

107-111 East Street, Epsom, Surrey, KT17 1EJ

Ward:	Town Ward
Site:	107-111 East Street Epsom Surrey KT17 1EJ
Application for:	Demolition of the existing buildings and construction of a two-storey building with part basement/lower ground floor, with roof accommodation, comprising 16 self-contained dwellings (Use Class C3), together with associated car and cycle parking, refuse storage, hard and soft landscaping and associated works
Contact Officer:	Ginny Johnson

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=RPESNXGYINU00>

2 Summary

- 2.1 This application is classified as a major planning application (>10 dwellings) and is referred to Planning Committee in accordance with Epsom and Ewell Borough Council's (EEBC) Scheme of Delegation.
- 2.2 This application has been designed to respond to the issues raised by the Planning Inspector, specifically in relation to the latest scheme at this Application Site ('Site'), ref: 21/01708/FUL, APP/P3610/W/22/3299653, and the scheme prior to that, ref: 20/00797/FUL, APP/P3610/W/21/3283320. Both were dismissed at Appeal on 19.10.2022 and 21.10.2022 respectively.

- 2.3 EEBC cannot currently demonstrate a five-year housing supply. In consequence, the provisions of Paragraph 11(d) of the National Planning Policy Framework 2021 (NPPF) apply. This states that Planning Permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This is referred to as the “tilted balance”.
- 2.4 The proposal seeks 16 much needed residential flats, each benefiting from private amenity space. This is a significant scheme benefit.
- 2.5 The proposed building has been reduced in height in comparison to the previously dismissed schemes at this Site, redesigned with a more appropriate roof form that compliments existing roof forms on other buildings in the locality. The proposed building’s mass has been broken down, lessening its visual impact and it sits successfully within longer views along East Street and Kiln Lane.
- 2.6 The proposed building would not adversely impact the neighbouring amenity enjoyed at 113 East Street, or other nearby properties.
- 2.7 The proposal provides policy compliant car parking on Site, policy compliant cycle parking spaces on Site, vehicular access, which allows for two-way traffic and an external pedestrian footpath. This addresses the Inspector’s concerns in the more recent Appeal Decision.
- 2.8 If the proposal were to be granted Planning Permission, it would generate economic benefits, including from the construction process and from the occupiers of the development, by supporting business and other facilities in the local and wider area.
- 2.9 The proposal does not provide any affordable housing, which weighs negatively and significantly within the planning balance. If Planning Permission is granted, a Viability Review Mechanism would be tied into a Section 106 Agreement (S106 Agreement) (A S106 Agreement is a legally binding agreement, or “Planning Obligation”, between a Local Planning Authority and a property owner, with its purpose to mitigate the impact of development on the local community and infrastructure).
- 2.10 Taking all material considerations into account, the benefits of the proposal would significantly and demonstrably outweigh the negative impacts when assessed against the NPPF, as a whole.
- 2.11 Officers recommend approval of the planning application, subject to Conditions and a S106 Agreement.

3 Site description

- 3.1 The Site occupies a corner plot, located to the north of East Street and east of Kiln Lane.

- 3.2 The Site comprises two residential buildings: 107-109 and 111 East Street.
- 3.3 107-109 East Street comprises a two-storey building and 111 East Street comprises a bungalow, with a ground floor and first floor. The Site slopes down from East Street to the rear of the Site, by approximately 2.7 metres.
- 3.4 Vehicular access to 107-109 East Street is available from an access road at the rear off Kiln Lane, although it is not presently used as such. There is no vehicular access to Nos. 107-109 from East Street at the front. Vehicular access to 111 East Street is provided from East Street, with an area of hard standing at the front of the property for car parking. There is also vehicular access from the access road at the rear off Kiln Lane. The rear access is owned by Epsom & Ewell Borough Council.
- 3.5 The wider surrounding area generally comprises two and three storey housing, with a supermarket and petrol station in proximity.

4 Proposal

- 4.1 The proposal seeks to demolish existing buildings on the Site and construct a two-storey building with part basement/lower ground floor and roof accommodation, to provide 16 self-contained dwellings, falling within Use Class C3. It also seeks associated car parking, cycle parking, refuse storage and hard and soft landscaping.
- 4.2 The proposed mix is as follows:
- 8 x 1 bedrooms
 - 5 x 2 bedrooms
 - 3 x 3 bedrooms.
- 4.3 This application follows two previous planning applications for redevelopment of the Site, including a “23 residential flatted scheme” (ref: 20/00797/FUL) and a “21 residential flatted scheme” (ref: 21/01708/FUL). Both proposals were dismissed at Appeal.
- 4.4 This application seeks to address the reasons for refusal of the previous planning applications at the Site, noting the Inspectors’ concerns within the Appeal Decisions. The issues identified by the Inspector in both Appeals were:
- a) A lack of on-site car parking, particularly with the provision of family housing, and its subsequent displacement onto surrounding roads
 - b) Highway safety implications arising from pedestrian and vehicle conflicts within the rear lane
 - c) Incongruous bulk and height and lack of setbacks to the boundary, resulting in a loss of openness and harm to the character of the area.

