

Kings Arms Public House 144 East Street Epsom KT17 1EY

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

Ward:	Ewell Ward;
Contact:	John Robinson

1 Plans and Representations

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P900UFGYK2V00>

2 Summary

- 2.1 This application seeks permission for the demolition of an existing vacant public house and the erection of two linked four-storey buildings to provide 21 self-contained flats and associated development including hard and soft landscaping, car and cycle parking and refuse store
- 2.2 The application would comply with residential policies contained in the Development Management Policies Document 2015.
- 2.3 The application is therefore recommended for conditional permission subject to the completion of a S106 agreement.

3 Site description

- 3.1 The application site, which is 0.154 ha in extent, is located on the southern side of East Street and is currently occupied by the Kings Arms Public House, which is currently vacant.
- 3.2 Facing the site across East Street are residential two storey terraced dwellings in Middle Close. Immediately to the west of the site is the rear garden to the semi-detached residential dwelling at 142 East Street. To the east, are three-storey residential flats "The Stanford's, and to the south are three-storey residential flats on Yeomanry Close.

- 3.3 There are trees along the southern boundary and shrubbery along the western boundary that provide amenity to the site and to the adjacent residential occupiers. The site previously contains a Tree Protection Order, (184/T1), for a Horse Chestnut Tree near its south boundary, which has been felled due to decay.
- 3.4 The Kings Arms Public House is a Locally Listed Building and as such is a non-designated heritage asset as set out under Chapter 16, paragraph 197 of the NPPF (2018).

4 Proposal

- 4.1 This application seeks permission for the demolition of the Kings Arms Pub and the erection of two four-storey buildings to provide 21 self-contained flats (6 x 1-bed, 11 x 2-bed and 4 x 3-bed units) and associated development including hard and soft landscaping, car and cycle parking and refuse store.
- 4.2 The western most block is a part 3, part 4 storey block comprising of 10 flats (3 x 1 bed, 5 x 2 bed and 2 x 3 bed) with the eastern most block a 4 storey building comprising of 11 flats (3 x 1 bed, 6 x 2 bed and 2 x 3 bed). The blocks will be joined by a full height set back glass link.
- 4.3 The proposed western block would be 21 metres in width, 11.2 metres in depth, increasing to 11.9 metres in depth at the eastern end, 9.65 metres in height from ground to the top of the second floor parapet, 12.55 metres in height from the ground to the top of the third floor and 13.4 metres in height from ground to the top of the lift overrun.
- 4.4 The proposed eastern block would be 13.3 metres in width, 17 metres in depth, increasing to 18.5 metres in depth at the eastern end, 12.55 metres in height from ground to the top of the eastern most third floor flat roof parapet and 12.05 metres to the top of the western most third floor flat roof.
- 4.5 The blocks would be connected by a 5.3 metre setback (from the eastern block), 4 metre wide, 4 metre deep, and 12.05 metre high glass link.
- 4.6 The total combined width of the buildings and link would be 38.3m
- 4.7 The ground floor of the building would be set back 3.0 metres, reducing to 1.2 metres from the public footpath on East Street, between 17 and 18m from the north-eastern boundary with The Stanfords, and between 15.1m and 17.7m from the south-eastern boundary with Yeomanry Close. The building would also be set back between 6.35m and 7.15m from the eastern shared boundary with No 142 East Street.
- 4.8 Each of the upper floor residential units would have private amenity space in the form of balconies, whilst the ground floor units would have their own private gardens.

- 4.9 The proposed development includes a communal car park, which would provide 16 parking spaces including 1 disabled bay. Access alterations from East Street are proposed where the existing dropped kerb would be retained 2 metres north east along East Street
- 4.10 As the parking provision proposed is below the Council's adopted Parking Standards, the applicant proposes a number of sustainability measures to further improve the availability of alternatives to the private car. These include;
- A proposal to subsidise an 'on street' car club space for the period of 1 year, which the developer would also provide 1-year memberships and £50 driving credit for all residents as an incentive to make use of the car club and not rely on owning their own car.
 - A Residential Travel Information Pack is proposed, including a £50 Oyster Card contribution per flat, to further encourage the residents to make sustainable travel choices
- 4.11 A refuse and recycling collection point would be located in a securely covered area, adjacent to the flank boundary with No 142 East Street.

5 Comments from third parties

- 5.1 The original application was advertised by means of letters of notification to 99 neighbouring properties. 13 objections were received stating the following concerns:
- Construction noise
 - Impact on local highway network
 - Lack of car parking
 - Impact on residential amenities including overlooking and a loss of light and privacy
 - Noise from the balconies.
 - Lack of affordable housing
 - Loss of the public house
 - Overbearing and functional design.
 - Loss of locally listed building.
 - Out of keeping with character of the area.
 - Location of refuse and recycling store
- 5.2 A further 10 objections were received however, no names or addresses were provided and these therefore cannot be considered.
- 5.3 Amended drawings were received on the 14th January 2019 and neighbours were re-consulted. To date (28/2/2019) an additional 8 letters of objection have been received, 3 from addresses which had not previously objected. The objections stated the following concerns regarding:
- Construction noise and dust

