

3 Roy Richmond Way, Epsom, Surrey

Ward:	Court Ward;
Site:	3 Roy Richmond Way Epsom Surrey KT19 9AF
Application for:	Demolition and replacement of existing two storey ancillary offices and change of use of existing bus servicing facility (sui generis) to builders merchant (sui generis) for display, sale and storage of building timber and plumbing supplies, plant and tool hire, including outside display and storage along with storage racking with ancillary kitchen joinery showroom, car parking and service arrangements, fencing and associated works
Contact Officer:	Gemma Paterson

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: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QYASFN GYLIR00>

2 Summary

- 2.1 The application is classified as a major planning application and is referred to Planning Committee in accordance with Epsom and Ewell Borough Council's Scheme of Delegation.

- 2.2 The application seeks planning permission to change the use of the site from a bus servicing facility to a builders merchants with ancillary tool hire and kitchen showrooms, including the erection of a two storey extension to the main warehouse (Warehouse 1) following the demolition of the existing two storey element. The proposal also involves outdoor storage of goods, materials and racking systems up to 5.5 metres in height. The proposal also involves the stopping up of an existing secondary minor access and the installation of perimeter fencing and gates, measuring 2.4 metres in height.
- 2.3 The site is located within a main settlement and within Longmead and Nonsuch Industrial Area. The location of the site is in close proximity to public transport, which offers members of the public a mode of transport other than the private car. The site is therefore in a highly suitable location in sustainable transport terms.
- 2.4 The architectural design of the development is considered to respond sympathetically to the site's surroundings, but with a more contemporary and sustainable context.
- 2.5 The proposed development would not result in a significant increase in traffic generation or result in any issues to highway safety or to the operation of the highway network. The level of vehicle parking proposed within the site would be appropriate and would avoid any unacceptable impact on any existing on-street parking conditions.
- 2.6 The proposal would accord with the Council's policies in relation to employment, design, ecology, surface flooding, land contamination and archaeology. It has also been satisfactorily demonstrated that a development of this scale could be provided on the site that does not have a harmful impact on neighbouring residential amenity.
- 2.7 The Council policies which are most important for determining the application are out-of-date. This means that the "presumption in favour of sustainable development" (paragraph 11 of the NPPF) (Also known colloquially as the 'tilted balance') is engaged, and that planning permission should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the NPPF (2021) as a whole
- 2.8 Overall, there would be no adverse effects to significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.

- 2.9 **The application is recommended for APPROVAL subject to the imposition of appropriate planning conditions and informatives.**

3 Site description

- 3.1 The Longmead and Nonsuch Industrial Estates are located to the north of Epsom Town Centre, between the B284 Hook Road and the A24 Epsom Road. They are dissected by the north/ south Waterloo mainline railway line with no direct vehicular access, across the railway line, to each other. The entire Industrial Estate covers an area of approximately 35 hectares.
- 3.2 The Longmead Industrial Estate or Employment Area is located to the west of the railway line and is accessed via the Longmead Road. The site is approximately 20 hectares of industrial and warehouse units varying in size from small start-up units to large storage centres.

4 Proposal

- 4.1 The proposal seeks to change the use of the site from a bus servicing facility to a builders merchant. The proposal also involves the demolition of a two storey element of the main warehouse (Warehouse 1) on site and its replacement with a two storey extension of a larger foot print.
- 4.2 The proposal also involves the provision of external storage area for materials up to 5.5 metres in height, including racking systems
- 4.3 The proposal also involves the stopping up of a minor secondary access to the site.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 66 neighbouring properties and by the display of a site notice on 03.03.2022. To date, no letters of representation have been received.

6 Consultations

- 6.1 **Environment Agency:** No objections subject to conditions
- 6.2 **Surrey County Highway Authority:** No objections subject to condition
- 6.3 **Lead Local Flood Authority:** No objections subject to conditions
- 6.4 **County Archaeologist:** No objections

6.5 **Council's Contaminated Land Officer:** No objections subject to conditions

6.6 **County Ecologist:** No objection

7 **Planning Policy**

National Policy Planning Framework (NPPF) 2012

Chapter 2 – Achieving Sustainable Development

Chapter 6 – Building a strong, competitive economy

Chapter 7 – Ensuring the vitality of town centres

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well design places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Core Strategy (2007)