- 4.5 The scale and mass of the proposed building has been reduced, with residential accommodation provided over three floors, with the uppermost floor within the roof space. This results in a reduction in the amount of floorspace and number of dwellings proposed. The amount of on-site car parking now complies with EEBC’s parking standards and the footpath to the rear of the Site is designed to address previous concerns around pedestrian safety.
- 4.6 A Design and Access Statement (DAS) accompanies this application. The DAS sets out that this application makes several key amendments to the refused scheme ref: 21/01708/FUL (“21 residential flatted scheme”):

Refusal reason number	Reason for refusal	DAS response
1	<i>“The proposed rear access road, by reason of its layout and proposed vehicular access arrangements, would give rise to highway and pedestrian safety issues”</i>	This proposal incorporates a new, fully external, unobstructed and dedicated footpath to the north western site boundary with direct, safe pedestrian access from the footpath on Kiln Lane. The kerbed footpath projects past the corner of the building, avoiding blind corners and enhancing the safety of pedestrians
2	<i>“The proposal would fail to provide an appropriate level of on-site car parking”</i>	This proposal provides 18 car parking spaces for 16 units (1.12 spaces/unit), meeting local policy requirements. This compares with 16 spaces for 21 units in the previous scheme (0.76 spaces/unit)
3	<i>“The bulk, mass and density would impact and harm the character and appearance of the surrounding area”</i>	This proposal reduces the number of units to 16 and a changed form, which resembles other buildings within the street The reduced height and pitched roofs proposed reduces the bulk and mass of the proposed building. The character and appearance of this proposal reflects the surrounding area. The proposed building steps up towards the corner of Kiln Lane and East Street, as per the arrangement of the opposite side of the road

Refusal reason number	Reason for refusal	DAS response
4	<i>In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990</i>	The Inspector was presented with a S106 Agreement, which secured a contribution for affordable housing. The DAS for this application argues that this scheme is not viable

4.7 A planning application has been recently approved at 111 East Street under ref: 22/01804/FUL, for the demolition of a bungalow and provision of six flats (granted 26.04.2023). That Application Site forms part of this Site, but the Planning Statement submitted with this application sets out that if this application was approved, both proposals would not and could not co-exist alongside each other.

5 Designations

- Built Up Area
- Great Crested Newt Impact Risk Zone
- SSSI Impact Risk Zone
- The rear of the Site is within a Critical Drainage Area, but falls within EA Flood Zone 1 (low probability of flooding)
- Classified Road (East Street)
- Unclassified Road (Kiln Lane)

5.1 The Site does not contain a Listed Building and is not located within a Conservation Area.

5.2 The Site does not comprise any Tree Preservation Orders.

6 Comments from third parties

6.1 The application was advertised by means of letters of notification to 34 neighbouring properties. 2 letters of objection have been received regarding:

- Misleading information on the Application Form (incorrect number of dwellings increase and there are trees and hedges on Site)
- Overlooking and loss of privacy at 113 East Street
- Vehicular access issues
- Footpath along access road to the rear of the Site, which causes safety issues for pedestrians.

7 Consultations

- SCC Highways: no objection
- SCC Archaeology: no objection
- Environment Agency: no comment received
- SCC LLFA: no objection

- EEBC Design and Conservation Officer: no requirement for comment
- EEBC Ecology: no objection
- EEBC Tree Officer: objection
- EEBC Strategic Housing Manager: objection.

8 Relevant planning history (within 5 years)

Application number	Decision date	Application detail	Decision
107-111 East Street			
21/01708/F UL	18.03.20 22	Demolition of the existing buildings and erection of part 3 storey, part 4 storey building comprising 21 residential flats with associated car and cycle parking and refuse storage	Appeal dismissed 21.10.2022. Ref: APP/P3610/W/2 2/3299653.
20/00797/F UL	11.08.20 21	Demolition of the existing buildings and erection of part 3 storey, part 4 storey building comprising 23 residential flats (8 x 1 bedroom, 11 x 2 bedroom and 4 x 3 bedroom) with associated car and cycle parking and refuse storage	Appeal dismissed 19.10.2022. Ref: APP/P3610/W/2 1/3283320.
107-109 East Street			
20/00514/F UL	28.04.20 20	Erection of single storey rear extension	Approved
20/00375/P DE	06.04.20 20	Erection of single storey rear extension (4.1m in depth, maximum height of 3m and eaves height of 3m)	Refused
111 East Street			
22/01804/F UL	26.04.20 23	Demolition of bungalow and provision of six flats.	Approved
19/00417/R EM	09.07.20 19	Variation of Condition 2 (Approved Drawings) of planning permission 18/01150 to permit an additional two flats.	Approved
18/01150/F UL	28.03.20 19	Minor amendments to application 1700244/FUL for the demolition of bungalow and erection of a two storey building comprising 1 three bed flat and 3 two bed flats and associated parking	Approved
18/00714/F UL	19.10.20 18	Demolition of bungalow and erection of a two storey building comprising 1 three bed flat and 3 two bed flats and associated parking	Refused
117 East Street			
18/01513/F UL	22.03.20 19	Demolition of the detached two storey house at 117 East Street and redevelopment of a three-storey (with part	Approved

Application number	Decision date	Application detail	Decision
		basement) building to provide seven self-contained flats	

9 Planning Policy

Key policy documents

- National Planning Policy Framework 2021
- Core Strategy 2007
- Development Management Policies Document 2015
- Parking Standards for Residential Development SPD 2015
- Sustainable Design Supplementary Planning Document 2016
- Technical Housing Standards (Nationally described Space Standards 2015)
- Surrey County Council Vehicular and Cycle Parking Guidance 2018
- Revised Developer Contributions Supplementary Planning Document 2014