- Impact on local highway network
- Lack of car parking
- Impact on residential amenities including overlooking and a loss of privacy.
- Loss of the public house
- Loss of locally listed building.
- Out of keeping with character of the area.
- Significant increase in bulk, scale, mass and height accentuates the difference between the scheme and the scale of surrounding buildings.
- Too Big
- Location of refuse and recycling store

6 Consultations

- 6.1 SCC Highways: No objection, subject to conditions.
- 6.2 Design and Conservation Officer: No objection and stated that the good quality of design together with the provision of new housing can be considered as justify the loss of the locally listed public house provided the design details and materials are of sufficiently good quality to ensure the building's excellence.
- 6.3 Ecology Officer: No objection.
- 6.4 Tree Officer: Recommends a condition requiring approval of landscaping to include the details of the planting pits to ensure the trees have adequate root volumes and will not damage the hardscape.
- 6.5 Contaminated Land Officer: No objection, subject to conditions.
- 6.6 Surrey County Council (SuDS) : No objection, subject to conditions
- 6.7 Surrey County Council (Archaeology) No objection, subject to conditions.

7 Relevant planning history

Application number	Decision date	Application detail	Decision
17/00498/CLE	05.09.2017	Certificate of Lawfulness (Existing) for use of first floor of the application property as a single family dwelling	REFUSED
17/01209/FUL	31.01.2018	Erection of a three-storey building on land adjacent to public house building to provide 8 self-contained flats (3x1bed, 3x2 bed 2x3 bed) and associated hard and soft landscaping, car and cycle parking and refuse store and the demolition of a single storey annexe extension to Kings Arms Public House (as amended)	REFUSED Dismissed on appeal 19/02/2019 Refer to paragraph 9.1 of this report

8 Planning Policy

National Policy Planning Framework (NPPF) 2018

Chapter 2 Achieving sustainable development
Paragraphs 8 – 12 and 14

Chapter 5 Delivering a sufficient supply of homes
Paragraphs 59- 61, 64, 68 and 75

Chapter 8 Promoting healthy and safe communities
Paragraph 92

Chapter 9 Promoting sustainable transport
Paragraphs 108, 109 and 110

Chapter 12 Achieving well-designed places
Paragraphs 127, 130 and 131

Chapter 14 Meeting the challenge of climate change, flooding and coastal change
Paragraphs 155 and 163

Chapter 15 Conserving and enhancing the natural environment
Paragraph 170, 171, 174, 175, 177, 178, 180, 182 and 183

Chapter 16 Conserving and enhancing the historic environment
Paragraph 197

Core Strategy 2007

Policy CS1	Creating Sustainable Communities
Policy CS5	The Built Environment
Policy CS6	Sustainability in New Developments
Policy CS7	Housing Need
Policy CS8	Housing Delivery
Policy CS9	Affordable Housing
Policy CS13	Community, Cultural and Built Sports Facilities
Policy CS16	Managing Transport and Travel

Development Management Policies Document 2015

Policy DM5	Trees and Landscape
Policy DM8	Heritage Assets
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM11	Housing Density
Policy DM12	Housing Standards
Policy DM19	Development & Flood Risk
Policy DM21	Meeting Local Housing Needs
Policy DM22	Housing Mix
Policy DM34	New Social Infrastructure
Policy DM35	Transport and New Development
Policy DM36	Sustainable Transport for New Development
Policy DM37	Parking Standards

Nationally Prescribed Space Standard - March 2015

9 Planning considerations

Previous Application and Inspector's Decision

9.1 A previous application (17/01209/FUL) for the erection of a three-storey building on land adjacent to the public house to provide 8 self-contained flats was refused under delegated authority in January 2018 on the following grounds:

- (1) The proposal would result in a piecemeal form of development which would fail to make efficient use of the wider site thus prejudicing its potential for future housing delivery. The application therefore fails to comply with the requirements of Policy CS5 of the Epsom and Ewell Core Strategy (2007).*
- (2) The proposed development, by virtue of its siting, bulk and position in relationship to the plot boundaries, would present a significant and obtrusive element in the outlook of adjoining residential properties in The Stanfords and Yeomanry Close and would seriously impact on the living conditions of residents in The Stanfords by the visual dominance of the proposed building in such close proximity and loss of daylight and privacy. The application therefore fails to comply with the requirements of Policy CS5 of the Epsom and Ewell Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies (2015).*
- (3) Without an appropriate agreement to secure a commuted sum in lieu of the on-site provision of 1.6 affordable housing units, the proposal is contrary to the provisions of Policies CS9 and CS12 of the Epsom and Ewell Core Strategy (2007)*
- (4) The proposed development fails to provide adequate private external amenity space for Flats 3 and 5 and an acceptable internal environment in terms of outlook created by proposed obscure glazing and/or louvres to all Flats contrary to the provisions of Policies DM10 and DM12 of the Development Management Policies (2015).*
- (5) The proposed scale and massing of the development would adversely impact on the retained locally listed building, The Kings Arms Public House, contrary to Policy CS5 of the Epsom and Ewell Core Strategy (2007) and Policy DM8 of the Development Management Policies (2015).*
- (6) The proposed layout fails to provide adequate landscaping and setting for the new development, contrary to Policies DM5 and DM10 of the Development Management Policies (2015).*

9.2 Since the application was determined, the amended National Planning Policy Framework has been issued. This sets out that provision for affordable housing is not required except in cases of major development. As the Council's Local Plan predates this edition of the Framework, the Council withdrew its reason for refusal (No 3) relating to a commuted sum for affordable housing.