Policy CS1 - General Policy

Policy CS3 - Biodiversity

Policy CS5 - The Built Environment

Policy CS6 - Sustainability in New Developments

Policy CS11 – Employment Provision

Policy CS12 - Infrastructure

Policy CS16 - Managing Transport and Travel

Development Management Policies Submission Document (2015)

Policy DM4 - Biodiversity and New Development

Policy DM5 - Trees and Landscape

Policy DM9 - Townscape Character and Local Distinctiveness

Policy DM10 - Design Requirements for New Developments

Policy DM17 - Land Contamination

Policy DM25 – Development of Employment Premises

Policy DM35 - Transport and New Development

Policy DM36 - Sustainable Transport for New Development

Policy DM37 - Parking Standards

Supplementary Planning Guidance 2003

- The Employment Land Review (2006)

- The Spatial Economic Growth Strategy (2020)
- The Longmead and Nonsuch Industrial Estates Capacity Study 2018
- Surrey County Council Vehicular Guidance (2018)
- National Design Statement (2019)

8 Planning Considerations

8.1 The main planning considerations material to the determination of this application are:

- Principle of Development
- Design and Visual Impact
- Impact on Highways and Vehicle Parking
- Impact on Neighbouring Amenity
- Impact on Flood Risk and Surface Water Drainage
- Impact on Land Contamination
- Impact on Biodiversity
- Impact on Archaeology
- Sustainability
- Community Infrastructure Levy (CIL)

9 Presumption in Favour of Development

9.1 The National Planning Policy Framework 2021 (NPPF 2021) sets out the Government's planning policies for England and how they should be applied. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development.

9.2 Paragraph 12 of the NPPF 2021 stipulates that development proposals which accord with an up-to-date development plan should be approved and where a proposal conflicts with an up-to-date development plan, permission should not usually be granted.

9.3 Paragraph 11d of the NPPF 2021 is engaged where the Council's policies which are most important for determining the application are out-of-date. The practical application and consequence of this is that unless the site is located in an area or affects an asset of particular importance that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF 2021 as a whole.

- 9.4 The site is located within a built up area and does not affect assets of particular importance such as SSSI, AONB, European or National Ecological Designations, Green Belt or any other given additional weight by the NPPF (2019). When considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.

10 Principle of Development

- 10.1 Policy 89 of the NPPF 2021 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 10.2 Policy CS11 of the Core Strategy states that loss of employment land will be resisted in strategic employment areas of the Longmead and Nonsuch Industrial Estate and that regeneration of employment premises and intensification of employment uses will be encouraged within this location.
- 10.3 Policy DM25 of the Development Management Policies Document 2015 seeks to support planning permission for employment developments subject to the following relevant factors being met:
- b) the scale, bulk and appearance of the proposal should be compatible with the character of its surroundings;
 - c) the development must not significantly harm the amenities of nearby occupiers nor cause adverse environmental impact on the surrounding area;
 - d) the scale of development should be compatible with the level of existing or potential public transport accessibility, and the on-street parking situation. Where additional infrastructure is required due to the scale of the development, such a development will be required to fund the necessary infrastructure to support it; and
 - e) the development should comply with the Council's transport, access, servicing, car and cycle parking standards and policies

- 10.4 Policy DM25 of the Development Management Policies Document 2015 continues to state that B2 and larger scale B8 use classes (over 500 sqm) should be located within the Longmead and Nonsuch employment area or on a site with established use rights for these purposes. Industrial, storage and distribution development, and improvement and expansion of such premises will normally be permitted, subject to the above criteria. However, in considering such proposals the Council will take into account the need, if any, to improve the physical environment of the area.
- 10.5 The Council's Longmead and Nonsuch Industrial Estates Capacity Study 2018 which acknowledges that there are a diverse range of employment uses and identifies the site as a Sui Generis use and that most of the sui-generis uses in the Longmead Industrial Estate falls into the category of being either uses which are a mix of B2 (General Industrial) or B8 (Storage and Distribution) but have a greater retail focus (such as trade counters).
- 10.6 The Longmead and Nonsuch Industrial Estates Capacity Study 2018 emphasises that these sui-generis (Mixed B2 and B8) uses retain a strong employment focus and make a valuable contribution to the economic vitality and viability of the Borough.
- 10.7 The site lies within the Longmead Employment Area as designated on the Proposal Maps. The previous use on the site is a bus servicing facility comprising a main workshop, bus storage area, offices and a vehicle wash. The existing use attracts an element of employment.
- 10.8 The proposed builders merchant use would retain an element of employment as well as introducing an element of retail use to the site. The proposed use would site comfortably within the site, which also feature a builder's merchants at 2 Roy Richmond Way and a plumbing merchants further south at Units 1 & 2 Feldstead Road. Other similar uses such as a Flooring Sales, Hardware Store and Kitchen Sales are within the local surrounding vicinity.
- 10.9 The principle of the proposed change of use of the site could therefore be considered acceptable within the Longmead Employment Area, subject to meeting the relevant criteria of Policy DM25 of the Development Management Policies Document 2015, which will be assessed further on in this report.