Key policies

- CS1: Sustainable Development
- CS3: Biodiversity and Designated Nature Conservation Areas
- CS5: The Built Environment
- CS6: Sustainability in New Developments
- CS7: Housing Provision
- CS8: Broad Location of Housing Development
- CS9: Affordable Housing and Meeting Housing Needs
- CS16: Managing Transport and Travel
- DM4: Biodiversity and New development
- DM5: Trees and Landscape
- DM9: Townscape Character and Local Distinctiveness
- DM10: Design Requirements for New Developments (including 20 House Extensions)
- DM11: Housing Density
- DM12: Housing Standards
- DM13: Building Heights
- DM19: Development and Flood Risk
- DM22: Housing Mix
- DM37: Parking Standards.

10 Planning considerations

- The presumption in favour of sustainable development
- Principle of development
- Design and visual amenity
- Quality of accommodation
- Housing mix
- Affordable Housing
- Neighbouring Amenity

- Transport, parking and refuse
- Archaeology
- Flood Risk
- Ecology
- Trees and Landscaping
- Sustainability
- Contamination.

The presumption in favour of sustainable development

- 10.1 Paragraph 11 of the NPPF sets out that decisions should apply a presumption in favour of sustainable development. Paragraph 11d of the NPPF sets out that for decision-taking, this means where there are no relevant development plan policies, or the policies, which are most important for determining the application are out-of-date, granting permission unless:
- assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 10.2 Footnote 8 of paragraph 11 of the NPPF sets out that this includes, for applications involving the provision of housing, situations where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74) or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.
- 10.3 EEBC cannot demonstrate a five-year supply of deliverable housing sites and therefore the presumption in favour of sustainable development is applicable.
- 10.4 In this instance, the public benefits of this scheme, which includes the provision of 16 flats, is considered to outweigh the adverse impacts of allowing the development, when assessed against the NPPF as a whole.

Principle of development

- 10.5 Policy CS8 of the Core Strategy sets out that new housing development will be located within the defined Built-Up Area of Epsom and Ewell.
- 10.6 The Site is located within a Built-Up Area, which lends itself to residential development, in accordance with Policy CS8. It is also located in an area that comprises a mix of uses, including housing.
- 10.7 Officers note the Site's planning history. The principle of residential development at the Site has been previously accepted and was not questioned by the Inspector in either Appeal Decision at the Site.

10.8 Given that planning policy encourages residential development within this area and the significant housing need within the Borough, it is considered that the redevelopment of this Site to create additional residential units, within a sustainable location, is acceptable in principle, subject to other material planning considerations.

10.9 The proposal accords with Policy CS8.

Design and visual amenity

10.10 Policy DM9 of the Development Management Policies Document (DMPD) sets out that Planning Permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance.

10.11 Policy DM10 of the DMPD sets out that development proposals will be required to incorporate principles of good design, the most essential element identified as contributing to the character and local distinctiveness of a street, which should be respected, maintained or enhanced. As such the prevailing typology, scale, layout, height, form and massing should be respected.

10.12 Whilst each application is assessed individually and on its own merits, Officers note the Site's more recent planning history.

This proposal, compared to refused scheme ref: 21/01708/FUL ("21 residential flatted scheme")

10.13 The below table sets out comparison dimensions of this scheme and scheme ref: 21/01708/FUL ("21 residential flatted scheme"):

	Height above adjacent ground level (m)			
	East Street next to 113	East Street corner with Kiln Lane	Kiln Lane middle	Kiln Lane rear
16-unit scheme	9.9	10.3	Ridge: 10.3 Eaves: 6	Ridge: 9.9 Eaves: 5.5
21-unit scheme	9.3	13.2	12.7	9.4

Appeal ref: APP/P3610/W/22/3299653 (ref: 21/01708/FUL, "21 residential flatted scheme")

10.14 The main issues relevant to the Appeal are:

- The effect of the development upon the character and appearance of the surrounding area; and

- 10.15 In terms of character and appearance, the Inspector noted the Appeal Site's surroundings, where buildings are typically used for residential purposes and are one or two storeys in height.
- 10.16 The Inspector noted that the development, at its highest point, would be notably taller than the buildings immediately adjoining the Appeal Site. This rendered the proposed development incongruous within the context of the surrounding area. In addition, the proposed development would feature flat roofs, which would be juxtaposed with the predominantly pitched roofs that are a feature of the surrounding area.
- 10.17 The Inspector noted that the proposal would be prominent as there would be significant views from parts of East Street. Additionally, Kiln Road leads to some commercial uses and therefore appears to be well used. As a result, the incongruous form of development had the potential to be experienced by a great number of people, rendering it a strident addition to the locality. In addition, views would also be possible from the pedestrian walkway to the rear of the Appeal Site, adding to the overall prominence of the development.
- 10.18 The Inspector added that the proposed development would appear incongruous given that the development would be clearly viewable from the area to the rear of the Appeal Site, including Kiln Lane. This meant that the proposed development would be clearly viewable alongside the differently proportioned neighbouring buildings. For these reasons, the proposed development would appear strident.
- 10.19 The Inspector concluded that the development would have an adverse effect upon the character and appearance of the surrounding area.