- 9.3 In his decision (Annexe A) the Inspector upheld the ground No 1, 2, 4, 5, and 6 for refusal.
- 9.4 However with regard to Ground 2, the Inspector noted that *“There is a greater distance between the development and Yeomanry Close, and the elevation facing Yeomanry Close is narrower. Consequently, I have less concern in relation to outlook from flats at Yeomanry Close as the development would be less overbearing and less enclosing for those occupiers”*.
- 9.5 The Inspector also concluded that the development would lead to a significant loss of such established tree cover as there is within and near the site.
- 9.6 The current scheme differs in the following ways:
- The Kings Arms is proposed to be demolished and the site comprehensively redeveloped.
 - The current scheme would be set back 17m from the Stanfords rather than the 9.8m proposed in the refused scheme
 - The increased separation distances means that protection of privacy does not rely on obscure glazing as much and no louvres are proposed.
 - A Tree Survey and Arboriculture Implication Assessment has been undertaken that considers the site’s landscape features in the context of the proposed development. It concludes that the proposed development is unlikely to impact on the trees outside the application site and that the large Sycamore tree on the rear boundary can be retained as part of the development and protected during demolition/construction works. The application proposes a number of new trees on the site. Opportunities for other soft landscaping have also been maximised within the proposed layout.
- 9.7 Officers therefore consider that the current scheme is an improvement on the previous refused scheme and would address the concerns raised by the Inspector in his previous decision.

Principle of Development

- 9.8 The subject site has the benefit of planning history as a public house, falling within use class A4 with ancillary living accommodation at first floor. The development proposal is for a residential use falling within use class C3, being residential dwellings.

- 9.9 The NPPF paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.10 Paragraph 68 - small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:
- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;
 - b) use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward;
 - c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and
 - d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.
- 9.11 The Government's standard method for calculating the objectively assessed housing need identifies a housing requirement for the Borough of 579 new homes each year. In the absence of a five year housing land supply this has been increased to 667 under the housing delivery test as published on 20th February 2019
- 9.12 Paragraph 92 of the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and

e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

- 9.13 Policy DM11 Housing Density states that in principle, proposals for new housing that make the most efficient use of sites within the boroughs urban area will be supported in principle.
- 9.14 Policy DM22 Housing Mix states that the council considers that schemes must provide a minimum of 25% 3 bedroom units however, exceptions will be accepted dependent on location and viability. A scheme of 21 units would be expected to provide 5 x 3 bedroom units.
- 9.15 The scheme proposes 6 (28.6%) x 1 bed, 11 (52.4%) x 2 bed and 4 x 3 (19%) bed units. Although the proposed mix is 1 below the minimum expected, given the town centre location, that the mix of units includes a majority of at least 2 bedroom units (suitable for small families), the housing numbers requirement of the borough and that the proposal is a flatted development, it is considered that the unit mix is appropriate for this scheme in this location.
- 9.16 Policy CS13 seeks to resist the loss of community facilities except in certain defined circumstances, including where “it can be clearly demonstrated that there is no longer a need for such a facility in either its current use, or in any other form of community use”. Policy DM34 seeks to resist the net loss of community facilities except in certain circumstances, including “the proposal is supported by clear and robust evidence that the facility is no longer needed”.
- 9.17 A report by has been submitted by the applicants which explains the changes in drinking patterns and other factors which have led to the challenging conditions for pubs, meaning that smaller traditional pubs outside of local high streets particularly have struggled to remain viable and have ceased trading. The report explains how the Kings Arms pub has struggled in this way since at least 2011. The conclusion is drawn that *“there is clear evidence that due to its location, competition in the local area and failure of previous operators the public house is no longer needed and that there are alternative equivalent facilities available”*
- 9.18 The applicants submit that the site has been marketing since February 2017 which has resulted in a number of enquires but these have not translated into actual offers.
- 9.19 Officers have assessed the information provided and consider that it meets the test relating to the loss of community assets stated in Policies CS13 and DM34.

- 9.20 Meeting any increase in the annual housing building target will be challenging. With the Borough being mostly comprised of existing built up areas, strategic open spaces or Green Belt, the supply of available development sites is now extremely limited. It is therefore important that available sites are optimised for housing delivery.
- 9.21 Given the information provided supporting the loss of the public house and the significant housing need in the borough, it is considered that the proposed redevelopment of this brownfield site in a sustainable location for a residential scheme is appropriate in principle, subject to the detailed consideration of the other planning considerations below.

Impact on the Character of the Area

- 9.22 Chapter 12 of the NPPF refers to design. Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive and accessible.
- 9.23 Paragraph 130 of the NPPF sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 9.24 Paragraph 131 of the NPPF stipulates that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 9.25 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.
- 9.26 Policies DM9 and DM10 encourage high quality development and planning permission will be granted for proposals, which make a positive contribution to the borough's visual character and appearance. Policy DM8 states that the Council will resist the loss of our Heritage Assets and every opportunity to conserve and enhance them should be taken by new development.