11 Design and Visual Impact

- 11.1 The NPPF 2021 attaches great importance to the design of the built environment. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 11.2 Paragraph 130 of the NPPF 2021 states [inter alia] that developments should 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.
- 11.3 Paragraph 3.7.5 of the Core Strategy 2007 sets out that new development should enhance and complement local character and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 states 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.
- 11.4 Policy DM10 of the Development Management Policies Document 2015 states [inter alia] that development proposals will be required to incorporate good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced include, but are not limited, to the following:
- Prevailing development typology, including house type, sizes, and occupancy;
 - Prevailing density of the surrounding area;
 - Scale, layout, height, form, massing;
 - Plot width and format which includes spaces between buildings;
 - Building line build up, set back, and front boundary; and
 - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 11.5 The proposal would result in the demolition of an existing two storey element and single storey lean to located to the south of the main warehouse on site (Warehouse 1) and their replacement with a new two storey extension that would have a footprint 152m² greater than the existing elements lost.

- 11.6 The proposed two storey extension is considered to be acceptable in overall scale and design, appearing proportional to the form of the main building. The ridge of the proposed two storey extension would be set down slightly from the ridge of the main ridge and the elevation has been set in from the east side elevation of the main building, thereby achieving an element of subservience.
- 11.7 The proposal also introduces external retail storage to the site, up to 5.5 metres in height, including racking systems. However, the site as been used for the external storage in the past, containing a number of coaches and buses, which includes double decker buses. The use of the site for the external storage for building materials would not be incongruous, particularly when taking into consideration the scale and siting of the building material/storage racking systems of a similar scale that are highly prominent within the street scene at the builders merchant at 2 Roy Richmond Way.
- 11.8 Although there would be opportunities to view the external storage areas/racking systems associated with the proposal development from the main Roy Richmond street scene through the entrance of the site and through the access to the sewage works site, located to the south west of the site, such views would not appear out of character with the surroundings.
- 11.9 Views of the proposed external storage/racking system may also be gained from both the land associated with The Kings Church and via footpath 46, which connects the site to West Street, such views would not be incongruous with the commercial use of the site and the wider industrial area.
- 11.10 Similarly, whilst the proposed two storey extension to the existing warehouse would be highly visible feature within the street scene as a result of its orientation within the site, it would be a subservient feature that would not appear out of keeping with the character of the area.
- 11.11 The proposal to change the colour of the main building to the operators' corporate colours would not be unusual and given the diversity in the materials and colours of the surrounding units, the proposal would complement the varied built form in the locale.
- 11.12 The proposed 2.4 metres high perimeter fence and gates would replace an existing 1.5 metre high black post and rail fence and a small Leylandii hedge. Although the loss of this small area of hedging is disappointing, as it provides a small softening to the utilitarian nature of the street scene, its loss is not harmful to the street scene and the replacement fence would be in keeping with the boundary treatment in the surrounding area.

- 11.13 Officers are therefore satisfied that the proposal development would be compatible with the character of its surroundings, in accordance with Policy DM10 and criterion (b) of Policy DM12 of the Development Management Policies Document 2015.