Design features of this proposal

- 10.20 This proposal seeks an L-shaped, two-storey building with a basement/lower ground floor level and roof accommodation, to provide 16 self-contained residential flats.
- 10.21 The measurements of the proposed building are as follows:
- Height above East Street ground level to ridge of the two roofs fronting East Street: 9.9m (the part closest to 111 East Street) and 10.3m (at the corner with Kiln Lane)
 - Height above Kiln Lane ground level to ridge of the rearmost roof: 9.9m
 - Width (widest part): 22.4m
 - Width (narrowest): 11.2m
 - Length/depth (longest): 37.2m
 - Length/depth (shortest) 11.2m.
- 10.22 The DAS sets out that the proposed building would be broken down into several smaller blocks. It would be designed with pitched roofs with a varied roof line of setbacks and integral balconies, projecting balconies and private terraces.

10.23 The DAS sets out that a staggered building line would break up the building and enhance the quality of the design. It also breaks the mass of the building up to respond to the street scene.

10.24 The DAS sets out that a two-tone brick finish would reflect materials of a high-quality design, which sit comfortably amongst neighbouring buildings in the streetscape.

EEBC Design and Conservation Officer

10.25 EEBC Design and Conservation was formally consulted on this application. A response was received on 10.05.2023, setting out that the Site is not in or adjacent to any designated heritage assets, so there was no formal comment to give.

Officer comment

10.26 Officers recognise that this scheme has been designed to respond to the Inspector's comments, particularly in relation to scheme ref: 21/01708/FUL ("21 residential flatted scheme").

10.27 The height of the proposed building is notably lower in height than the "21 residential flatted scheme". The proposal seeks pitched roofs, with a varied roof line of setbacks, which responds to the roof lines on buildings within the street scene. The proposal provides a staggered building line, which breaks up the mass of the building, to respond to the presentation within the street scene.

10.28 The Inspector raised concerns that the building would be visible from the rear of the Site. The Applicant has responded to this by stepping down the building, to lessen its visual impact from the rear.

10.29 The proposal has been designed to respect the views from East Street and Kiln Lane. The height and design of the building relates to the buildings surrounding it, integrating into, rather than protruding out of, longer views.

10.30 Whilst Officers accept that the proposal has a visual presence, it now accords with buildings within the locality and blends into the street scape, resulting in a proposal that is considered acceptable in design and visual terms.

10.31 The proposal complies with Policies DM9 and DM10.

Quality of Accommodation

10.32 Policy DM12 of the DMPD refers to housing standards and states that all housing developments are required to comply with external and internal space standards.

10.33 The Nationally Described Space Standards requires a dwelling with two or more bedspaces to have at least one double (or twin) bedroom. To provide two bedspaces, a double (or twin bedroom) should have a floor area of at least 11.5m². A single bedroom is required to have a floor area of at least 7.5 m².

10.34 Paragraph 3.36 (supporting Policy DM12) requires a minimum of 5m² of private outdoor space for 1-2 person dwellings and an extra 1m² for each additional occupant.

Floor	Unit number	Unit type	Bedroom 1	Bedroom 2	Bedroom 3	Total sqm of flat	Private amenity space
Upper Ground Floor Plan	Unit G-01	1 bedroom 2 person flat	3.5x3.7 = 13 sqm			52sqm	8sqm (garden)
	Unit G-02	1 bedroom 2 person flat	3.4x3.4 = 11.5 sqm			50sqm	17sqm (garden)
	Unit G-03	1 bedroom 2 person flat	3.4x3.6 = 12.2 sqm			51sqm	8sqm (garden)
	Unit G-04	3 bedroom 4 person flat (inc. 2 x single bedrooms)	3x4.4 = 13.2 sqm	5x2.15 = 9 sqm	4x2.15 = 7.8 sqm	80sqm	32sqm (garden)
	Unit G-05	3 bedroom 4 person flat (inc. 2 x single bedrooms)	3.5x4.2 = 14.7 sqm	3.5x2.15 = 7.5 sqm	3.5x2.15 = 7.5 sqm	86sqm	25sqm
First floor	Unit 1-01	1 bedroom 2 person flat	3.3x3.5 = 11.6 sqm			50sqm	6sqm (terrace)
	Unit 1-02	1 bedroom 2 person flat (inc. single bedroom)	3.7x3.9 = 14.4 sqm			50sqm	6sqm (terrace)
	Unit 1-03	2 bedroom 3 person flat	2.9x4.4 = 12.7 sqm	2.9x2.6 = 7.5 sqm		68sqm	6sqm (terrace)

Floor	Unit number	Unit type	Bedroom 1	Bedroom 2	Bedroom 3	Total sqm of flat	Private amenity space
	Unit 1-04	2 bedroom 3 person flat (inc. single bedroom)	3x4.2 = 12.6 sqm	2.6x2.9 =7.5 sqm		66sqm	6sqm (terrace)
	Unit 1-05	2 bedroom 3 person flat (inc. single bedroom)	2.9x4.2 = 12.2 sqm	4x2.1 =8.4 sqm		63sqm	2 x 5 sqm (terrace)
	Unit 1-06	2 bedroom 3 person flat (inc. single bedroom)	2.75x6 = 16.5 sqm	2.6x2.9 =7.5 sqm		65sqm	6sqm (terrace)
	Unit 1-07		3.4x3.4 = 11.5 sqm			52sqm	5sqm (terrace)