Design

- 9.27 The existing building consists of a vacant locally listed public house outside of any conservation area. The existing building is considered to make a modest contribution to the architectural character of the local streetscape, but has had some of its more suburban setting undermined by now being hard up against a narrower pavement and facing closer onto the A24.
- 9.28 The building appears to be an early C19 building that has been considerably reconfigured and refaced in the late C19. However, it remains one of the few buildings in the street that retains its pre-C20 Character.
- 9.29 Though the Kings Arms is not listed nor in a conservation area, as a locally listed building and therefore a designated heritage asset and it should not be replaced by any new building that does not show sufficient public benefits to justify its loss (paragraph 194 of the NPPF).
- 9.30 The surrounding area is one of mixed character including some surviving late C19/early C20 buildings, 1960/70's blocks of flats and some more modern developments across the road.
- 9.31 The proposed redevelopment will demolish the existing building and replace it with two 4 storey buildings of a contemporary design. The two blocks would have a slightly staggered building line and would use different bricks to break their mass into two distinct elements with a glazed elements set back in between the two buildings, linking them together.
- 9.32 The buildings step up from 3 storeys on the immediate boundary with Nos.140-142 East Street to become a four storey building with a varied roofline of setbacks and integral balconies. The upper floor and roof variations help to further break up the building and enhance the quality of design with simple but effective detailing including Juliette balconies, generous windows, deep reveals and a combination of integral brick balconies and cantilever balconies.
- 9.33 The application proposes to use a combination of light and dark bricks for each building to separate them with a dark brick dwarf wall with low railings at the front of the building. The three storey element uses two pre cast stone balcony supports on the 3 storey element to add additional interest at the ground floor level.
- 9.34 The proposed design is of a high quality, with high quality materials, boundary treatment and well executed building detailing including deep reveals will be required and secured by way of conditions.
- 9.35 The design of the building is considered to be acceptable and would enhance the street scene and the character of the area generally and would be of an appropriately high quality design to add to character of the streetscene in-leiu of the non-designated asset.

- 9.36 It is therefore concluded that the proposed scheme in terms of its design, scale and massing would not have a harmful impact on the character and appearance of both the immediate and wider area and would therefore accord with the NPPF and Policies DM8, DM9 and DM10 of the Local Plan

Impact on a Heritage Asset

- 9.37 Paragraph 197 of the NPPF 2018 states that “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.
- 9.38 Development Management Policy DM8 seeks to resist the loss of heritage assets and notes that as part of any assessment process the significance of the asset will be taken into account when determining whether the impact of any proposed development is acceptable
- 9.39 The existing building is included on the Council’s list of buildings of local architectural and historic interest, but is not statutorily protected.
- 9.40 A Built Heritage Statement has been prepared and submitted in support of this application.
- 9.41 The pub was constructed in the first half of the nineteenth century and has been subject to extensive alterations and extensions. The report refers to these changes as the *‘unsympathetic extension and the removal of almost all original/ early fixtures and fittings’*.
- 9.42 The report states that the building is *“of low historic value which is drawn from its local social and historic associations with this area of Epsom. Limited communal value, and due to previous intrusive alterations, there is little heritage value within the existing structure. The report concludes that the level of significance associated with each of the identified components of heritage value (‘evidential’, ‘historical’, ‘aesthetic’ and ‘communal’) is low heritage significance”*.
- 9.43 Officers concur with the report’s conclusion, and are not persuaded that the building is of such architectural or historic merit to warrant retention irrespective of the merits of any redevelopment proposal. The proposed scheme is well designed and would contribute to the character and appearance of the local environment.
- 9.44 The proposal would make an important contribution to meeting housing needs pursuant to the national policy to boost significantly the supply of housing.
- 9.45 It is therefore considered that the overall merits of the scheme would outweigh the loss of this particular non-designated heritage asset.

- 9.46 The proposal would therefore comply with NPPF and Policy DM8 of the Local Plan.

Neighbour Amenity

- 9.47 Policy CS5 of the Core Strategy and Development Management Policy DM10 seeks to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbances.
- 9.48 The new building has been sited and organised away from its boundaries so as to minimise impact and overlooking with its neighbours, Yeomanry Close and The Stanfords.
- 9.49 The south west elevation of The Stanfords apartment building would face the application site. The new building is 18 metres away from The Stanfords, reducing to 17 metres at the rear of the proposed building. This is considered acceptable as the flat layouts have been organised so as to minimise principal windows from principal rooms facing the affected property.
- 9.50 A section of the north west elevation of the Yeomanry Close apartment building would face the rear elevation of the new building at a distance of 16.4m, which on balance, would be acceptable, as the separation gap would be similar to that between the flank elevation of The Stanfords and the Yeomanry Close.
- 9.51 There is the potential for mutual overlooking between the balconies of the rear facing flats F6 and F5 on the first and second floors, and flats T4 and T3 on the third floor. It is therefore recommended that a condition be imposed requiring privacy screens to be erected on the flank return of the balcony to flat F6 on the first and second floors, and flat T4 on the third floor. It is also recommended that the flank kitchen window to flat T2 on the third floor, be obscurely glazed to prevent overlooking of flat T1.
- 9.52 A Daylight and Sunlight Report has been submitted in support of the application. Daylight and sunlight is assessed with regard to the guidelines set out in the 2011 Building Research Establishment (BRE) Report '*Site layout planning for daylight and sunlight - A guide to good practice*' by Paul Littlefair. One of the primary sources for the BRE Report is the more detailed guidance contained within 'British Standard 8206 Part 2:2008'.

