” of 3 well laid out and drained playing pitches, including an all-weather surface in replacement of the existing four main playing pitches would offer the opportunity for relocating the level of sports provision possible on the care home site to the ongoing site which would be capable of accommodating much more intensive use once the proposed investments have been completed. In addition, they submit that the availability of the additional all-weather pitch resource would allow the hockey club to move its playing activities back into Epsom & Ewell and would thereby add to the sporting assets within the borough and involve a commitment to maintain and invest in community based facilities.

(3) “the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss”

They also *consider* that the development complies with this criterion for alternative sports and recreational provision by the extension of its use from mainly football to a more multi-sporting use in the form of hockey, cricket, rugby, football, mini-soccer and tennis.

- 8.17 It is noted that Sport England has registered an objection in principle because it would result in the loss of playing field and is not considered to accord with any of the exceptions in Sport England's playing fields policy. Sport England consider that the proposal does not comply with paragraph 74 of the NPPF. The proposed loss of playing field is significant and notwithstanding the care home element which is contrary to national policy and inappropriate development on playing field land, it has not been demonstrated that the proposed sports facilities in any way bring about sufficient benefit to the development of sport such that they outweigh the loss of playing field land. Sport England therefore objects to the application as this proposal does not provide any 'new' playing field which would be equivalent or better in terms of quantity and quality to replace the playing field lost as a result of the development, Sport England considers the second criterion of paragraph 74 of the NPPF irrelevant. Secondly, the development as a whole is not an alternative sports facility, therefore as a whole it cannot be considered against the third criterion of paragraph 74 of the NPPF
- 8.18 In respect of the Paragraph 74 criteria, it is clear that whilst the open space provision is surplus to the landowner's needs (as a school), demand remains from the sports club and sub-tenant schools. The council's own evidence demonstrates that the levels of open space provision are finely balanced in terms of meeting future planned-for growth and that it would be unwise to allow a reduction in capacity.
- 8.19 Officers recognise that the application site is privately owned and was previously used by a school that to all intents and purposes no longer exists in its former state; namely it has joined with another school, with its pupils now sharing the playing fields provided by that other school. The landowner, the Salesians Trust, has no obligation to maintain the site as playing field provision. It would be entirely within their remit to close the site and allow it to remain unused. It is not uncommon for landowners to 'bank' sites. The local planning authority (or indeed anyone else) has no power to intervene in such circumstances. In this case the net result would be that the entire site (all five playing fields) would be lost.
- 8.20 On the basis of their comments, Sport England do not appear to have considered this potential scenario. Consequently, their opinion that there is no evidence that the site is surplus and should be refused on that basis could result in the perverse situation of the entire site being lost, rather than just one pitch. At the very least, the proposal seeks to retain the use of the majority of playing fields into the future.
- 8.21 In view of the above, it is considered that on balance, the proposals would comply with both the second and third criteria of paragraph 74 of the NPPF, notwithstanding that the loss of the one sports pitch is not technically justifiable either under local policy DM6 or the NPPF.

Detailed design and impact on the conservation area

- 8.22 The extra care facility would be located within the south western section of the application site, with its car park, main entrance and service area approached from a branch in the new access road. It would comprise 3 three-storey accommodation wings radiating from a central, conical hub, where the main entrance, reception area and the main communal and ancillary facilities are located. It would have a maximum of three storeys, with an eaves height of 9.2m and an overall height of 10.5m. Metal zinc roofs are proposed for the central conical roof, the shallow pitched feature roofs at the ends of the accommodation blocks, and the front, shallow pitched section of the entrance canopy.

The proposed facing materials would comprise a brick cladding system in two contrasting bricks; a buff multi facing and a red/brown facing, together with a render system in off-white/cream render.

- 8.23 The new pavilion building would be located on the south side of the playing fields close to the end of the access road with parking in between. It would have a sweeping curved “glulam” beamed roof and finishes would comprise large glazing sections and sliding folding screens with graphite aluminium framing, natural aluminium handrails and frameless glazing, and a mix of larch timber cladding and render.
- 8.24 The previous application was refused on the grounds that the design, substantial scale and massing of the care home building would not have reinforced local distinctiveness and would have had a materially harmful impact on the character and appearance of the wider conservation area.
- 8.25 In response the applicant appointed a heritage consultant to undertake an assessment of the conservation area, the results of which informed the re-design of the current proposal:
- A reduction in footprint and re-location of the proposed buildings to reduce the extent of development into the centre of the open space by keeping the buildings close to the southern end of the application site; and
 - reduction in height and overall bulk and mass. By altering the roof form from a pitched roof form to an angled, more contemporary roof that has a much lower profile than a traditional flat roof.
- 8.26 In assessing the effect on the conservation area, the heritage statement states the following:
- The site does not feature as part of any of the 18 identified key views that contribute to the character and appearance of the conservation area nor does it play any role in the setting of any listed buildings or significant non-designated heritage assets;
 - the application site does not contribute to the architectural interest of the area or to its artistic interest and has been severed from the village core by later development of no historic or architectural interest; and

- the surroundings of this site do not contain buildings of local distinctiveness

Officer Response

- 8.27 The part two storey/part single storey pavilion would have a “cranked” footprint, with a sweeping, curved roof and would assimilate well into its sylvan setting. Its design, scale and massing would be entirely appropriate in terms of its location adjacent to the playing fields. The proposed pavilion building would therefore accord with Policy DM8, DM9 and DM10.

The extra care building is concentrated in the south western part of the site in order to retain as much open space to the north and east of the site. Given the layout of the building with its 3 wings, it is a challenge to integrate the building into this corner section of the site and this leaves a marginal amount of space around the building to provide its setting. The applicants have provided images of a proposed landscaping scheme which indicates how the building will fit into its surroundings. These details will need further refinement and are secured by condition. At three storeys tall the building will be taller than those in the immediate vicinity however views of the building will be limited due to the existing tree screening at the site.

- 8.28 Page 11 of the Ewell Village Conservation Area Character Appraisal and Proposals Document 2009 states that the whole conservation area is notable for the many and varied open spaces, and refers specifically to the playing fields off London Road and Old School Lane.
- 8.29 The character appraisal document goes on to say that the cumulative effect of these many open spaces is that Ewell still retains a pleasantly rural quality which is enhanced by the small scale historic buildings. It also goes on to say that trees are also especially important along the east side of Kingston Road, following the line of the Hogsmill and largely conceal (even in winter) the extensive playing fields which lie on the western edge of the conservation area. This supports the need to retain as much of the open space as possible and to concentrate any development in the far corner of the site where it adjoins existing development to the south.
- 8.30 The creation of a 3m high landscaped bund with a 2m wide crown to the north of the care home would mitigate to some extent, the scale and massing of the building, particularly in south west views from the playing fields towards the building as well as views from passing trains. The intention is that the bund would help assimilate the large building into the sylvan site and help to retain that important rural quality of the site in its northern section.
- 8.31 The size of the proposed building has been reduced (-14%), largely on the northern and eastern sides but also in height (-32%). The overall bulk and mass of the proposed building is significantly reduced from the previous scheme (volume -32%). This has been achieved through the alteration of the roof form from a pitched roof form to a combination of flat and mono-pitched roofs. These changes are acknowledged and welcomed.

- 8.32 Notwithstanding the “percentage” reductions in scale height and massing the proposed layout/footprint of the building with its central core would 40 still “read” as a large building, unlike any other building in both the immediate or wider area.
- 8.33 However, views into the site are limited by extensive vegetation along the south western boundary (abutting the pedestrian pathway leading to the bridge over the railway line), the south eastern boundary and the northern boundary. Views are also limited from the railway bridge and there would be fleeting, partly obscured views of the site from passing trains. The development of the site would not result in alteration to the tree cover on the boundaries and the landscaping scheme would enable the planting of more trees on the site, to further screen views towards the buildings, from outside the site.
- 8.34 Whilst the difficulties of accommodating a viable number of residential care units within this constrained site are recognised, it is felt that an opportunity to develop an exemplar scheme which fully responds to its sylvan context has been missed. Officers have, over a considerable period of time, shared with the applicants their design aspirations for the site, in essence an organic, fluid design (both in foot print and elevation) that would result in any building being perceived to “emerge” from its parkland setting and which would “not be an object in the landscape but would be of the landscape’.”
- 8.35 Whilst officers are still of the opinion that the proposal does not reinforce local distinctiveness we have considered the applicants comments on the impact of the proposal on the wider conservation area and we agree with their view that the impact on the site will be limited. Due to the limited extent of that impact any harm from the design and massing of the new buildings and loss of open space will be restricted to the immediate environment of the site and can be partly mitigated against through careful landscaping.

The limited harm to the conservation area is considered to be marginally outweighed by other material considerations, namely the provision of much needed (affordable) extra care affordable residential accommodation for the elderly and upgraded sports facilities to be enjoyed by the community in perpetuity. Officers are therefore minded to put forward an on balance recommendation for approval.

Residential Amenity

- 8.36 The accommodation blocks would be set at unequal alignment in response to site constraints. The west block would be set at right angles to the railway to avoid the associated noise implications of apartments facing directly onto the railway. The layout would provide all apartments with an acceptable outlook with adequate distances from adjacent residential properties avoiding issues associated with overlooking.