First floor	Unit 1-01	1 bedroom 2 person flat	3.3x3.5 = 11.6 sqm			50sqm	6sqm (terrace)
	Unit 1-02	1 bedroom 2 person flat (inc. single bedroom)	3.7x3.9 = 14.4 sqm			50sqm	6sqm (terrace)
	Unit 1-03	2 bedroom 3 person flat	2.9x4.4 = 12.7 sqm	2.9x2.6 =7.5 sqm		68sqm	6sqm (terrace)
	Unit 1-04	2 bedroom 3 person flat (inc. single bedroom)	3x4.2 = 12.6 sqm	2.6x2.9 =7.5 sqm		66sqm	6sqm (terrace)
	Unit 1-05	2 bedroom 3 person flat (inc. single bedroom)	2.9x4.2 = 12.2 sqm	4x2.1 =8.4 sqm		63sqm	2 x 5 sqm (terrace)
	Unit 1-06	2 bedroom 3 person flat (inc. single bedroom)	2.75x6 = 16.5 sqm	2.6x2.9 =7.5 sqm		65sqm	6sqm (terrace)
	Unit 1-07	1 bedroom 2 person flat	3.4x3.4 = 11.5 sqm			52sqm	5sqm (terrace)
Second floor	Unit 2-01	3 bedroom 5 person flat (inc. 1 single bedroom)	5.2x2.8 =14.5sqm	2.7x4.7 =12.2sqm	2.7x2.9 =7.8m	97sqm	2 x 4sqm (terrace)
	Unit 2-02	1 bedroom 2 person flat	4.4x3.5 =15.4sqm			53sqm	1 x 2sqm (terrace) & 4sqm (terrace)

	Unit 2-03	1 bedroom 2 person flat	3.3x4.4 =14.5sqm			52sqm	2 x 4sqm (terrace) & 1 x 2smq (terrace)
	Unit 2-04	2 bedroom 3 person flat (inc. 1 single bedroom)	3x4 =12sqm	3x3.3 =10sqm		72sqm	2 x 4sqm (terrace) & 1 x 3sqm (terrace)

10.35 The proposal accords with Nationally Described Space Standards and paragraph 3.36, supporting Policy DM12.

Housing Mix and Density

10.36 Paragraph 124 of the NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.

10.37 Policy DM11 of the DMPD sets out that the density of new housing developments will in most cases not exceed 40 dwellings per hectare. There are exceptions to this, including (but not limited to) a Site enjoying good access to services, facilities, and amenities via existing public transport, walking and cycling networks and the surrounding townscape having sufficient capacity to accommodate developments of higher density.

10.38 Policy DM22 of the DMPD requires all residential development proposals for four or more units to comprise a minimum of 25% 3+ bedroom units, unless it can be demonstrated that the mix would be inappropriate for the location or endanger the viability of the proposal.

10.39 Chapter 3 of EEBC's Strategic Housing Market Assessment Update 2019 recommends the breakdown of dwellings by size, as follows:

1 Bed	2 Bed	3 Bed	4 + Bed
10%	50%	30%	10%

10.40 The proposed mix is as follows:

- 8 x 1 bedrooms
- 5 x 2 bedrooms
- 3 x 3 bedrooms.

- 10.41 The proposed housing mix would fall below that set out above. The proposed mix would accommodate small families, in a flatted development, within a sustainable location. Officers note that and previous schemes on this Site had a similar housing mix, which was not considered unreasonable by the Inspector. So, the proposed mix is considered acceptable in this case.
- 10.42 The proposal equates to 89.15 dwellings per hectare (dph), which exceeds 40 dph, as stipulated by planning policy. But as above, this proposal is in a sustainable location, with good access to services and an appropriate relationship within its context. Indeed, Paragraph 108 of the NPPF aims to optimise density of development in city and town centres and other locations that are well served by public transport.

Affordable housing

- 10.43 Paragraph 63 of the NPPF states that where a need for housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless:
- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - b) the agreed approach contributes to the objectives of creating mixed and balanced communities.
- 10.44 Paragraph 65 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.
- 10.45 In accordance with Policy CS9 of the Core Strategy, 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.

Applicant's Viability Appraisal

- 10.46 An Affordable Housing Viability Appraisal, dated 09.02.2023, was submitted with this application. It sets out that the residual land value of the application is lower than the viability benchmark and therefore the scheme cannot viably support on-site affordable housing or an affordable housing contribution. This results in a scheme deficit, as the total costs associated with the scheme exceeds the scheme revenue.
- 10.47 The Appraisal concludes that whilst the scheme would not deliver affordable housing on Site, it would provide 16 new build flats and support housing delivery in the local area.