- 9.53 To determine whether a neighbouring existing building may be adversely affected, the initial test provided by the BRE is to establish if any part of the proposal subtends an angle of more than 25° from the lowest window serving the existing building. If this is the case then there may be an adverse effect, and more detailed calculations are required to quantify the extent of any impact. The BRE guidelines provide two principal measures of daylight for assessing the impact on properties neighbouring a site, namely Vertical Sky Component (VSC) and No-Sky Line (NSL). They also detail a third measure of daylight which is primarily used for assessing amenity within proposed accommodation, namely Average Daylight Factor (ADF). In terms of sunlight we examine the BRE Annual Probable Sunlight Hours (APSH).
- 9.54 It is usual to only consider main habitable spaces (i.e. living rooms, bedrooms and kitchens) within residential properties. The following properties have been considered in the report :(Applicant's Assessment in italics)

- 1 to 12 The Stanfords:

Daylight: All windows achieve the BRE VSC criteria, with each retaining a VSC value in excess of the default BRE target of 27% after development. The NSL figures show that all but 2 rooms (R2/40 & R3/40) comfortably achieve BRE guidance. Proportional reductions to these rooms are only marginally more than the guideline 20%. The property will continue to receive very good daylight amenity after development.

Sunlight: All windows fully comply with the BRE APSH criteria. All but one of the windows will continue to receive over double the BRE recommended levels of sunlight after development.

- 17 to 28, 29 to 37, 38 to 43, 44 to 49 Yeomanry Close:

Daylight: The majority of windows serving these properties very comfortably achieve the BRE VSC criteria. Just 3 ground floor windows (W1/20, W3/20 & W4/20) in 29 to 37 do not achieve default BRE guidance. Windows W1/20 & W4/20 experience proportional reductions in VSC of 21.1% and 24.5% respectively (i.e. only marginally more than the guideline 20%), and they retain VSC values of 26.4% and 25.6%. These retained values are not significantly less than the default BRE target of 27%, and still represent a very good level of daylight, particularly so given the urban location. Window W3/20 experiences a larger proportional reduction and retains a lower VSC of 12% due to its location under a canopy.

Considering NSL, the majority of rooms very comfortably achieve the BRE criteria. There are 7 ground floor rooms (3 in 29 to 37 and 4 in 38 to 43) which experience proportional reductions of between 20% and 35%. In each case at least 64% of the room area will continue to receive direct skylight. Overall these properties will not experience a material reduction in daylight, and they will continue to receive very good daylight amenity after development.

Sunlight: As the site facing elevation has a northerly aspect, sunlight is not an issue.

- 142 East Street

Daylight: The majority of windows comfortably achieve the BRE VSC criteria. Two windows (W5/60 & W1/61) will experience proportional reductions in VSC of 48.2% and 52.6% respectively, i.e. in excess of the guideline recommendation of 20%. However, we note that these two windows are located in the flank wall of the property, close to the boundary directly facing the site. Given their location, it is questionable whether the property should be reliant on to light to these windows. We consider that the retained VSC values to these windows of 14.5% and 14.4% represent a reasonable level of daylight for a flank wall location.

Sunlight: As none of the potentially impact window are orientated within 90 degrees of south sunlight is not an issue.

- 9.55 The report concludes that the impact of the proposed development on the properties neighbouring the site would be small and each neighbouring property would continue to receive good daylight and sunlight amenity after development. Overall reductions in amenity would be in accordance with BRE guidance, and given that much of the site currently lies vacant this is a “very good result”. Similarly, daylight and sunlight amenity within the new proposed residential accommodation would be “very good”.
- 9.56 It is therefore concluded that in terms of its height, bulk and siting the proposed residential block would not be obtrusive and overbearing to residents of The Stanfords and Yeomanry Close or have a material impact on their living conditions through the overshadowing of land, reduction in daylight, overlooking or loss of privacy.
- 9.57 The proposed scheme would therefore comply with Policy DM10

Quality of Accommodation

- 9.58 The Nationally Described Space Standards, sets clear internal minimum space standards for new dwellings. The space standards are intended to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures. The Standards provide separate standards for bedrooms within new dwellings stating that a single bedroom should be no smaller than 7.5 m² and a double bedroom should be no smaller than 11.5 m². All new units should be designed in accordance with the National Space Standards.
- 9.59 Paragraph 3.36 of Policy DM12 states that to provide adequate private amenity space for development of flats, a minimum of 5m² of private outdoor space for 1-2 person dwellings should be provided and an extra 1m² should be provided for each additional occupant.
- 9.60 The proposed 3 bed (4p) flats would have a Gross Internal Area of between 74m²-78m², the 2 bed (3p) flats an area between 61m²- 68m², and the 1 bed (2p) flats an area of between 50m²-52m².
- 9.61 Each flat would therefore comply with the appropriate Nationally Described Space Standard technical requirements (74m², 61m² and 50m² respectively) in compliance with Policy DM12
- 9.62 All ground floor flats would have access to private amenity space, and the upper floor flats would have access to either balconies or terraces. Overall, this would be adequate in terms of both size and quality to suit the needs of small family accommodation, and would comply with policy DM12's requirement for amenity space for flatted developments.