12 Impact on Highways and Vehicle Parking

- 12.1 Paragraph 111 of the NPPF 2021 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 12.2 Policy CS16 (Managing Transport and Travel) of the Core Strategy 2007 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.
- 12.3 Furthermore, this policy stipulates that 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.
- 12.4 The application is accompanied by a Transport Statement, prepared by Cotswold Transport Planning, reference 21-0315 and dated May 2021 and a Transport Statement Addendum, also prepared by Cotswold Transport Planning, reference 21-0315 (Issue 01) and dated March 2022.
- 12.5 The existing highway network surrounding the site comprises Roy Richmond Way, which is a single carriage way subject to a 30 mph speed limit and benefits from street lighting and footpaths.
- 12.6 The junction of Roy Richmond Way and Longmead Road lies to the west of the site, which connects to the B2200 to the north and the B284 to the south.
- 12.7 Public Footpath 46 runs down the east of the site, connecting the Roy Richmond Way to West Street, which lies over the railway line. There are no identified cycle routes within the vicinity.
- 12.8 The Transport Statement has provided an analysis of the Personal Injury Accident data for the most recent five year period available for the highway network in the vicinity of the site, which has concluded that there have been no reported personal injury collisions during this period, suggesting that there are no existing problem within the layout of the surrounding highway network that may be affected by the traffic movements generated by the proposed development

- 12.9 Although the site can be considered to be in a sustainable location with good links to regular public transport and pedestrian links, given the nature of the goods that would be available at the site, it is likely that the majority of trips by customers would be carried out in a private vehicle.
- 12.10 However, there would be genuine alternatives to the private car for employees to travel to the site.
- 12.11 The existing use is able to attract a vehicle trip generation. However, as the site is currently unoccupied, it is not possible to demonstrate the current trip generation of the site. Instead, the Transport Addendum predicts the traffic generation of the existing use by carrying out a bespoke assessment of a similar bus servicing facility.
- 12.12 In order to predict the traffic generation associated with the proposed development, the Transport Statement advises that TRICS (Trip Rate Information Computer System) database has been used, using sites that are similar in characteristics with the existing use and the proposed development. These similar characteristics for the proposed use also include kitchen showroom and tool/machinery hire.
- 12.13 The bespoke assessment estimates that the existing use of the site as a bus servicing facility would generate 28 trips during the AM and PM peak hours, when the traffic levels would be higher, and the local highway network would therefore be operating closer to capacity.
- 12.14 Although the business model for the future operator of the site attributes the majority of sales to profession trade account customers, the operation does attract customers from the general public. Using this business model, the TRICS database estimates that the proposed would be likely to generate 30 trips during the AM and PM peak hours, when the traffic levels would be higher, and the local highway network would therefore be operating closer to capacity.
- 12.15 The County Highway Authority is satisfied that the bespoke assessment and the TRICS assessment undertaken and reported within the Transport Statement provides a robust and realistic assessment of the likely impact of the proposed development on the highway network and that the residual cumulative impacts of the development would not have a material impact on the capacity of the surrounding network.
- 12.16 The proposal involves the stopping up of the existing far eastern access to the site and the reinstatement of any kerbs, verge, or footway.

- 12.17 The County Highway Authority have raised no objection against the proposed development in terms of impact on the operation of the network or highway safety, subject to conditions, in the event that permission is granted, to secure a Construction Transport Management Plan and to ensure that the proposed visibility splays are constructed in accordance with any approved plans and to ensure that that prior to the use commencing, a Travel Plan is secured, as well as the reinstatement of any kerbs, verge, or footway, following the closure of the existing access.
- 12.18 Policy DM37 of the Development Management Policies Document 2015 seeks to ensure that new schemes provide an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.
- 12.19 The proposed development would provide 31 vehicle parking spaces comprising 18 customer parking spaces, 12 staff parking spaces and one disabled user bay. Customer parking bays would be provided at a larger size in order to account for trade vehicles.
- 12.20 The Council does not have parking standards for commercial uses and the Surrey County Council Vehicular and Cycle Parking Guidance 2018 requires an individual assessment for parking levels in respect of sui-generis uses.
- 12.21 The future operator of the site has a good understanding of the site requirements and having based the proposed level of parking against that at various similar operator branches across the UK, is satisfied that the level of parking proposed at the site is suitable for the operation proposed and suitable to accommodate the predicted traffic demand.
- 12.22 The proposed development would provide cycling facilities for the secure storage of 10 cycles, which are likely to be of more benefit to the staff, given the nature of the bulky good to be sold from the site.
- 12.23 The County Highway Authority has reviewed the individual parking assessment and subject to conditions to ensure that the vehicle parking are constructed in accordance with any approved plans and that that prior to the use commencing, details of Electric Vehicle Charging Points are secured, in the event permission is granted, considers that the level of vehicle parking provided on site would be appropriate to prevent and adverse impact on the operation of the network or highway safety and to avoid any unacceptable impact on any existing on-street parking conditions.

- 12.24 The proposal is therefore considered to accord with criteria (d) and (e) of Policy DM24 and DM37 of the Development Management Policies Document 2015.