EEBC Independent Viability Review

- 10.48 EEBC instructed BPS Chartered Surveyors (BPS) to independently review the Applicant's Affordable Housing Viability Appraisal.
- 10.49 BPS concludes that the scheme generates a deficit of -£831,000 (rounded) and therefore cannot viably contribute towards affordable housing. Based on its assessment, BPS state that the Applicant would achieve a net actual profit of 2.2% on GDV (£144,260), which is significantly below the target of 15% that BPS has adopted for viability testing. BPS therefore questioned the deliverability of this scheme. It is possible that development conditions could improve within the three-year life of a planning permission (if granted).
- 10.50 To address this, BPS set out that if a policy compliant offer is not made, then it recommends that this scheme is subject to a pre-implementation review and late-stage review of viability. This is particularly important considering the viability position presented by DWD, which shows that this scheme is a loss-making development and as such, BPS has concerns regarding its deliverability. Whilst there remains disagreement on this point, the review would form part of a Section 106 Agreement (S106 Agreement). This is a legally binding agreement, or "Planning Obligation", between a Local Planning Authority and a property owner. The purpose of a S106 Agreement is to mitigate the impact of development on the local community and infrastructure.

Officer comments

- 10.51 Each planning application is assessed on its own merits and the Council has instructed independent viability assessors BPS Chartered Surveyors (BPS) to assess the Applicant's Affordable Housing Viability Appraisal submitted with this application. BPS conclude that the scheme generates a deficit and recommends viability reviews, should Planning Permission be granted.
- 10.52 Officers note that there is a scheme deficit, and that the application cannot viably contribute towards affordable housing. Subject to Planning Permission being granted, a Viability Review Mechanism would be secured within a S106 Agreement.

Neighbouring amenity

- 10.53 Policy DM10 of the DMPD sets out that development proposals should have regard to the amenities of occupants and neighbours.
- 10.54 113 East Street measures approximately 7.4 metres in height. The proposed building is sited approximately 0.8 metres to 12.6 metres from 113 East Street and measures approximately 9.9 metres in height from the East Street ground level to the proposed building's ridge.
- 10.55 The proposed building is located approximately 32 metres from 1, 3, 5, 7,9 and 11 Kiln Lane.

- 10.56 The DAS that accompanies this application sets out that amenity spaces have been arranged to minimise effects of overlooking on 113 East Street. Cores have been placed on the north west elevations, to reduce the requirement for windows. A limited number of units have bedroom only windows facing north east towards the rear garden of 113 East Street. However, on the first floor the windows are splayed to look due north where the separation distance is close to 15 metres. On the second floor, the windows face north east, but there is an increased setback of 14 metres to the boundary for all but the bathroom window of Unit 2-02, which is obscure glazed by Condition. Otherwise, the level of separation is adequate to maintain privacy. To the north west or rear boundary, there is a 7 metre separation distance to the other side of the access road, but there is limited outlook or impact because of existing vegetation in this corner of the neighbouring Site. No overlooking issues are evident from the windows of any of the levels. The remainder of the development comprises windows that overlook the street (where there is adequate separation provided by the road), and to areas such as staircases, or address the car park in a normal residential situation.
- 10.57 The BRE Report (Site Layout Planning for Daylight and Sunlight: a guide to good practice) advises on planning developments for good access to daylight and sunlight and is widely used by Local Planning Authorities to help determine the impacts of new developments. A Daylight and Sunlight Assessment, dated 25.01.2023, accompanies this application. It concludes that the effects of the proposal would be minor and in full accordance with BRE daylight and sunlight guidance.
- 10.58 Officers recognise that consideration has been given to minimise any undue overlooking or loss of privacy and that there would be no direct overlooking into the habitable windows at 113 East Street, or any other residential property in proximity. It is also noted that the previous Appeal schemes were not unsatisfactory on neighbour amenity grounds and the broad assumption is that with a reduction in the number of units and the overall scale of the development, a reduced impact results.
- 10.59 As a result of the proposal there would be an increased number of comings and goings in comparison to the existing arrangement, however the level of noise would not be unusual within a built-up environment, adjacent to an "A" (classified) road.
- 10.60 The proposal complies with Policy DM10.

Transport, parking, and refuse

- 10.61 Policy CS6 of the Core Strategy sets out [inter alia] that proposals for development should result in a sustainable environment and to conserve natural resources, waste should be minimised and recycling encouraged. Development should incorporate waste management processes

10.62 Policy CS16 of the Core Strategy encourages development proposals to 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, be appropriate for the highways network, provide appropriate and effective parking provision, both on and off-site and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.

10.63 Policy DM35 of the DMPD sets out that the impact of new development on the transport network will be assessed.

10.64 Policy DM36 of the DMPD encourages sustainable transport within new development, including prioritising the access needs of pedestrians and cyclists in the design of new development and requiring new development to provide on-site facilities for cyclists.

10.65 Policy DM37 of the DMPD sets out that development proposals should demonstrate appropriate levels of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.

10.66 The Parking Standards for Residential Development SPD (2015) requires 1 space per 1- & 2-bedroom flat and 1.5 spaces per 3+ bedroom flats.

Appeal ref: APP/P3610/W/22/3299653 (ref: 21/01708/FUL, "21 residential flatted scheme")

10.67 The main issues relevant to the Appeal are:

- Whether sufficient car parking would be provided; and
- The effect of the development upon highway safety.

10.68 Officers note that the Appeal scheme did not provide policy compliant car parking.

10.69 The Inspector raised concern that the flats would be occupied by families, that some of the cars would likely be displaced on to the surrounding road network and it was concluded that the proposed development did not contain sufficient car parking.

10.70 In terms of impact on highway safety, the Inspector noted that the development would feature car parking to the rear of the Appeal Site, beyond which there is a private access road.