Car Parking and Access

- 9.63 Chapter 9 of the NPPF relates to the promotion of sustainable transport. Paragraph 108 sets out that in assessing applications for development, it should be ensured that:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users; and
 - any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 9.64 Paragraph 109 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.65 Policy CS16 (Managing Transport and Travel) encourages development proposals that foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should (inter alia) provide safe, convenient and attractive accesses for all, including the elderly, disabled, and others with restricted mobility. Development proposals should be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. Furthermore, development proposals must ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, not materially increase other traffic problems.
- 9.66 Policy DM36 (Sustainable Transport for New Development) sets out that to secure sustainable transport patterns across the Borough, the Council will (inter alia) prioritise the access needs of pedestrians and cyclists in the design of new developments and require new development to provide on-site facilities for cyclists as appropriate, including showers, lockers and secure, convenient cycle parking, in accordance with standards.
- 9.67 Policy DM27 sets out that developments will have to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions
- 9.68 The Council's adopted Parking Standard for Residential Development Supplementary Planning Document requirement for minimum parking standards for residential development in Epsom and Ewell are 1 space for 1-2 bedroom flats, and 1.5 spaces for 3+ bedroom flats
- 9.69 The proposed scheme would therefore be required to provide 23 parking spaces. (The current scheme proposes 16 spaces)
- 9.70 An (updated) Transport Statement (TS) accompanies the application and seeks to justify the shortfall (7) in parking spaces.
- 9.71 It states that given the proximity of the site to the town centre and local services, the town centre parking standards are considered more appropriate than out-of-town-centre standards. (Within Epsom Town Centre the requirements are 1 & 2 bedroom flats – minimum of 0.75 space per unit and 3+ bedroom flats – minimum of 1 spaces per unit) Based on this assumption it submits that 17 spaces would be required for a development of this size and unit mix.

9.72 The TS states that the 2011 census data has been analysed to investigate the current car ownership within the local vicinity of the proposed development. The results indicate that in respect to the proposed development, less than one car will be owned per flat and that 36% of the proposed flats may have no car. The TS suggests that a trend towards lower car ownership is present within residents who live in flats in the local area and that based upon the data presented, the 2011 census would generate 16 owned cars (0.75 x 21). It concludes that this indicates that the proposed development would therefore potentially only have 16 residential owned cars on site.

9.73 As the parking provision proposed is below the Councils Parking Standards local standards, the applicant proposes a number of sustainability measures to further improve the availability of alternatives to the private car. These would include;

- A proposal to subsidise an 'on street' car club space for the period of 1 year, which the developer would also provide 1-year memberships and £50 driving credit for all residents as an incentive to make use of the car club and not rely on owning their own car.
- 19 cycle parking spaces are required to meet the Surrey County Council Vehicular and Cycle Parking Guidance, which requires 1 space per unit for 1 and 2 bed flats and 2 spaces per 3 bed units. A total of 35 cycle parking spaces are proposed which exceeds the required standard by 16 cycle spaces, therefore providing an additional incentive to owning a cycle.
- A Residential Travel Information Pack is proposed, including a £50 Oyster Card contribution per flat, to further encourage the residents to make sustainable travel choices

9.74 The Highway Authority commented as follows;

To take advantage of the site's location the developer is proposing a Travel Plan. It should be noted that a Travel Plan would normally have targets to reduce the use of single occupancy vehicle trips and a formal monitoring and auditing regime to ensure those targets are being met. This is not necessary to make the development acceptable. For the proposed development that includes 21 residential units a Travel Plan Statement would suffice. Travel Statements do not include targets and therefore no monitoring and auditing is required.

The Travel Plan Statement should include a Travel Information Pack, as has been proposed by the developer. The pack of information should include employment, education, retail and leisure land uses that are within 2km walking distance and 5 km cycling distance of the site. Information on other locations with more choice in those land uses that are on bus routes from the site and on the train routes from Epsom should also be provided. In terms of public transport up to date time table should be provided and kept up to date.

- 9.75 Regulation 122 of the CIL Regulations introduced on 6th April 2010 prescribes the limitations on the use of planning obligations. Accordingly it is unlawful for a planning obligation to be taken into account when determining a planning application for a development that does not meet all of the following tests:
- It is necessary to make the development acceptable in planning terms
 - It is directly related to the development
 - It is fairly and reasonably related in scale and kind to the development.
- 9.76 In view of the above, the Highways Officer whilst noting that the developer is offering to provide a Car Club vehicle and one year free membership of the car club and £50.00 driving credit, states that this offer is unnecessary to make the development acceptable from a transportation perspective.
- 9.77 The Highways Officer has also stated that it would be unnecessary to make the development acceptable from a transportation perspective to accept a £50.00 contribution per household to purchase an Oyster card. Officers are of the opinion that this obligation would be Regulation 122. Compliant as whilst it does not meet the first criterion, it is directly related to the development, and it is fairly and reasonably related in scale and kind to the development. In addition as the proposed parking would not meet the Councils Standards, the provision of a Travel Pack is a material consideration, given that its aims and objectives are considered to be in accordance with the objectives of Policy CS16 (promoting sustainable travel).
- 9.78 In view of the above, Officers consider that the provision of 16 on-site parking spaces would be appropriate given the sites sustainable location, located approximately 800 metres away from Epsom station and on a local bus route, and in view of the additional sustainable transport measures proposed by the applicant.
- 9.79 The Residential Travel Information Pack would be secured by a legal agreement.
- 9.80 The proposal would therefore accord with Policy CS16