13 Impact on Neighbouring Amenity

- 13.1 Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policy Document 2015 sets out that development proposals will be required to incorporate principles of good design. Development proposals should also have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.
- 13.2 The site is located within a complex of industrial buildings and at a sufficient distance of over 85 metres from residential properties to cause any issues pertaining to neighbouring amenity.
- 13.3 The proposal would therefore accord with Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policy Document 2015 and the guidance set out in the Council's Residential Infill Development SPG 2003.

14 Impact on Flood Risk and Surface Water Drainage

- 14.1 Paragraph 167 of the NPPF 2021 states that when determining any planning applications, LPAs should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 14.2 Paragraph 169 of the NPPF 2021 sets out that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.
- 14.3 Policy CS6 of the Core Strategy 2007 states that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development [inter alia] avoids increasing the risk of, or from flooding.

- 14.4 Policy DM19 of the Development Management Policies Document 2015 states that the Council will expect development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SuDs) at a level appropriate to the scale and type of development.
- 14.5 The majority of the site is located in an area of low flood risk, outside of Flood Zone 2 and 3 as identified on the Environment Agency Flood Risk Maps. However, a very minor section of Flood Zone 2 does extend into the site on the west boundary and the site does fall within a Critical Drainage Area as identified within the Council's Strategic Flood Risk Assessment 2018. Notwithstanding this, the application does not have the benefit of being supported by a Flood Risk Assessment.
- 14.6 In terms of fluvial flooding, the majority of the site therefore the proposed development, would be wholly in Flood Zone 1. A very small proportion of Flood Zone 2 would extend into the periphery of the site but taking into consideration that the existing use and the proposed use are not vulnerable uses, the level of built form and hard surfacing would remain similar to that on site and the level of hard surfacing would remain as existing in the small area of Flood Zone under this permission, Officers are satisfied that the development would have a low risk of fluvial flooding. Furthermore, the access to the site is also located within Flood Zone 1 and would continue unimpeded to provide safe access to and from the residential developments in the event of a flood.
- 14.7 As the proposed development would lie within Flood Zone 1, neither the sequential test nor the exceptions test, as set out in the Government's guidance 'Flood risk assessment: the sequential test for applicants' 2017 needs to be carried out
- 14.8 With respect to pluvial flooding, the surface water run off from the site would be managed via the existing watercourse. The Lead Local Flood Authority has recommended that, if permission is granted, a pre-commencement condition is imposed to secure full details of the proposed surface water mitigation for site.
- 14.9 Subject to the recommended condition in the event permission is granted, it is considered that the flood risk and surface water flooding have been addressed in accordance with Policy CS6 of the Core Strategy 2007, Policy DM19 of the Development Management Policies Document 2015 and the requirements of the NPPF 2021.

15 Impact on Land Contamination

- 15.1 Paragraph 183 of the NPPF 2021 states that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 15.2 Paragraph 184 of the NPPF 2021 continues where a site is affected by contamination issues, responsibility for securing a safe development rests with the developer and/or landowner in accordance with paragraph 179 of the NPPF 2021.
- 15.3 Policy DM17 of the Development Management Policies Document 2015 states [inter alia] that where it is considered that land may be affected by contamination, planning permission will only be granted if it is demonstrated that the developed site will be suitable for the proposed use without the risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.
- 15.4 The site lies in potentially contaminated land. As such, both the Environment Agency and the Council's Contaminated Land Officer has recommended contamination conditions, in the event permission is granted, in order to ensure that risks from land contamination to 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 off site receptors.
- 15.5 Subject to these conditions in the event permission is granted, the proposal is considered to accord with Policy DM17 (of the Development Management Policies Document (2015) and the requirements of the NPPF 2021.

16 Impact on Biodiversity

- 16.1 The Local Planning Authority have a duty of care under Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 16.2 Paragraph 180 of the NPPF 2021 states (inter alia) that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.