10.71 The Inspector raised concern that if the proposal would proceed, it is likely that there would be increased conflict between pedestrians and the movement of vehicles within the road. There was the potential to erode the overall level of safety for pedestrians.

- 10.72 The evidence before the Inspector indicated that the access road formed part of a notable route between Epsom and Ewell. Therefore, there was a likelihood that the access road would be used by pedestrians, which would give rise to adverse effects.
- 10.73 The Inspector was concerned that where two vehicles would need to pass, they would need to travel close to the edges of the access road. Therefore, in the event of two vehicles using the access road simultaneously, there would be limited room for pedestrians to move outside of the road. Therefore, there could be conflict between the movement of pedestrians and cars.
- 10.74 The Inspector set out that given the scale of the development, there was the potential to be a significant number of vehicle movements arising from the number of residents likely to be present.
- 10.75 The Inspector noted that the development featured a recessed walkway to the rear of the Site, but this did not feature visibility splays when it joined the vehicle access road into the development. This meant that pedestrians would not have sufficient advance warning of approaching vehicles. This potential conflict between vehicles and pedestrians was likely to encourage pedestrians to use the access road to the rear of the Appeal Site. Therefore, this outweighed any benefits arising from the provision of a walkway on the remainder of the Site.
- 10.76 The Inspector concluded that the proposed development would have an adverse effect upon the highway safety.

Transport Statement

- 10.77 A Transport Statement, dated January 2023, accompanies this application. It sets out that having considered the Planning Inspector's concerns, this proposal provides policy compliant car parking provision, an access that is of a sufficient width for two vehicles to pass (being of a nationally recognised width), with suitable junction radii, the continuation of the access road being used as a shared surface and a separate, fully external footway.

Car parking provision

- 10.78 The proposed mix is as follows:
- 8 x 1 bedrooms
 - 5 x 2 bedrooms
 - 3 x 3 bedrooms.
- 10.79 In accordance with planning policy, the proposal should provide 17.5 car parking spaces.

10.80 The proposal seeks 18 car parking spaces at upper ground floor level, including 1 disabled space. This accords with planning policy requirements. With more than one space per unit, the ratio of parking to residents is appropriate.

Vehicle access

10.81 Vehicle access is by means of the existing access road to the north west of the Site. This road measures 5 metres in width, to accommodate two-way traffic, as well as adequate swept path for refuse, delivery and emergency vehicles.

Pedestrian footpath

10.82 A new external footpath has been incorporated to the north western Site boundary with direct, safe pedestrian access from the footpath on Kiln Lane.

Cycle spaces

10.83 Surrey Country Council require 1 space per 1 and 2 bedroom flats and 2 spaces per 3 or more bedroom flats. The proposal should therefore provide 19 cycle spaces. The proposal provides 19 cycle spaces, which is policy compliant. The cycle store is on the lower ground floor of the building in an accessible, convenient, and secure location, without detriment to the character of the area.

SCC Highways

10.84 SCC Highways formally commented on this application on 29.03.2023. It was assessed on safety, capacity and policy grounds, with SCC Highways recommending Conditions (and Informatives) to be attached to any Planning Permission granted.

10.85 Within the consultation response, SCC Highways includes a "Note to Case Officer". This sets out that:

- It is assumed that waste will be collected directly from East Street, as per the existing waste collection arrangements for the existing dwellings on East Street. The County Highway Authority raises no objection to this proposal, however, recommends that the applicant engages in discussions with Epsom and Ewell Borough Council Waste Services to ensure this approach is appropriate.
- A previous application 21/01708/FUL was submitted with a Transport Statement (October 2021) which set out travel information for occupiers of the Site. A Condition has therefore been recommended for such information to be submitted, in a similar manner as previously, to support the use of alternative sustainable travel modes.

Officer comment

- 10.86 Officers recognise that the number of residential flats proposed are less than that previously proposed and that this scheme has been designed to respond to the Planning Inspector's concerns. Specifically, this proposal seeks policy compliant car parking provision, an access that is of a sufficient width for two vehicles to pass (being of a nationally recognised width), with suitable junction radii, the continuation of the access road being used as a shared surface and a separate, fully external footway.
- 10.87 SCC Highways does not object to the proposal and Officers recognise that the scheme addresses the Inspector's concerns by providing policy compliant car parking on Site, policy compliant cycle parking spaces on Site, vehicular access that allows for two-way traffic and an external pedestrian footpath.
- 10.88 The proposal complies with Policies CS6, CS16, DM35, DM36 and DM37.

Refuse

- 10.89 A bin store is located at lower ground floor level.
- 10.90 The DAS submitted with this application sets out that a private management company would move all bins via a dedicated bin lift to a holding pen at ground floor level, ready for Council collection on that day via East Street kerbside. All bin movements would be via level access.
- 10.91 EEBC's Transport and Waste Services Management formally commented on this application, with no objection.
- 10.92 The proposal complies with Policy CS6.

Archaeology

- 10.93 Policy DM8 of the DMPD sets out that within Areas of High Archaeological Potential, as identified on the Proposals Map, or outside of these areas on any major development site of 0.4ha or greater, applicants are required to undertake prior assessment of the possible archaeological significance of the site and the implications of their proposals, and may be required to submit, as a minimum, a desk-based assessment to accompany any application. Where desk-based assessment suggests the likelihood of archaeological remains, the Planning Authority will require the results of an archaeological evaluation in order to inform the determination of the application.
- 10.94 SCC Archaeology formally commented on this application on 21.02.2023, raising no archaeological concerns as a result of the proposal.
- 10.95 The proposal accords with Policy DM8.