Refuse and Recycling

- 9.81 Policy CS6 (Sustainability in New Developments) sets out that proposals for development should result in a sustainable environment. To conserve natural resources, waste should be minimised and recycling encouraged. Development should incorporate waste management processes.
- 9.82 A refuse store is proposed along the shared boundary with No 142 East Street, at the front of the site. Details of the store would be secured by an appropriate condition.

Ecology/Biodiversity

- 9.83 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality.
- 9.84 Paragraph 175 of the NPPF sets out that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.85 Policy CS3 (Biodiversity and Nature Conservation Areas) of the Core Strategy (2007) sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of National and Local biodiversity action plans in terms of species and habitat. Development that would harm Grade 3 Sites of Nature Conservation Interests (SNCIs) will not be permitted unless suitable measures are put in place and it has been demonstrated that the benefits of a development would outweigh the harm caused.
- 9.86 Policy DM4 (Biodiversity and New development) seeks to ensure that new development takes every opportunity to enhance the nature conservation potential of a Site and secure a net benefit to biodiversity.
- 9.87 A large part of the application site is under tarmac, and on balance, with the additional landscaping proposed, the biodiversity potential of the site would be enhanced. It is recommended that a condition requiring the installation of bat and bird boxes, as well as swift bricks be imposed to enhance biodiversity as encouraged by Policy DM4.

Trees/Landscaping

- 9.88 Chapter 15 of the NPPF concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.
- 9.89 Policy DM5 (Trees and Landscape) of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia):
- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and
 - Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.
- 9.90 A Tree Survey and Arboriculture Implication Assessment has been undertaken that considers the site's landscape features in the context of the proposed development. This considers the effect on trees within and adjacent to the application site. It concludes that the proposed development is unlikely to impact on the trees outside the application site and that the large Sycamore tree on the rear boundary can be retained as part of the development and protected during demolition/construction works. Officers consider that the current scheme would address the Inspectors concerns raised with regard to the previous refused scheme.
- 9.91 The vehicular and pedestrian access routes and the car park are proposed to be lined permeable paving covering an area of approximately 633sqm (41% of the application site). New planting is proposed along the side and rear boundaries and within the site
- 9.92 Details of hard and soft landscaping would need to be secured by an appropriate condition. In this respect the proposal would, on balance, not fall contrary to Policy DM5.

Affordable Housing

- 9.93 Policy CS9 of the Core Strategy 2007 states that the Council has a target that overall, 35% of new dwellings should be affordable. Residential development of 15 or more dwellings gross (or on sites of 0.5ha or above) should include at least 40% of dwellings as affordable. The Council will seek to ensure that the affordable housing remains affordable to successive as well as initial occupiers through the use of planning conditions or a planning obligation.

- 9.94 Paragraph 3.12.11 goes on to state that where there are specific and overriding site constraints or where development specific issues inhibit the provision of affordable housing, off site provision or financial contributions may be acceptable.
- 9.95 The applicant has undertaken a viability assessment, which has been independently reviewed by a viability assessor for the Council, which demonstrates that the scheme could not support affordable housing. A cash in-lieu contribution of £110,164 to off-site affordable housing is proposed because the level of surplus assessed in the appraisal would not support any on-site provision.
- 9.96 The commuted sum would be secured through a s106 agreement.

It is recommended that a viability review mechanism is included in the S.106 agreement. This would require the submission of a revised Viability Statement in the event that the slab level is not completed within three years from the date of the planning permission.

Sustainability

- 9.97 Chapter 2 of the NPPF relates to achieving sustainable development. Paragraph 8 of the NPPF sets out that there are three strands to achieving sustainable development, including an environmental objective. This is for development to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 9.98 Policy CS6 (Sustainability in New Developments) sets out that proposals for development should result in a sustainable environment. The Council will ensure that new development (inter alia) minimise the use of energy in the scheme by using an appropriate layout, building design and orientation, minimises the energy requirements of construction and encourages the use of renewable energy by the incorporation of production facilities within the design of the scheme.
- 9.99 A Sustainable Design Statement accompanies the application, dated 17.08.2018. This sets out that the proposed energy efficiency measures to minimise energy demand incorporates provision for 16no. 250kWp photovoltaic panels on the roof of the building which together equates to a carbon reduction of 477 kgCO₂ per annum.
- 9.100 Furthermore, as set out in the submitted the Sustainable Drainage Report the proposed development includes SUDS measures to reduce the volume and rate of surface water run-off and water contribute to improving water quality in accordance with Policy CS6 and DM19.

Community Infrastructure Levy

9.101 The scheme would be CIL liable

10 Conclusion

10.1 The proposal meets planning policy objectives and gives the opportunity to redevelop this brownfield site with a residential scheme, helping contribute to the borough meeting its housing targets.