- 8.37 On the south eastern side, the shortest distance between the extra care facility and neighbouring properties in Spring Mews would be around 27m between the south western corner of the southern accommodation block and the north eastern corner of No. 4 Spring Mews.
- 8.38 On the south western side the shortest distance between the extra care facility and Priory Court is some 26m between the south western corner of the southern accommodation block and the north east corner of Priory Court.
- 8.39 On the north eastern side the shortest distance between the extra care and Station Road properties on the north western side of the railway would be 65m between the south western corner of the Eastern accommodation block and nos. 132 /134 Station Road.
- 8.40 Windows would be set away from building corners and, due to angled wall alignments, there would be no extra care facility windows parallel with windows of neighbouring properties.
- 8.41 It is concluded that due to the acceptable separation distances between the proposed extra care facility building and the neighbouring properties, it would result in the proposed development having a minimal impact on neighbouring properties in terms of outlook, overlooking or loss of privacy.
- 8.42 Details of the proposed floodlighting to the artificial pitch as well as the opening hours of the pavilion would be secured by appropriate conditions and would be dealt with in separate applications which neighbours will be consulted on.

Noise and vibration

- 8.43 The main sources of noise audible outside the development would be from rail traffic to the north west. Appropriate conditions requiring the submission of a scheme of sound insulation measures would ensure that the future occupants of the development enjoy an acceptable level of protection from noise and disturbance. Noise during the construction period can be controlled through a condition requiring a method of construction statement, and potentially through Environmental Health legislation.

Parking /Access

- 8.44 The existing site access is located at the end of Old Schools Lane, a cul-de-sac located off the Chessington Road one-way system, in Ewell Village.
- 8.45 The applicants submit that as there is limited car parking currently available on site, there is significant potential for overspill car parking on Old Schools Lane at times when the existing playing fields are at their peak usage times. The current proposal would include moving the access point by some 7 metres to create the safest possible entrance point to the site off Old Schools Lane. In addition on site car parking for both uses in compliance with the relevant parking standards is proposed, resulting in an increase of on-site parking from 18 to 40 spaces for sports use and 31 spaces for the extra care use.

- 8.46 The application is supported by an updated transport statement which has included details of the previous traffic survey at the junction of Old Schools Lane. It also includes the framework for a travel plan that both Nonsuch Abbeyfield and the sports operator, Epsom Sports Club would commit to prior to implementation, should planning permission be granted.
- 8.47 The transport statement confirms that the local highway network currently experiences some congestion when the 4 existing main sports pitches are being utilised for games, due to the limited on-site parking capacity. The proposals would reduce the number of main pitches from 4 to 3 and would also increase the parking provision on site to meet the parking standards set by the local highways authority, Surrey County Council, and would cope with the anticipated peak demand for use of the reconfigured pitches. It is stated that this would have the effect of much reducing the risk of indiscriminate overspill parking and associated congestion on the local highway network. It is also stated that this would make negotiating Old Schools Lane by both pedestrian and vehicles safer.
- 8.48 In summary the transport statement details the likely traffic generation of the proposals and identifies that the likely increase in traffic on the local highway network would be negligible and would not impact on road safety or the operation of the local highway network. The layout of the proposals would allow for the two elements of the scheme to be serviced on-site without affecting the free flow of traffic or road safety.
- 8.49 It concludes that due to the parking provision on-site being provided in accordance with the Local Planning Authority's standards (which they submit is not the case with the existing playing fields); the improved design of the entry to the site as well as the improved arrangements for facilitating the manoeuvring of service vehicles, the proposals would result in reduced hazards and congestion on the immediate highway.
- 8.50 The Highways Officer comments on the previous application are relevant to the current application and are repeated as follows:
- 8.51 Old Schools Lane is a tortuous narrow road serving a small number of residential properties, a care home and the playing fields. The public footway from Chessington Road is intermittent and narrow where it exists.
- 8.52 Public footpath No 8 runs along the Western boundary of the playing field up to its Southern boundary. This footpath is a well-used pedestrian route over the railway line leading into Ewell Village. It also provides access to St Clements Primary School via a private path off the western side of Old Schools Lane. This path to the school is regularly used by parents and children both in the am peak and at 3pm every school day. Many use the route from Chessington Road along Old Schools Lane because, although the public footway is narrow and not continuous, the road is quiet and lightly used by traffic.

- 8.53 At weekends the existing use of the playing fields can be very intensive if all 4 pitches are in use. However, the limited number of on-site parking spaces (18) and the restricted nature of Old Schools Lane mean that parking is usually redirected to the public car park at Bourne Hall. The parking survey provided bears out the low usage of the existing car park area.
- 8.54 Although the traffic generated by the care home is low it represents a substantial percentage increase in the traffic on Old Schools Lane .The peak time for traffic generated by the care home coincides with the end of the school day and would increase the potential for accidents between vulnerable pedestrians and vehicles in this area.
- 8.55 The applicants have submitted a plan for Old Schools Lane which show works to the public highway to slow vehicles and provide protection for pedestrians by means of a raised table in block paving with bollards to protect the pedestrians. The footway to the front of 1 & 2 Old Schools Lane is also to be widened to at least 1.5m, which is sufficient to allow a child to walk side by side with a buggy or adult.
- 8.56 The transport assessment has been made on the assumption that the existing playing fields could generate far more traffic than the proposed care home and reduced playing fields, particularly at the weekend.
- 8.57 The current sports field and clubhouse has very limited parking (maximum 18 spaces) and, whilst the playing fields could generate many vehicular movements, the lack of parking at the site and the nature of the road limits the use of the road and visitors have been encouraged to park elsewhere.
- 8.58 The increased traffic generated by the care home can be easily accommodated on the road network. The reduced number of playing fields and the control of the site by one organisation should reduce the possibility of vehicles parking in Old Schools Lane and adjoining streets. The care home will have a travel plan to encourage sustainable means of transport and conditions will be imposed to prevent the use of the pavilion for activities not ancillary to the use of the playing fields.
- 8.59 The proposed scheme therefore complies with Policy CS 16, and Policies 32 and 35 of the NPPF.

Flood Risk

- 8.60 The application is supported by a site-specific Flood Risk Assessment (FRA). In summary, as regard to flood risk, the FRA notes that the site is situated in three zones of flood risk, namely zones 1, 2 and 3 and accordingly the document has assessed the risk of flooding for the application site. The development proposes building only in flood zone 1, and would incorporate a suitable warning and evacuation plan and other mitigation measures. It is proposed to level the pitches that lie within flood zone 2, with no works proposed in flood zone 3. The applicants therefore submit that the scheme would comply with the requirements of Core Strategy Policy CS6 and paragraph 100 of the NPPF.

- 8.61 With regard to drainage, the FRA states that the development would ensure that the surface water run-off from the site would be reduced to a limiting discharge of 5l/s for all design storm events up to and including the 1 in 100 plus climate change event, using a combination of swales, dry detention basin and below ground tanks.
- 8.62 The applicants state that a full surface water and drainage strategy would be prepared at a later planning stage.
- 8.63 The Environment Agency object to this new application and require a FRA that demonstrates that the development is safe and does not increase flood risk elsewhere; and is informed by the updated flood mapping products and new flood levels from the Hogsmill river.
- 8.64 A further FRA is expected in response to the EA's objection

Trees/Landscaping

- 8.65 The application is supported by an Arboriculture Impact Assessment
- 8.66 Three "category C" trees are proposed to be removed to allow for the repositioned and wider site access on the south western boundary with Old Schools Lane and four "category U" trees are proposed to be removed at the northern perimeter of the site due to these being unsuitable for retention. All other perimeter trees are proposed to be retained.
- 8.67 There are four trees within the body of the site, two close to the existing sports buildings and two in a central location. Due to the southern accommodation block encroaching within the canopy and root protection area of the "category B" Willow tree; it is proposed that this would be removed. It is also proposed that the "category C" Horse Chestnut tree would be removed due to its close proximity to the goal-mouth of the adjacent sports pitch and the view of play that it would screen.
- 8.68 It is proposed that new trees will be planted to compensate for those removed. New tree planting is indicated on the proposed site plan which, the applicants submit, would enhance the quality of the amenity and car park areas and would provide new wildlife habitats within the central body of the site.
- 8.69 It is also proposed to form a curvilinear 3m high landscaped earth bund along the schemes northern "land take" boundary, facing the new football pitch. This would form a dual function of providing a screening element to the new building as well as proving a "natural" ball "stop" barrier to the pitch.
- 8.70 The Tree Officer has raised no objection to the proposed scheme.

Sustainability

- 8.71 The Council's Core Strategy CS6 and Sustainable Design Supplementary Planning Document (SPD) require proposals to demonstrate sustainable construction and design, including the minimisation of use of energy and resources, and that new developments should use renewable or low-carbon energy sources or achieve the relevant BREEAM standard.
- 8.72 The submitted Sustainability Statement report shows that the proposal should achieve the BREEAM Very Good rating.
- 8.73 The extra care scheme would be built to high insulation standards and the inclusion of energy efficient measures would, the applicants submit, achieve in excess of 15% improvement over a 2010 Building Regulations compliant design, through the inclusion of communal heating with a CHP system. Ventilation would be by natural means other than to shower rooms, kitchens within apartments and to the main kitchen and ancillary spaces which would include a heat recovery system. The central courtyard would be used to draw air from the perimeter to enhance ventilation within the communal hub. Inset patio areas and balconies would provide shade to adjacent rooms. Internal blinds would be the adopted method to provide solar control.
- 8.74 The new sports pavilion would be constructed to the same standards and regulations as the care home, and would seek to install horizontally mounted solar water heating collectors to offset some of the hot water demand, but would not be certified under BREEAM due to the nature and size of the building.