- 16.3 Policy CS3 (Biodiversity and Nature Conservation Areas) of the Core Strategy (2007) sets out that development that is detrimental to the Borough's biodiversity will be minimised, and where it does take place, adequate mitigating measures should be provided. Wherever possible, new development should contribute positively towards the Borough's biodiversity.
- 16.4 Policy DM4 (Biodiversity and New Development) of the Development Management Policies Document (2015) 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. It sets out that development affecting any site or building that supports species protected by Law including their habitats, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the identified species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity.
- 16.5 The Council's Ecologist has acknowledged that the site has no biodiversity interest. Notwithstanding this, In order to provide some biodiversity enhancements at the site, in accordance with the requirements set out in Policy DM4 of the Development Management Policies Document 2015 and paragraph 180 of the NPPF 2021, in the event that planning permission is granted, it is considered reasonable to secure the installation of bird nesting boxes at the site, prior to the commencement of the operation on site.
- 16.6 Officers acknowledge that the proposal result in the loss of a small Leylandii hedge. However, this loss is considered to be more than offset by the biodiversity enhancements proposed at the site, particularly given that the Council has control of where these can be located within the site, which may be areas more suitable for birds than adjacent to the highway and the vehicular entrance to the site.
- 16.7 Subject to the abovementioned condition should permission be granted; the Local Planning Authority are satisfied that they have carried out their duty of care under Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 to protect the species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 16.8 The proposal would not prejudice the existing ecological value of the site and would enhance the conservation potential of a site in accordance with Policy CS3 of the Core Strategy 2007, Policy DM4 of the Development Management Policies Document 2015 and the requirements of the NPPF 2021.

17 Impact on Archaeology

- 17.1 Paragraph 194 of the NPPF 2021 states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 17.2 Policy CS5 (Conserving and Enhancing the Quality of the Built Environment) of the Core Strategy (2007) sets out that the Council will protect and seek to enhance the Borough's heritage assets including (inter alia) archaeological remains. The settings of these assets will be protected and enhanced.
- 17.3 Policy DM8 (Heritage Assets) of the Development Management Policies Document (2015) seeks to resist the loss of Heritage Assets and instead promote the opportunity to conserve and enhance these. Specifically, on any major development site of 0.4ha or greater, applicants are required to undertake prior assessment of the possible archaeological significance of a site and the implications of the proposals.
- 17.4 Although the application is not supported by any archaeological information, as required by paragraph 194 of the NPPF 2021, the County Archaeological Officer has reviewed the scheme and, given the limited ground impacts and the nature of the site, is satisfied that the proposal does not represent significant risk to any unknown heritage assets.
- 17.5 In light of the above, Officers are satisfied that there would be no adverse archaeological implications and the proposal would accord with Policy CS5 of the Core Strategy (2007), Policy DM8 of the Development Management Policies Document (2015) and the requirements of the NPPF 2021.

18 Sustainability

- 18.1 Policy CS6 of the Core Strategy 2007 states [inter alia] that development should result in a sustainable environment and ensure that new development minimises the use of energy in the scheme, minimises the emission of pollutants into the wider environment, minimises the energy requirements of construction and incorporates waste management processes.
- 18.2 Drawing Number 8179/05 Rev B identifies that the proposed two storey extension to Warehouse 1 would incorporate a solar photovoltaic system. As such, it is considered that the proposal would be able to secure a sustainable development outcome and would therefore accord with Policy CS6 of the Core Strategy 2007

19 Community Infrastructure Levy (CIL)

- 19.1 The proposal will be CIL liable.

20 Planning Balance

- 20.1 As the Council policies which are most important for determining the application are out-of-date, paragraph 11 (d) of the NPPF 2021 is engaged. There are no footnote 8 policies which would provide a clear reason for refusing permission and which would prevent the tilted balance from being applied.
- 20.2 The presumption is therefore to grant permission for sustainable development unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.
- 20.3 The proposal would create short term economic benefits during the construction period and long term employment benefits through the provision of the sui-generis use. Furthermore, the proposed development would create more long-term benefits to the local economy due to the increased spending in the area. This is a significant benefit of the scheme.
- 20.4 The proposal would accord with the Council's policies in relation to employment, design, ecology, surface flooding, land contamination and archaeology. It has also been satisfactorily demonstrated that a development of this scale could be provided on the site that does not have a harmful impact on neighbouring residential amenity.
- 20.5 Overall, there are no adverse effects in respect of this application, that would otherwise significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. The application is therefore recommended for approval.

21 Recommendation

That subject to the conditions and informatives set out below **PERMISSION IS GRANTED**

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

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

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

Drawing Number 8179_LP
Drawing Number 8179/05 Rev B
Drawing Number 8179/06 Rev B
Drawing Number 8179/08_03 Rev B

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

3. The materials and finishes of the development hereby permitted shall match those of the existing dwelling unless otherwise approved in writing by the Local Planning Authority.