10.2 The proposal would incorporate all the principles of good design in accordance with Chapter 12 of the NPPF and Policy DM10 of the Development Management Policies Document 2015

10.3 The proposal would make an important contribution to meeting housing needs pursuant to the national policy to boost the supply of housing significantly.

10.4 The application is therefore recommended for **APPROVAL**.

11 Recommendation

Part A

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

- A commuted sum of **£110,164** in lieu of the on-site provision of affordable housing
- In the event that the slab level is not completed within three years from the date of the planning permission a revised viability appraisal shall be submitted.
- Residential Travel Information Pack

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

Part B

In the event that the section 106 Agreement referred to in Part A is not completed by 13th June 2019 the Head of Planning be authorised to refuse the application for the following reason:

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

Conditions:

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

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

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

266(PL)02 rev B – Proposed Site Plan

266(PL)03 Rev B – Proposed Ground Floor Plan

266(PL)04 Rev B – Proposed First Floor Plan

266(PL)05 rev B – Proposed Second Floor Plan

266(PL)06 Rev B – Proposed Roof Plan

266(PL)15 – Proposed Third Floor Plan

266(PL)07 Rev B – Existing and Proposed Street Elevation (front)

266(PL)08 Rev B – Existing and Proposed Side Elevation 01

266(PL)09 – Existing and Proposed Rear Elevation

266(PL)10 Rev B – Existing and Proposed Side Elevation 02

266(PL)11 Rev B – Proposed Front Elevation

266(PL)12 Rev B – Proposed Side Elevation 01

266(PL)13 Rev B – Proposed Rear Elevation

266(PL)14 Rev B – Proposed Side Elevation 02

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

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

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

- (4) Sample panels of all of the external materials demonstrating the colour, texture, face bond and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved details before the building is occupied.**

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

- (5) No development, with the exception of demolition, shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.**

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

- (6) No development, other than demolition, shall commence until a scheme of hard and soft landscaping has been submitted to the Local Planning Authority for approval, which shall include indications of all existing trees on the land, and details of any to be retained, together with measures for their protection, in the course of development. The scheme shall indicate the location and species of plants and trees to be planted on the site. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees of planted removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.**

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

- (7) **No site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown on the TREE SURVEY, ARBORICULTURAL IMPLICATION ASSESSMENT dated June 2018 have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.**

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

- (8) **Before any occupation of the development hereby permitted, the flank window of Flat T2 on the third floor shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing of a patterned type only which shall thereafter be retained as such. Obscure glazed windows should be obscured to minimum of level 3 of the Pilkington Scale. The use of any type of film or material affixed to clear glass is not acceptable for the purposes of this Condition.**

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

- (9) **Before any occupation of the development hereby permitted, the balconies to Flat F6 (first and second floor) and Flat T4 (third floor) shall be provided with 1.7m high flank privacy screens, which shall thereafter be retained as such.**

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

- (10) **Electric charging points shall be installed in 3 of the allocated parking spaces at the development. The charging points shall be supplied with an independent 32amp radial circuit and must comply with BS7671. Standard 3 pin, 13 amp external sockets will be required. The sockets shall comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.**

Reason: To protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people in accordance with guidance under Paragraph 110 of the NPPF 2018.

- (11) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
 - b) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development (Pre, Post and during), associated discharge rates and storages volumes shall be provided using a maximum Greenfield discharge rate of 1 l/s.
 - c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
 - d) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
 - e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
 - f) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site in accordance with Policy C6 of the Core Strategy 2007

- (12) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS, in accordance with Policy C6 of the Core Strategy 2007

- (13) The development hereby approved shall be constructed in accordance with the sustainable construction techniques and energy efficient measures outlined in the Sustainability Statement dated April 2018 unless otherwise agreed in writing with the local planning authority.**

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

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

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

- (15) The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.**

Reason: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy DM 37, of the Development Management Policies Document 2015.

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

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

(b) loading and unloading of plant and materials

(c) storage of plant and materials

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

(e) provision of boundary hoarding behind any visibility zones

(f) vehicle routing

- (g) measures to prevent the deposit of materials on the highway**
- (h) on-site turning for construction vehicles**
- (i) hours of construction**

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 National Planning Policy Framework 2018 and Policy CS16 of the Core Strategy 2007.

- (17) The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with the approved plans for;**

- (a) secure parking for a minimum of 35 bicycles within the development site, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.**

Reason: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy CS16 of the Core Strategy 2007.

- (18) The development hereby approved shall not be first occupied unless and until the proposed modified access to East Street has been constructed in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.**

Reason: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy CS16 of the Core Strategy 2007.

- (19) The development hereby approved shall not be first occupied unless and until the two Western most existing accesses from the site to East Street have been permanently closed and any kerbs, verge, footway, fully reinstated.**

Reason: In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy CS16 of the Core Strategy 2007

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

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

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

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

- (22) Prior to the commencement of development, details/sections of all eaves, parapets, windows (including head, sill and window reveal details), rainwater goods, extraction ducts, balustrades, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

Informatives:

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

- (3) If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.
- (4) If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.
- (5) A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
- (6) The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. Please see:

www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs
- (7) The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
- (8) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
- (9) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
- (10) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority

will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage

- (11) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:**

<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html>

for guidance and further information on charging modes and connector types.