Ecology

- 8.75 The applicants have previously submitted a Preliminary Ecological Appraisal (PEA). A preliminary bat roost assessment, dusk emergence and activity survey was originally carried out at the site in October 2013 by the applicant's consultants, and again in July 2014.
- 8.76 The main findings of the PEA were as follows:
- 8.77 The site has high potential to support breeding birds and negligible (amenity grassland) low (woodland) potential to support widespread reptiles, badger, dormouse and great crested newt.
- 8.78 No further surveys were recommended for these groups (provided that the development has no direct impact on the woodland), however a series of mitigation measures are recommended to minimise any potential adverse impacts on breeding birds and habitats associated with Hogsmill River, West Ewell SNCI, and the mitigation measures would be secured by way of appropriate conditions on any permission granted.
- 8.79 The Bat survey comprised a preliminary bat roost assessment (carried out in October 2013) which included a detailed building inspection and a tree survey followed by a single dusk emergence/activity survey. The main findings of the bat survey are as follows:

An inspection for evidence of roosting bats in three buildings, a water tower and two trees was carried out on 9th October 2013 by a licensed bat ecologist. Following the inspections, Buildings 1 (pavilion), 1a (water tower) and 2 (store) and a Willow Salix tree were all assessed as having low potential for a summer bat roost. Building 3 (club house) was assessed as having moderate potential as a summer roost for bats.

A total of two bat droppings indicative of a pipistrelle species *Pipistrellus* bat were found on a concrete ledge, on the north-western facing aspect of building 3. The droppings were located directly below a gap within a rotted timber soffit that provided access into a pitched roof void.

In line with current survey guidelines for bats, one dusk emergence survey was carried out on the 9th October 2013 by a licensed bat specialist and an experienced ecologist.

No bats were observed emerging from any of the buildings or Willow tree that were focused upon, during the course of the survey. Low activity of common pipistrelle *Pipistrellus pipistrellus*, bats was recorded within the immediate vicinity of building 3, approximately 60 minutes after sunset.

Low levels of foraging activity from common pipistrelle bats were recorded near trees located along the North, East and Western site boundaries. No bat activity near trees was recorded along the Southern site boundaries at the time of the survey. Given the location on the building that the droppings were found this is highly likely to indicate the presence of a roost within the soffit of building 3.

Therefore, to complete the assessment two further surveys, one dusk emergence and one dawn re-entry survey are recommended to be carried out between May and August 2016. These surveys will provide sufficient data to inform an application for a European Protected Species Mitigation Licence (EPSM) which will be required to enable the legal demolition of building 3.

- 8.80 A further Bat Emergence Survey was undertaken in June 2014 and a follow up survey in July 2014 which stated that no bats were found to be utilising any of the buildings or trees within the site boundaries for roosting. Therefore a European Protected Species Mitigation Licence will not be required to permit the legal demolition of the structures and/or the removal of the trees within the site boundaries.

Archaeology

- 8.81 A desk based assessment has been undertaken to clarify the archaeological potential of the study site. The summary of the desk based assessment is set out below.

- 8.82 The site does not contain any designated archaeological assets (scheduled monuments), although the Surrey Historic Environment Record (SHER) records the presence of three non-designated heritage assets on site, relating to the Mesolithic and Roman artefacts. These artefacts have been subsequently removed from the application site. The site contains a potential for further Mesolithic evidence of regional to local significance and Roman evidence of local significance. However, past ploughing and orchard plantation associated with Medieval and recent agriculture will have had a truncating effect on any archaeological remains present.
- 8.83 A geophysical survey of the site was also undertaken which does not appear to indicate the presence of archaeological heritage assets of sufficient significance to merit the refusal of planning permission in order to achieve an in-situ preservation solution. The applicants submit that the geophysical survey would need to be supplemented by the results of an evaluation trial trenching exercise to sufficiently robustly characterise the archaeological potential of the site and enable suitable mitigation measures to be determined.
- 8.84 Officers and the County Archaeological Officer are satisfied that this work could be undertaken after any decision on permission, and the work secured by the addition of the standard archaeological condition to any planning permission.

Community Infrastructure Levy

- 8.85 The scheme would be CIL liable

Affordable Housing

- 8.86 The applicants have agreed to commit to enter into a nomination agreement with EEBC whereby they are offering to allow Nomination Rights of the 24 units. In that respect it is noted that the proposal would meet the Council's Core Strategy (Policy CS9) requirement for on-site affordable provision - providing 40% affordable housing units. The nomination agreement would be secured by an appropriate legal agreement.

S106 Legal Agreement

- 8.87 The applicants have identified obligations that they are willing to include in the legal agreement to cover this application. The obligations, in brief, comprise the provision of 24 of the one bedroom units as affordable rented units, a restriction on occupation of each of the extra care units to at least one person per unit who is over the age of 65, the implementation of the travel plan, ensuring that the retained area of playing fields is governed by the National Playing Fields Association, ensuring that public access (including local schools) is available to the playing fields during term time, and the use of at least £900,000 of the funds from the sale of the land by the Salesians of Don Bosco towards improvements of the retained sports fields.
- 8.88 In addition a Section 278 Agreement is required for off-site highway works

9 Conclusion

- 9.1 There are considerable benefits to the borough in respect of new affordable residential accommodation for elderly people and this element of the proposal would help meet a previously unmet area of housing need. The proposed improvements to the remaining three playing fields and the redevelopment and relocation of the club house/ sports pavilion is also seen as an enhancement to this valued piece of community infrastructure.

Whilst it is disappointing that the design of the revised scheme has not responded to its unique setting, it is acknowledged that the building would have a less than significant impact on the character and appearance of the wider conservation area. The visual impact of the proposal has been reduced through modifications to the design and appearance, as well as the introduction of additional landscaping elements and it is therefore concluded that the aforementioned benefits of the proposal would on balance, marginally outweigh its disadvantages.

- 9.2 In light of the above it is recommended that planning permission is GRANTED
- 9.3 As the proposal represents a departure from policy the application will be referred to the Secretary of State for the final decision.

10 Recommendation

10.1 Part A:

Subject to prior referral to the Secretary of State and subject to a legal agreement being completed and signed by 14 March 2016 to secure the following heads of terms:

- (1) The provision of 24 of the one bedroom units as affordable rented units to be occupied by persons nominated by Epsom & Ewell Borough Council and Surrey County Council;**
- (2) a restriction on occupation of each of the Extra Care units to at least one person per unit who is over the age of 65 and who is in need of care with any spouse having to be at least over the age of 50;**
- (3) Ensuring that the retained area of playing fields is governed by the National Playing Fields Association under a 'Fields in Trust' arrangement and maintained in perpetuity for local sports and leisure use;**
- (4) Ensuring that public access (including local schools) is available to the playing fields for the majority of daytime use during term time, and at some peak times also.**

- (5) The use of at least £900,000 of the funds from the sale of the land by the Salesians of Don Bosco towards improvements of the retained sports fields

Condition(s):

The Committee authorise the Head of Place Development to grant planning permission 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(1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2005

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

Reason: To enable the local planning authority to exercise control over the type and colour of the materials so as to secure a satisfactory appearance in the interests of the visual amenities and character of the locality as required by Policy CS5 of the Core Strategy 2007 and Policy DM10 - Design Requirements for New Developments

- (3) No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, 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 Document 2015.

- (4) No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the

prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

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

- (5) The development hereby approved shall not be occupied until the proposed road table and footway widening improvement (as shown on Plan 4200-003 Rev A in the Transport Assessment Appendix R) has been designed /constructed in accordance with a scheme to be submitted to and approved in writing by the local planning authority and carried out under S278 of the Highways Act.

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

- (6) The development hereby approved shall not be commenced until the proposed vehicular/pedestrian modified access to Old Schools Lane has been constructed and provided with visibility zones in accordance with the approved plans. The access shall be constructed in accordance with the approved details and shall be permanently maintained and the visibility zones shall be kept permanently clear of any obstruction.

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

- (7) 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 40 cars (Sports Facility) 31 cars (Extra Care Facility) and a minimum of 24 bicycles (Sports Facility) 12 bicycles (Extra Care Facility) to be parked. The parking area shall be used and retained exclusively for its designated use.

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

- (8) 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)

- (f) HGV deliveries and hours of operation
- (h) measures to prevent the deposit of materials on the highway
- (k) on-site turning for construction vehicles

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

Reason: 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

- (9) No development shall take place until a Travel Plan has been submitted to and approved in writing by the local planning authority. The approved details shall be implemented at the first occupation of the development hereby permitted and for each subsequent occupation of the development. The results of the implementation and monitoring shall be made available to the local planning authority on request together with any changes to the plan arising from those results.

Reason: To encourage travel by means other than private motor vehicles in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM36 of the Development Management Policies 2015.

- (10) Prior to the commencement of the development details of sustainability measures shall be submitted to and approved in writing by the local planning authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials and shall include means of providing the energy requirements of the development from renewable technologies. Thereafter, the development shall be carried out in strict accordance with the approved details.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy CS6 of the Core Strategy 2007.

- (11) Prior to occupation of the new building, bat and bird boxes shall be installed in accordance with details submitted to and approved by the local planning authority. The boxes shall be retained thereafter.

Reason: To conserve and enhance biodiversity as required by Policy CS3 of the Core Strategy 2007.

- (12) No construction work shall be carried out in such a manner as to be audible at the site boundary before 07.30 hours on Monday to Friday or after 18.30 hours on Monday to Friday; no construction work shall be audible at the site boundary before 08.00 and after 13.00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank Holidays or Public Holidays.