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

4. No part of the development shall be first occupied unless and until the proposed modified vehicular accesses to Roy Richmond Way have been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1000mm high.

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

5. 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 and cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. All cycle parking shall be secure, covered and lit. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the

NPPF (2021), and to satisfy policies DM35 and DM36 of the Development Management Policies (2015).

6. No development shall commence until a Construction Transport Management Plan, to include details of:
- a) parking for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials
 - d) programme of works (including measures for traffic management)
 - e) provision of boundary hoarding behind any visibility zones
 - f) measures to prevent the deposit of materials on the highway
 - g) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
 - h) on-site turning for construction vehicles

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

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

7. The development hereby approved shall not commence trading until 20% of the proposed car parking spaces are provided and fitted with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) and another 20% of spaces are to be provided with the power supply to provide additional fast charge sockets and thereafter retained and maintained to the satisfaction of the local planning authority.

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

8. The development hereby approved shall not commence trading until the existing eastern access from the site to Roy Richmond Way has been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the

NPPF (2021), and to satisfy policies DM35 and DM36 of the Development Management Policies (2015).

9. The development hereby approved shall not commence trading until a Travel Plan is submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the 'Framework Travel Plan' document. The approved Travel Plan shall be implemented on first trading and for each and every subsequent trading of the development, thereafter maintained and developed to the satisfaction of the Local Planning Authority.

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

10. The application will be required to enter into a Section 278 agreement with the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

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

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 NPPF and the accompanying PPG.

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

12. 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 by a piling risk assessment 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 the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the NPPF and Policy CS 6 of the Epsom and Ewell Core Strategy (2007).

13. The development hereby permitted shall not be commenced until such time as a schemes to install oil and petrol separators have been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved. The scheme shall:
- a) be designed and constructed to have a capacity compatible with the area being drained.
 - b) be installed prior to the occupation of the development and thereafter maintained for the lifetime of the development.

Reason: To ensure the proposed development does not have a negative impact on the Water Framework Directive (WFD) status of the nearby Green Lane Stream Main River.

14. The development hereby permitted shall not be commenced until such time as a schemes to dispose of foul and surface water have been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure the proposed development does not have a negative impact on the Water Framework Directive (WFD) status of the nearby Green Lane Stream main river. This is in line with Paragraph 174 of the NPPF and Policy CS6 of the Epsom and Ewell Core Strategy (2007).

15. Following any necessary demolition and prior to the commencement of any further development, the following shall be undertaken in accordance with current best practice guidance:
- i. a desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including hydrocarbons) and contaminants (including asbestos) with the potential to impact sensitive receptors on and off-site. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and

- ii. if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval.

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document (2015).

16. Prior to the commencement of trading on site, the approved remediation scheme prepared under Condition 15 must be carried out in accordance with its terms. Following completion, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document (2015).

17. 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. In that event, an investigation and risk assessment must be undertaken and where remediation is deemed necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To control significant harm from land contamination to human beings, controlled waters, buildings and ecosystems as required by Policy DM10 of the Development Management Policies Document (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 need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.
3. The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
 - carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

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

4. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice.
5. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible,

to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

6. The developer is advised that as part of the detailed design of the highway works required by the above condition(s), 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.
7. 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.
8. 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.
9. Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".
10. The Environment Agency agree with the recommendation to remove all USTs and that a watching brief and relevant validation sampling should be undertaken during excavation of below ground tanks and any pipework.
11. The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- Excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the EA some naturally occurring clean material can be transferred directly between sites.
 - Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
12. The Environment Agency recommends that developers should refer to:
- The Position statement on the Definition of Waste: Development Industry Code of Practice and;
 - The Environmental regulations page on GOV.UK
13. Any re-use of excavated materials not undertaken formally using the CLAIRE DoWCoP would require an environmental permit for deposit, unless materials are solely aggregates from virgin sources, or from a fully compliant Quality Protocol aggregates supplier. Any deposit of materials outside of these scenarios could be subject to enforcement actions and/or landfill tax liabilities.
14. Contaminated materials/soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:
- Duty of Care Regulations 1991
 - Hazardous Waste (England and Wales) Regulations 2005
 - Environmental Permitting (England and Wales) Regulations 2016
 - The Waste (England and Wales) Regulations 2011
15. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

16. If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on gov.uk for more information.