Reason: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties as required by Policy DM10 of the Development Management Policies Document 2015.

- (13) Prior to the commencement of the development an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should deal with the following issues:
- o Installation of bat boxes
 - o Details of lighting measures to minimise light spillage
 - o Compensatory refuge habitat for reptiles, (including stag beetles)

Reason: To conserve and enhance biodiversity as required by Policy CS3 of the Core Strategy 2007.

- (14) Any trees proposed to be felled as a result of the development hereby permitted shall be replaced by other trees in accordance with a scheme to be submitted to and approved by the local planning authority, and all planting in accordance with such an approved scheme shall be completed within a period of twelve months from the date on which the development of the site is commenced or shall be carried out in the first planting season following completion of the development.

Reason: The trees within the site make a substantial contribution to the visual amenities enjoyed by residents in the area and the felling of any trees without replacement would be detrimental to such amenities and contrary to Policies DM5 and DM9 of the Development Management Policies Document 2015.

- (15) Clearance of any vegetation shall be conducted outside the bird nesting season (March - August) to avoid disturbing or injuring birds that may be nesting within them.

Reason: To conserve and enhance biodiversity as required by Policy CS3 of the Core Strategy 2007.

- (16) Prior to the commencement of development the Japanese knotweed on the site should be correctly removed and disposed of.

Reason: To conserve and enhance biodiversity as required by Policy CS3 of the Core Strategy 2007.

- (17) Prior to the commencement of development, a 1:20 scale vertical section through the front and flank elevations including details of windows (including head, sill and window reveal details), balcony balustrade, rainwater goods, as well as a 1:50 scale typical elevation, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of the character and appearance of the conservation and wider area in accordance with Policy CS5 of the Core

Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies Document 2015.

(18) Prior to the occupation of the new sports pavilion: :

(a) details of floodlighting to the all-weather pitch shall be submitted to and approved in writing by the local planning authority. Such details shall include location, height, type and direction of light sources, means of controlling light spillage, operating hours and intensity of illumination.

(b) the floodlighting or external lighting scheme has been installed, maintained and operated in accordance with the approved details. Any lighting, which is so installed, shall thereafter be maintained and operated in accordance with the approved details and shall not be altered other than for routine maintenance.

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

(19) Prior to the occupation of the new sports pavilion details of the opening hours shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in strict accordance with the approved details.

Reason: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties as required by Policy DM10 of the Development Management Policies Document 2015.

(20) No development shall take place until arrangements have been made for an archaeological watching brief to monitor development groundworks and to record any archaeological evidence revealed. These arrangements are to be submitted to, and approved in writing by the local planning authority. The development shall only take place in accordance with the watching brief proposals agreed pursuant to this condition and shall be carried out by a suitably qualified investigating body approved in writing by the local planning authority.

Reason: To ensure that any archaeological evidence discovered during ground works is adequately recorded in accordance with Policy CS5 of the Core Strategy (2007).

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

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

- (22) Before the development hereby permitted commences and in addition to any assessment provided with the application, a ground contamination investigation and risk assessment must be completed. The scope and detail of these are subject to the approval in writing by the local planning authority. The investigation and risk assessment must be undertaken by suitably qualified and accredited persons and a written report of the findings must be produced. The final written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

(i) details of the extent, scale and nature of contamination

(ii) an assessment of the potential risks to:

human health

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes

adjoining land and occupants

groundwaters and surface waters

ecological systems

archaeological sites and ancient monuments

(iii) details of viable remedial options, and identification of and justification for the preferred option(s).

This must be conducted in accordance with Defra and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

The development must be carried out in complete accordance with the approved written report. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until appropriate remediation has been undertaken.

Reason: To ensure that risks from land contamination to the future users of the land and neighboring 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, neighbors and other offsite receptors, in accordance with Policy DM17 of the Development Management Policies 2015 and the National Planning Policy Framework.

- (23) A detailed drainage scheme shall be submitted to the satisfaction of the Local Planning Authority before development commences. The drainage scheme shall include the principles and outline design details which form

part of the details submission for planning. The detailed drainage scheme should include SUDS measures no less than

(i) detention basins, swales and below ground attenuation storage

(ii) restriction of flows of site to a limiting discharge of 5l/s for all events up to and including 1 in 100 yr plus climate change event.

The scheme shall include details for the adoption and maintenance of the drainage measures in perpetuity.

Reason: To ensure a satisfactory surface water drainage scheme including SUDS measures to reduce the risk of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

(24) Prior to each phase of development approved by this planning permission no development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) We acknowledge that a preliminary risk assessment has been submitted and is acceptable. It recommends additional site investigations are carried out.

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

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

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

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

(25) No occupation of any part of the permitted development / of each phase of development shall take place until a verification report demonstrating

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

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

- (26) 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. 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 2015 and the National Planning Policy Framework.

- (27) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

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

- (28) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it

has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

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

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

23922/ P101	Proposed Site Plan (overall)
23922/ P102	Proposed Site Plan (Extra Care & Details)
23922/ P103	Proposed Ground Floor Plan
23922/ P104	Proposed First Floor Plan
23922/ P105	Proposed Second Floor Plan
23922/ P106	Proposed Roof Plan
23922/ P107	Proposed Elevations
23922/ P108	Proposed Elevations
23922/ P109	Typical Apartment Layouts
23922/ P110	Comparison Elevations
23922/ P111	Elevation Detail – South Block & Hub
23922/ P112	Proposed Landscape Bund
4200/ 001 Rev A	Highway Access
4200/ 003 Rev A Surface	Pedestrian Improvements Option 2 – Shared
Tree Constraints Plan Sheet 1	Tree Constraints Plan
Arboricultural Impact Assessment Sheet 1	Arboricultural Impact Assessment
Arboricultural Impact Assessment Sheet 2	Arboricultural Impact Assessment
SC – Two Floor Pavilion Rev B	Proposed Pavilion Floor Plans

SC – Two Floor Pavilion Detailed Elevation

**Proposed Pavilion
Elevation**

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

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 186-187 of the National Planning Policy Framework 2012**
- (2) No burning of materials obtained by site clearance shall be carried out on the application site.**
- (3) The water efficiency standard required under condition 18 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.**

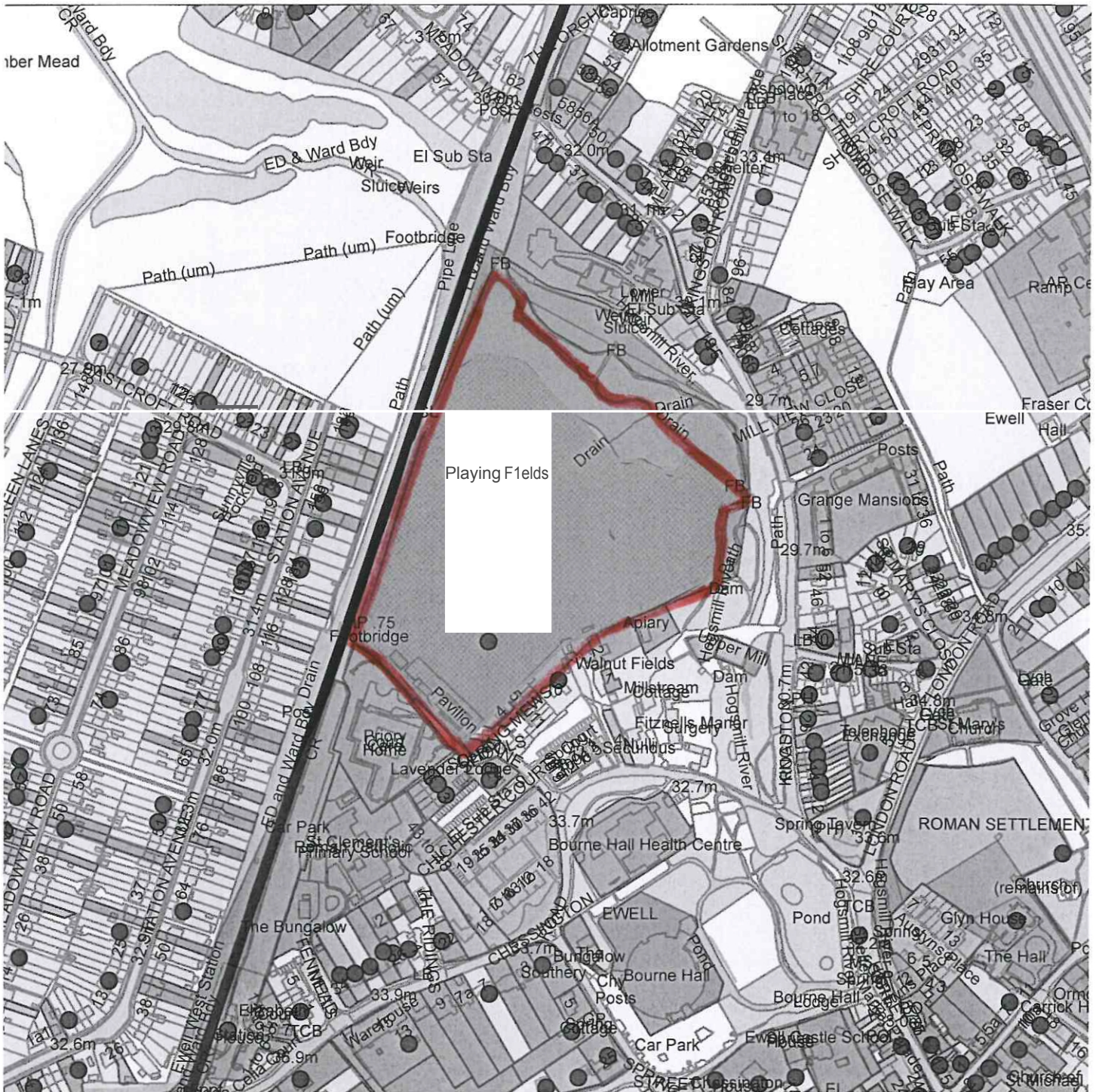
The applicant is advised that this standard can be achieved through either:

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

10.2 Part B:

In the event that the section 106 Agreement referred to in Part A is not completed by 14 March 2016, the Head of Place Development be authorised to refuse the application for the following reasons:

- (1) 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 CS9 (Affordable Housing) of the 2007 Core Strategy in relation to the provision of affordable housing units.**



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9 Walnut Close, Epsom, Epsom KT18 5JL

Objection to the implementation of a Tree Preservation Order on a Silver Birch tree at 9 Walnut Close - Tree Preservation Order No. 442A

Ward:	College
Contact Officer:	Jeremy Young

1 Summary

- 1.1 This report is for the Planning Committee to consider whether to confirm tree preservation order (TPO) No. 442A following objections to its implementation by the tree owner at 9 Walnut Close.
- 1.2 9 Walnut Close is situated in the Downs Road Estate Conservation Area. A section 211 notice was received from the home owner on 8/10/2014 (application No. 14/01017/CAT) giving six weeks' notice that it was intended to fell and replace the Silver Birch tree located in the front garden. The Council advertised this proposal and 4 objections to the felling were received from residents in Walnut Close and one from the Tree Advisory Board. Officers evaluated the proposal and objected to the loss of the tree.
- 1.3 Delegated authority was obtained and a provisional tree preservation order was made on 19th November 2015.
- 1.4 The tree owner objected to the tree preservation order but the order was not considered for confirmation in time so a new order was made on 21st October 2015. The tree owner objected to the new tree preservation order on 28th October 2015.
- 1.5 Where objections are received these are reported for consideration by the Planning Committee. A decision is required whether the order should be confirmed, modified or revoked after taking into account the amenity implications and the validity of the objections received.

2 Site description

- 2.1 Walnut Close was built as part of an estate by Wates Ltd in 1960. No.9 is a detached house built in a chalet style. The close has a pleasant suburban character with open plan gardens and sporadic trees that have been planted or remain from the original estate landscaping. Wider views reveal strong belts of mature forest trees that edge the estate and give a feeling of visual enclosure.
- 2.2 The landscaping of the estate has been well planned, in terms of tree retention and selection. The internal estate landscape or micro landscape as it can be defined includes a good range of smaller growing trees of lesser vertical scale better suited to the front garden environs.

- 2.3 The Silver Birch subject of this tree preservation order is a middle aged specimen located in the front garden of the property. It was planted by the current owner about 25 years ago. Birch have a normal life expectancy of around 60 years depending on all the factors affecting growth. The Birch is formed of two stems fused at the base; it has attained a height of 10.5m and has a crown radius of up to 3.75m. Trunk diameter has been recorded as 240mm on one stem and 220mm on the other, measured at 1.5m above ground level.
- 2.4 The condition of the Birch is good; there are no signs of any detrimental pathogens. Crown reduction pruning has been carried out but the tree has responded well to this.
- 2.5 At a distance of approximately 7m from the house the Birch has ample space for full crown development. Birch are quite upright in form and encroachment over the house is unlikely to ever be an issue.
- 2.6 There were two Silver Birch in the front garden of No.8 next door, but unlike the fused stems of the Birch at No.9 these were two separate trees. A section 211 notice was also received for the felling of these two trees. No objection was raised to the felling of the suppressed tree closer to the house but a tree preservation order was made on the outer tree to block felling. No objection was raised to this order which was confirmed on 27th May 2015.

3 Proposal

- 3.1 When a tree preservation order is served it takes effect immediately for a provisional period. If the TPO is to remain valid it must be confirmed within expiry of six months from the date the order is made or a new order has to be made. There is an opportunity for those affected by the TPO to raise an objection or make comments. The Committee has agreed that any unchallenged orders are confirmed automatically. Where objections are received these are reported for consideration by the Planning Committee and a decision is required whether the Order should be confirmed, modified or revoked after taking into account the amenity of the tree and validity of the objections received.
- 3.2 Subsequent to the making of this tree preservation order one objection has been received to its implementation from the tree owner. The letter of objection is appended to this report and Members are advised to take account of the points raised.
- 3.3 In summary the basis of the objection to the TPO on the Silver Birch are set out below:
 - The objectors believes that the tree is not in keeping with the original tree-landscape design of the estate as originally a Magnolia was planted that died and was replaced by the Birch.
 - In the objectors' experience the growth and vertical scale of the Birch is no longer reasonable for its location.

4 Consultation and comments from third parties

- 4.1 The tree preservation order was only served on the owner/occupier of No. 9 Walnut Close as the tree does not overhang neighbouring property.
- 4.2 Neighbours were consulted about the original felling proposal. Four objections were received from neighbours and one from the Tree Advisory Board. Specific objections to the felling concerned the harm erosion of tree cover was having on the leafy ambience of the estate and that the tree looked healthy and only needed a light prune. Generic reasons listed for the objections included:
- Adverse Visual Impact
 - Contrary to Local Plan Policies
 - Impact on Character
 - Impact on Drainage, Flooding etc
 - Impact on Ecology/Wildlife etc
 - Impact on Neighbour Amenities
 - Loss of Outlook

5 Relevant planning history

Application number	Decision date	Application detail	Decision
11/00643/CAT	24/10/2011	Reduction and thinning of Silver Birch at 9 Walnut Close	No objection raised
14/01017/CAT	19/11/2015	Felling of Silver Birch at 9 Walnut Close	Blocked by creating a TPO
14/01077/CAT	27/11/2014	Felling twin Silver Birch at 8 Walnut Close	Partially blocked by creating a TPO

6 Planning Policy

National Policy Planning Framework (NPPF) 2012

Chapter 11 Conserving and enhancing the natural Environment

Core Strategy 2007

Policy CS1 Sustainable Development

Policy CS5 Built Environment

Development Management Policies 2015

Policy DM5 Trees and Landscape

Policy DM9 Townscape Character and Local Distinctiveness

7 Planning considerations

7.1 Amenity Considerations

- 7.2 The Town and Country Planning Act 1990, Section 198 provides that Local Planning Authorities may make a tree preservation order (TPO) if it appears to them to be “expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”. Tree preservation orders and trees in conservation areas planning practice guidance (updated 6/3/2014) recommends that “TPO’s should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.
- 7.3 To define what amenity means in practice, the Council’s procedure is to use a systematic scoring system to evaluate whether a tree has sufficient amenity to justify the serving of a TPO. This also ensures a consistent approach to tree protection across the Borough. In considering the amenity value such factors as the size, age, condition, form, rarity, prominence, screening value, appropriateness to setting and presence of other trees are taken into account.
- 7.4 Two amenity appraisal methods were used - The Helliwell system and Tree Evaluation Method for Preservation Order (TEMPO). Under both systems the tree obtained high enough scores to justify protection. The amenity appraisals are attached to this report.
- 7.5 The Birch is a small to medium sized specimen that makes a very pleasant contribution to the amenity of this close. It does not appear to be visually out of scale with the houses. In fact there are tens of hundreds of examples where street trees in the Borough are successfully integrated with buildings where the trees are similar sizes at similar spacing to this juxtaposition. Although Walnut Close is a “no through road” the Birch is still prominent and clearly visible from the public street.
- 7.6 Consultation has revealed that residents at this end of the close feel strongly that the tree is an important and valued landscape feature of the setting.
- 7.7 Officers also note the aesthetic quality of the Birch that enriches the site and helps to soften the built form: - striking white bark has both winter interest and reflective qualities; the yellow autumn colour (as seen in the photograph) provides decorative interest. At other times of the growing season foliage drooping from the twigs gives a light but architectural effect.

- 7.8 There have been a number of trees felled in recent years in the adjacent front gardens including Crab Apples, a Tree of Heaven, a Purple Leaf Plum and a Birch. Against the background of tree removals officers suggest that the felling of this healthy Birch is a step too far. It would be missed if it was removed and this detrimental effect on landscape amenity and beauty would be noticeable.
- 7.9 Members should also be aware that the Downs Road Estate Conservation Area Character Appraisal and Management proposal makes special mention of the sylvan character trees give to this area and the need to conserve this amenity asset. A specific recommendation is that planning applications which propose the removal of mature or semi-mature trees which make a positive contribution to the character of the conservation area should not be approved.
- 7.10 A further consideration is that Silver Birch is a native tree species of the British Isles and therefore provides greater potential for natural biodiversity than more exotic tree species.
- 7.11 Validity of the Objections
- 7.12 Officers have considered the reasons given to remove (replace) the tree and do not feel these justifications are persuasive. Officers do not share the view that the tree is too over-bearing, in contrast it is considered to be in proportion and in scale with its setting. Birches have light and airy crowns with a small leaf. They do not normally cast dense shade and this tree is on the west side of the house so only creates a partial shadow in afternoon/early evening to the house.
- 7.13 In addition Birch do not grow to very large proportions and they do not tend to live that long. Often Birches are either too young and too small or too old and over mature to justify protection. This Birch is right in the middle range where its size makes an impression but it still has reasonable longevity. There is already an acceptable spatial separation from the building and the tree that makes ample allowance for growth. However, should the tree become significantly larger it can be contained by sensitive pruning and the Council has previously approved tree work of this nature.
- 7.14 This is not the only example of Silver Birch trees on the estate growing in a front garden. There are several others of similar and larger proportions. Examples can be found in this close, in The Ridings and Milburn Walk. To condemn this tree may pave the way for further felling application and potential erosion of tree cover.
- 7.15 Officers concluded that the objections raised to the TPO do not appear compelling enough to override the need to protect the tree in the interest of amenity.

7.16 Expediency

- 7.17 The felling notification indicates the intention to remove the Silver Birch Tree. It would therefore seem reasonable for the Council to believe the Birch is at risk of being cut down. There would be no protection afforded a young replacement tree under the Conservation Area Regulations. If that replacement tree was removed within a few years of planting, the site, as a tree position, could be lost.
- 7.18 Once the amenity assessment indicates the trees are worthy of protection it becomes more compulsive for the Council to act and issue a TPO.
- 7.19 Confirming the TPO will have the effect of creating a planning constraint on the use of the land, however this impact is not considered to be a disproportionate burden on the owner or neighbours who would retain the right to make applications for tree works and appeal planning decisions.

8 Conclusion

- 8.1 The Birch makes a significant contribution to the local landscape which appears to be valued by local residents. It is a healthy specimen of good form and has a reasonable safe useful life expectancy.
- 8.2 If the order is not confirmed the tree could be removed to the detriment of the visual character and amenity of the landscape.
- 8.3 Removal of the tree would be contrary to policies contained in the Development Management Policies Document and the Core Strategy of the Local Development Framework - these seek to conserve and enhance landscape character and the natural environment.
Confirmation of the TPO and retention of the tree promotes environmental sustainability.
- 8.4 There has been a recent spate of agreed tree removals in this area but the recent protection of The Silver Birch trees is considered important in composing the future landscape picture.
- 8.3 It is the officers view that the objections raised against the making of Tree Preservation Order 442A do not override the public interest to protect the tree as an amenity and natural feature.

9 Recommendation

- 9.1 That Tree Preservation Order No. 442A is confirmed without modification.

AGENDA ITEM 5 ANNEXE 1

SURVEY DATA SHEET & DECISION GUIDE

Date: 10/11/14	Surveyor: Jeremy Young
----------------	------------------------

Tree details TPO Ref: Owner (if known): Location: 9 Walnut Close, Epsom	Tree/Group No: 	Species: Betula pendula Silver Birch
---	------------------------	---

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

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

Score & Notes

5

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

Refer to 'Species Guide' section in Guidance Note

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

Score & Notes

2

c) Relative public visibility & suitability for TPO:

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

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

Score & Notes

3

d) Other factors

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

- | | |
|--|---|
| 5) Principal components of arboricultural features, or veteran trees | <div style="border: 1px solid black; padding: 5px; width: fit-content;"> <h4>Score & Notes</h4> <p style="font-size: 2em; text-align: center;">1</p> </div> |
| 4) Members of groups of trees that are important for their cohesion | |
| 3) Trees with significant historical or commemorative importance | |
| 2) Trees of particularly good form, especially if rare or unusual | |
| 1) Trees with none of the above additional redeeming features | |

Part 2: Expediency assessment

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

- | | |
|--|---|
| 5) Known threat to tree | <div style="border: 1px solid black; padding: 5px; width: fit-content;"> <h4>Score & Notes</h4> <p style="font-size: 2em; text-align: center;">5</p> </div> |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |
| 0) Tree known to be an actionable nuisance | |

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-10 | Does not merit TPO |
| 11-13 | Possibly merits TPO |
| 14+ | Definitely merits TPO |

Add Scores for Total:

16

Decision:

Merits TPO.

Site 9 Walnut Close - Silver Birch Tree
Surveyor Jeremy Young

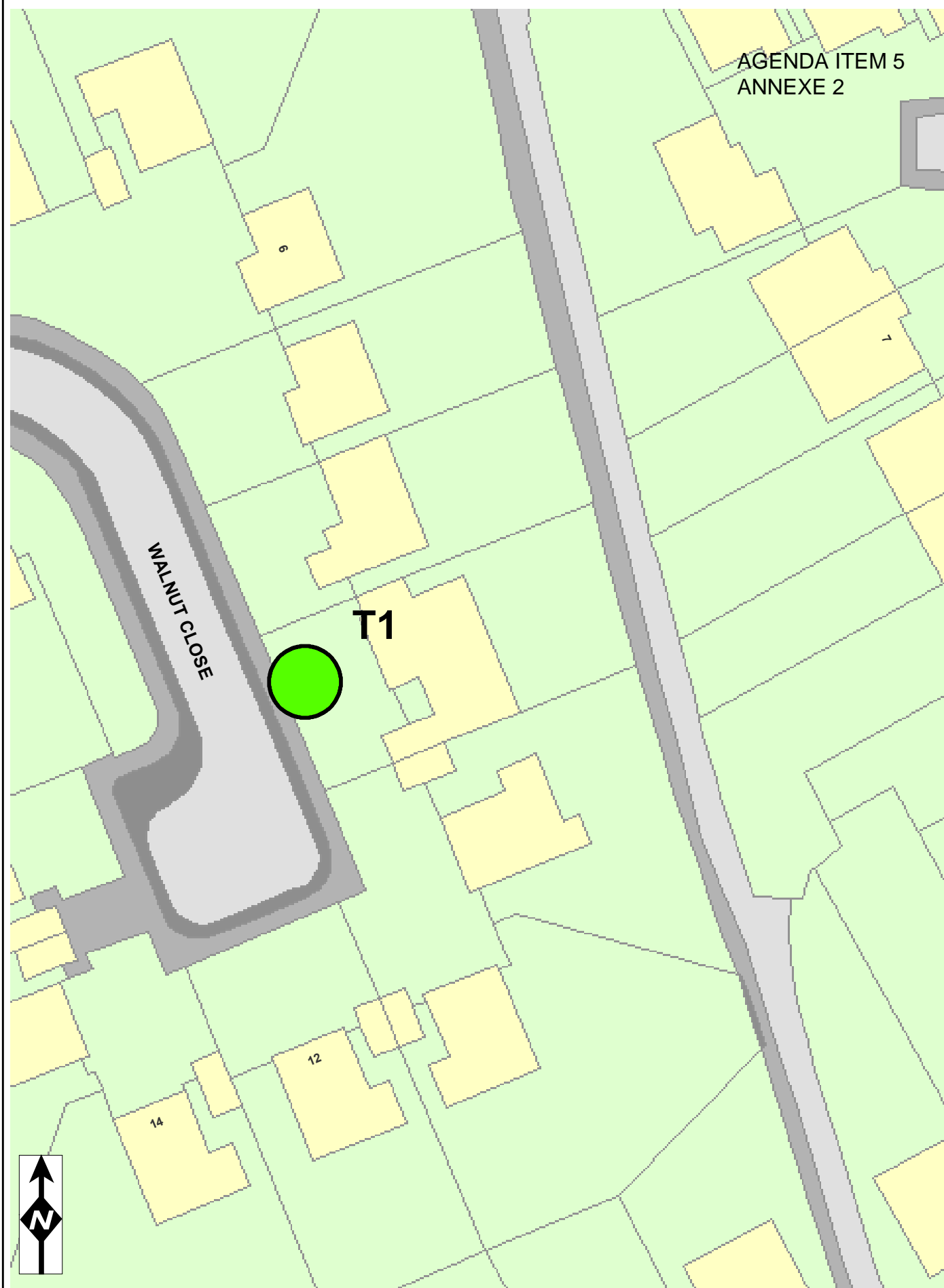
Date 10/11/14

Data Sheet for Trees

TREE NUMBER	SCORE	NOTES
1. Size 0 less than 2m ² 0.5 very small 2 - 5m ² 1 small 5 - 10m ² 2 10 - 20m ² 3 20 - 30m ² 4 medium 30 - 50m ² 5 50 - 100m ² 6 large 100 - 150m ² 7 150 - 200m ² 8 very large 200m ² +	5	10.5x7.5 = 78.75
2. Expected duration 0 less than 2 years 1 2-5 years 2 5-40 years 3 40-100 years 4 100+ years	2	
3. Position (Importance in the Landscape) Private assessment 0.25 Little importance: trees on remote parts of large country estates 0.5 Some importance: garden trees in groups of no particular individual importance 0.75 Considerable importance: prominent garden trees 1.0 Great importance: main feature or focal point Public assessment 0 No importance: trees not visible from any public vantage point 0.5 Very little importance: trees only seen with difficulty or by a very small number of people 1 Little importance: most trees in woodlands, back gardens or in groups of trees, etc. 2 Some importance: individual roadside trees. Trees close to busy roads. Trees in public parks. 3 Close to public footpaths in grounds of hospitals, colleges etc. 4 Considerable importance: prominent individual trees in well-frequented places such as town centres, shopping centres, etc. 5 Great importance: trees which are of crucial importance as the principal feature of a public place	0.75	
4. Other trees 0.5 more than 70% of the visual area covered by trees, and at least 100 trees in total 1 more than 30% of the visual area covered by trees, and at least 10 trees in total 2 more than 10% of the visual area covered by trees, and at least 4 trees in total 3 less than 10% of the visual area covered by trees, but at least one other tree present 4 no other trees present in the area under consideration	2	
5. Relation to setting 0 totally unsuitable 0.5 moderately unsuitable 1 just suitable 2 fairly suitable 3 very suitable 4 particularly suitable	4	
6. Form 0.5 Trees which are of poor form 1 trees of average form 2 trees of above average form	1	

5x2x2.75x2x4x1x£30.84 =£6784.8





Created by: Jeremy Young

Reference: TPO442A

Revision No:

Date: 15/10/2015

T1: Silver Birch (two stemmed) 9 Walnut Close, Epsom.

1:500



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1 Willis Close, Epsom, Epsom KT18 7SS

Objection to the implementation of a Tree Preservation Order on a Goat Willow at 1 Willis Close - Tree Preservation Order No. 448

Ward:	Stamford
Contact Officer:	Jeremy Young

1 Summary

- 1.1 This report is for the Planning Committee to consider whether to confirm tree preservation order (TPO) No. 442A following objections to its implementation by the resident at 1 Willis Close.
- 1.2 1 Willis Close is situated in the Stamford Green Conservation Area near to Epsom Common. A section 211 notice was received from the home owner on 17/8/2015 (application No. 15/00783/CAT) giving six weeks' notice that it was intended to remove the Goat Willow. The Council advertised this proposal and no objections to the felling proposal were received. Officers evaluated the proposal and objected to the loss of the tree.
- 1.3 Delegated authority was obtained and a provisional tree preservation order was made on 16th October 2015.
- 1.4 The tree owner objected to the tree preservation order in a letter dated 4th November 2015.
- 1.5 Where objections are received these are reported for consideration by the Planning Committee. A decision is required whether the order should be confirmed, modified or revoked after taking into account the amenity implications and the validity of the objections received.

2 Site description

- 2.1 Willis Close is within Stamford Green Conservation Area and located a couple of hundred metres from Epsom Common, which is the most defining landscape feature of the area. Much of the margin of the Common is well wooded providing an attractive backdrop and rural quality. Historically it appears the site where Willis Close was built was once a brickfield that is thought to have closed in 1890. Willis Close is predominantly a development of maisonettes built in 1958. At the top end of the road is a garage compound. In stark contrast to the verdant wooded landscape of Epsom Common the landscape of Willis Close is austere. There is a distinct lack of sizable vegetation to ameliorate the harsher contours of the brick built maisonettes.

- 2.2 The Goat Willow subject of this tree preservation order is an early middle-aged specimen located in the front garden of the property. It is estimated to be about 35 years old (the tree is not discernible from the 1981 aerial photography). Goat Willows are a common native tree and tend to be quite short lived, rarely exceeding 70 years of age. They grow vigorously in early years but ultimately are smaller growing than other species of Willow that can attain very large forest proportions. A Goat Willow will rarely grow over 15m in height.
- 2.3 The Willow has attained a height of 11m and has an average crown spread of 10m. The stem measures 500mm at 1.5m above ground level. The tree has an outstanding form for a Goat Willow. There are no signs of basal decay pathogens and the tree appears to have both a good biomechanical form and healthy physiology.
- 2.4 There is a spatial separation of 7m between the Willow and the building. Willows can present a risk of building damage if close to buildings with shallow foundations on clay soil. On this site there may not be much clay content left in the soil from the former brick field. Future building damage is therefore considered a remote risk.

3 Proposal

- 3.1 When a tree preservation order is served it takes effect immediately for a provisional period. If the TPO is to remain valid it must be confirmed within expiry of six months from the date the order is made or a new order has to be made. There is an opportunity for those affected by the TPO to raise an objection or make comments. The committee has agreed that any unchallenged orders are confirmed automatically. Where objections are received these are reported for consideration by the Planning Committee and a decision is required whether the Order should be confirmed, modified or revoked after taking into account the amenity of the tree and validity of the objections received.
- 3.2 Subsequent to the making of this tree preservation order one objection has been received to its implementation from the tree owner. The letter of objection is included in the call over papers and Members are advised to take account of the points raised.
- 3.3 In summary the basis of the objection to the TPO on the Willow is set out below:
 - The roots of the tree have displaced the garden fence and are likely to cause further damage.
 - The loss of the fencing compromises garden enclosure.
 - Crack damage has been sustained to the concrete base of the shed and further damage from root encroachment is deemed likely.
 - There is an offer to plant a replacement tree with less invasive roots if the Willow can be felled.

4 Consultation and Comments from third parties

- 4.1 The tree preservation order was served on the Owner/ Occupiers of 1 and 2 Willis Close and the Freeholders. The only objection to the order is that reported above.

5 Relevant planning history

Application number	Decision date	Application detail	Decision
15/00783/CAT	16/10/2015	Felling of Goat Willow	Blocked by creating a Tree Preservation Order

6 Planning Policy

National Policy Planning Framework (NPPF) 2012

Chapter 11 Conserving and enhancing the natural Environment

Core Strategy 2007

Policy CS1 Sustainable Development
Policy CS5 Built Environment

Development Management Policies 2015

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

7 Planning considerations

7.1 Amenity Considerations

- 7.2 The Town and Country Planning Act 1990, Section 198 provides that Local Planning Authorities may make a tree preservation order (TPO) if it appears to them to be “expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”. Tree preservation orders and trees in conservation areas planning practice guidance (updated 6/3/2014) recommends that “TPO’s should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.
- 7.3 To define what amenity means in practice, the Council’s procedure is to use a systematic scoring system to evaluate whether a tree has sufficient amenity to justify the serving of a TPO. This also ensures a consistent approach to tree protection across the borough. In considering the amenity value such factors as the size, age, condition, form, rarity, prominence, screening value, appropriateness to setting and presence of other trees are taken into account.

- 7.4 Two amenity appraisal methods were used - The Helliwell system and Tree Evaluation Method for Preservation Order (TEMPO). Under both systems the tree obtained a high enough score to justify protection. The amenity appraisals are attached to this report.
- 7.5 The Goat Willow is a small to medium sized specimen that is situated very prominently at the junction of Stamford Green Road and Willis Close. Goat Willow are common and do not always grow in a favourable form. They can often be scrub like and become prone to collapse if poorly maintained. This Willow is considered worthy of protection because of its exceptional form, and its very prominent position in the street scene which on the Willis Close side is completely devoid of trees. The eye is drawn to the Willow because of its bulk/ mass and prominence at this junction. It is because there are relatively few trees in the built up area that the Willow has elevated landscape amenity providing an organic quality and creating an air of intimacy.
- 7.6 In terms of its juxtaposition the tree is well spaced from the building and the road. It therefore has grown with reasonable space and still has space for canopy expansion. The Willow rather neatly occupies the space and provides good visual softening to the built form. Additionally, the tree is nicely set back from the road where it has space to grow before it overhangs the highway.
- 7.7 Goat Willow is not without aesthetic virtue, they are showing in catkin and this tree has an attractively fissured trunk. They are also a magnet to natural biodiversity including butterflies.
- 7.8 Officers concluded that The Willow has a functional role in the landscape and provides valuable character and amenity to the setting. This aesthetic contribution is sufficient to justify the protection of the tree by tree preservation order.
- 7.9 Validity of the Objections
- 7.10 The resident has moved in recently and is displeased at the thought of renewing the fencing and the concrete raft foundation for the shed. They have suggested that the council should contribute to this cost if insistent that the tree is protected. The resident is also worried about the ongoing repair of these items of hard landscaping. The fence is breaking apart but this is not entirely due to the tree, its disintegration is age related and the fact that it has been engulfed by a climbing plant. The edge of the slab foundation for the shed is crumbling and there is crack damage in the base.

- 7.11 While officers sympathise with the resident and understand the maintenance issue they point out that trees in urban area can often come into conflict with hard landscaping. Trees are commonly found on boundaries where they cause problems with fencing and roots sometimes displace lightly founded structures such as paths and slabs. These problems arise in urban areas because trees are growing features in an otherwise static environment. Trees can easily outlive most of these hard components found around them in urban settings, It therefore makes sense to make adjustments to ensure the shorter lived hard components of our towns and cities are designed with trees in mind, rather than the other way around.
- 7.12 Damage to fencing can be quite easily rectified by designing the fence around the tree. If there is no flexibility on the line alternative materials can be used to pass the trunk of the tree, for example weld mesh between fence panels.
- 7.13 The original construction of the concrete slab for the shed so close to the trunk of the tree was not designed with the tree in mind. This could be rectified by adjusting the base to give greater clearance from the tree. It is not clear why the slab is crumbling but this could be caused by a too weak concrete mix. A reinforced slab could resist more lateral pressure from root expansion.
- 7.14 In this case the rectification of the damage does not appear insurmountable. Retention of the tree is considered preferable in environmental terms rather than resorting to the spontaneous action of removal just because this appears to be the easier option. Within a conservation area it should be upheld that there is a measure of constraint on trees to stop better quality specimen that are beneficial to amenity from being removed indiscriminately.
- 7.15 Officers concluded that the objections raised to the TPO do not appear compelling enough to override the need to protect the tree in the interest of amenity.
- 7.16 Expediency
- 7.17 The felling notification indicates the intention to remove the Willow tree it would therefore seem reasonable for the Council to believe the Willow is at risk of being cut down. There would be no protection afforded a young replacement tree under the Conservation Area Regulations. If that replacement tree was removed within a few years of planting the site as a tree position could be lost.
- 7.18 Once the amenity assessment indicates the trees are worthy of protection it becomes more compulsive for the Council to act and issue a TPO.
- 7.19 Confirming the TPO will have the effect of creating a planning constraint on the use of the land, however this impact is not considered to be a disproportionate burden on the owner or neighbours who would retain the right to make applications for tree works and appeal planning decisions.

8 Conclusion

- 8.1 The Willow makes a significant contribution to the local landscape. It is a healthy specimen of good form and has a reasonable safe useful life expectancy.
- 8.2 The Willow has public amenity when assessed in line with government guidance, being clearly visible to the public. If the tree preservation is not confirmed the tree could be removed to the detriment of visual character and public amenity.
- 8.3 Removal of the tree would be contrary to policies contained in Development Management Policies Document and the Core Strategy of the Local Development Framework - these seek to conserve and enhance landscape character and the natural environment. Confirmation of the TPO and retention of the tree promotes environmental sustainability.
- 8.4 The concerns raised in the letter of objection could be resolved with relatively minor adjustments to the hardscape, thereby addressing present or future compatibility issues. With appropriate management trees and the built environment can and should co-exist if we are to have the benefits of trees within the urban environment.
- 8.5 It is the Officers view that the objections raised against the making of Tree Preservation Order 442A do not override the public interest to protect the tree as an amenity and natural feature.

9 Recommendation

- 9.1 That Tree Preservation Order No. 442A is confirmed without modification.

Tree/Site: Goat Willow, 1 Willis Close, Epsom.
Surveyor: Jeremy Young. Date 6/10/2015

Data Sheet for Trees

TREE NUMBER		SCORE	NOTES
1.	Size 0 less than 2m ² 0.5 very small 2 - 5m ² 1 small 5 - 10m ² 2 10 - 20m ² 3 20 - 30m ² 4 medium 30 - 50m ² 5 50 - 100m ² 6 large 100 - 150m ² 7 150 - 200m ² 8 very large 200m ² +	5	average spread by height 9m x 10m = 90
2.	Expected duration 0 less than 2 years 1 2-5 years 2 5-40 years 3 40-100 years 4 100+ years	2	Life expectancy of Goat Willow 70 years tree age estimate 35 years
3.	Position (Importance In the Landscape) Private assessment 0.25 Little importance: trees on remote parts of large country estates 0.5 Some importance: garden trees in groups of no particular individual importance 0.75 Considerable importance: prominent garden trees. 1.0 Great importance: main feature or focal point Public assessment 0 No importance: trees not visible from any public vantage point 0.5 Very little importance: trees only seen with difficulty or by a very small number of people 1 Little importance: most trees in woodlands, back gardens or in groups of trees, etc. 2 Some importance: individual roadside trees. Trees close to busy roads. Trees in public parks. Close to public footpaths in grounds of hospitals, colleges etc. 3 Considerable importance: prominent individual trees in well-frequented places such as town centres, shopping centres, etc. 4 Great importance: trees which are of crucial importance as the principal feature of a public place	0.75 2	
4.	Other trees 0.5 more than 70% of the visual area covered by trees, and at least 100 trees in total 1 more than 30% of the visual area covered by trees, and at least 10 trees in total 2 more than 10% of the visual area covered by trees, and at least 4 trees in total 3 less than 10% of the visual area covered by trees, but at least one other tree present 4 no other trees present in the area under consideration	2	
5.	Relation to setting 0 totally unsuitable 0.5 moderately unsuitable 1 just suitable 2 fairly suitable 3 very suitable 4 particularly suitable	2	
6.	Form 0.5 Trees which are of poor form 1 trees of average form 2 trees of above average form	2	

$$5 \times 2 \times 2.75 \times 2 \times 2 \times 2 \times 30.84 = \text{£}6784$$


TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):
SURVEY DATA SHEET & DECISION GUIDE

AGENDA ITEM 6
ANNEXE 1

Date: 6/10/2015	Surveyor: Jeremy Young
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Tree details TPO Ref: Owner (if known): Mrs West Location: 1 Willis Close	Tree/Group No:	Species: Salix Caprea
---	----------------	-----------------------

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

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

Score & see report

5

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

Refer to 'Species Guide' section in Guidance Note

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

Score & see report

2

c) Relative public visibility & suitability for TPO:

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

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

Score & see report

4

d) Other factors

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

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

Part 2: Expediency assessment

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

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

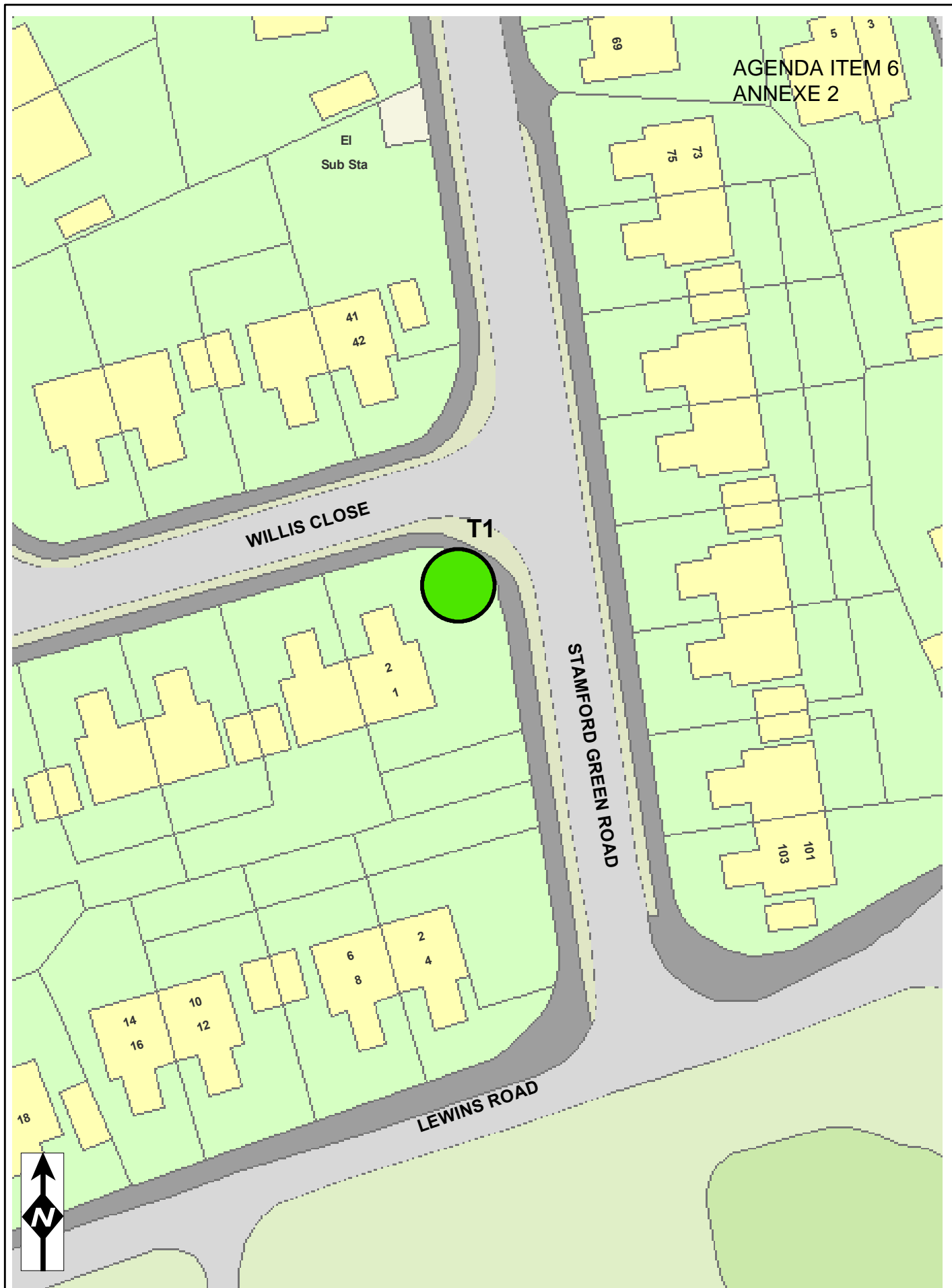
Part 3: Decision guide

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

Add Scores for Total:

18

Decision:



Created by: Jeremy Young

Reference: TPO 448

Revision No:

6/10/2015

Tree Preservation Order
T1 - Goat Willow - 1 Willis Close, Epsom

1:500



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SITE VISITS

Report of the: Head of Place Development
Contact: Mark Berry
Annexes/Appendices (attached): None
Other available papers (not attached): None

REPORT SUMMARY

To identify planning applications which Members of the Committee consider should be the subject of a Member site visit.

RECOMMENDATION:

Members are asked to put forward any planning applications which it is considered warrant Members visiting the site before a decision is made.

Notes

1 Implications for Community Strategy and Council's Key Priorities

- 1.1 This report accords with the functions and objectives of Development Management.

2 Details

- 2.1 The Committee is asked to note that planning applications previously agreed as the subject of Member site visits that have been withdrawn or recommended for refusal under delegated authority are therefore removed from the list.
- 2.2 The Committee is asked to consider whether it wishes to add to the list of applications to be subject to a site visit (at the appropriate time).
- 2.3 The Committee is asked to note that a site visit should only be requested for planning applications that meet at least one of the following criteria:
- 2.3.1 If the whole of the site cannot be seen from the road
- 2.3.2 If the application is large and/or complex
- 2.4 The Committee is reminded that they will need to give their reason for requesting a site visit at the Planning Committee Meeting.

WARD(S) AFFECTED: ALL

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