Flood Risk

- 10.96 Policy DM19 of the DMPD sets out that development within Flood Risk Zones 2 & 3, on sites of 1ha or greater in Zone 1 and sites at medium or high risk from other sources of flooding would not be supported unless it can be demonstrated through a site FRA that a proposal would, where practical, refuse risk both to and from the development or at least be risk neutral. Development is expected 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.
- 10.97 A Flood Risk Assessment and SuDs Strategy, dated December 2022, accompanies this application. This sets out that the Site is within Flood Zone 1, but there is a small area at risk of surface water flooding in the northern corner of the Site. As the area of surface water flooding will fall within the car park only, no mitigation measures are required to address this risk. The ground floor apartments have a proposed finished floor level of 48.5mAOD, approximately 1m higher than the low point in the car park where the flooding could occur, offering a significant level of protection.
- 10.98 The Flood Risk Assessment sets out that overall, the Site is at low risk of flooding and development of the Site with appropriate sustainable drainage features to reduce flood risk downstream.
- 10.99 SCC LLFA formally commented on this application on 24.02.2023. The response sets out that it is satisfied with the proposed drainage scheme and that subject to Planning Permission being granted, a Condition is attached, to ensure that the SuDS scheme is implemented and maintained throughout the lifetime of the development.
- 10.100 The proposal complies with Policy DM19.

Ecology

- 10.101 Policy CS3 of the Core Strategy sets out that wherever possible, new development should contribute positively towards the Borough's biodiversity.
- 10.102 Policy DM4 of the DMPD sets out that every opportunity should be taken to secure net benefit to the Borough's biodiversity.
- 10.103 A letter, dated January 2023, ref: WEc_KT17, sets out that Wychwood Environmental Ltd completed a Preliminary Ecological Appraisal (PEA), in addition to a Reptile Presence/Absence Survey in 2020, at the Site. In line with CIEEM guidance, a Walkover Survey was also completed, to validate the previous surveys and findings. The Site was assessed for any significant changes since the last ecological survey work in 2020.

- 10.104 The letter sets out that no material changes or alterations to the buildings and the grounds were observed. No significant habitat or habitat management changes were observed, and no new constraints were identified. The ecological status of the Site is likely to be unchanged accordingly. Therefore, the previous findings of the Preliminary Ecological Survey and the Reptile Survey can still be relied upon, to inform the current planning application.
- 10.105 EEBC Ecology formally commented on the application on 17.05.2023. All relevant documents have been reviewed and all is in order. Should Planning Permission be granted, proposed mitigation and enhancements documented in the letter and supporting Reports/Surveys, should be subject to a planning Condition.
- 10.106 Subject to ensuring an appropriate planning Condition, the proposal accords with Policy CS3 and DM4.

Trees and landscaping

- 10.107 Policy DM5 of the DMPD sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced. Every opportunity should be taken to ensure that new development does not result in a significant loss of trees, hedgerows or other landscape features unless suitable replacements are proposed.
- 10.108 The DAS accompanying this application sets out that there are several independent areas within the Site for landscaping, as shown on the Site Plan.
- 10.109 The Planning Statement accompanying this application sets out that hard and soft landscaping works include laying of permeable paving throughout the car park for surface water attenuation, planting on the boundary with 113 East Street's rear garden and all road-facing boundaries, and the creation of a shared garden amenity space.
- 10.110 EEBC Tree Officer provided a comment on 26.05.2023. The response sets out that the tree cover on the Site has been coppiced. There is a need to design in a new treescape on the Site for environmental quality benefits, given it is next to a busy vehicular junction. A well-designed tree planting scheme could help to soften the development into the more suburban setting to the north. Provision of an adequate boundary treescape can also enhance the pedestrian experience. This scheme fails to deliver an acceptable landscape on the Kiln Lane frontage.
- 10.111 The Tree Officer sets out that the tree planting proposed to the Kiln Lane frontage is unviable. The trees are hemmed in by the scheme's design with inadequate space for growth including from the building (and its balconies) and hardstanding. There is inadequate soil depth or volumes.

- 10.112 The Tree Officer sets out that the trees should be set back 1.5 metres from the edge of hard surfacing/walls and require at least 5 metres from the building. It would need to be demonstrated how much planting pit volume of soil is available.
- 10.113 The Tree Officer sets out that tree planting and landscaping proposed on the East Street frontage appears more viable but should be subject to detailed design and maintenance as part of a landscaping Condition.
- 10.114 Officers recognise that the Tree Officer objects to the proposal but note that the general footprint of the building aligns with that considered under ref: 21/01708/FUL and 20/00797/FUL, where no objection was raised by the Planning Officer or the Planning Inspector within either Appeal Decision. Policy DM5 and any perceived issue with harm to landscape character was not referenced in either Appeal Decision.
- 10.115 Officers recognise that the scheme has been designed to ensure that it optimises built form, provides policy compliant car parking, provides a pedestrian footpath, provides private amenity spaces for all proposed flats, and provides a shared garden amenity space. It does propose tree planting and landscaping, which is like that proposed as part of the previous planning applications on the Site, where no objection was raised by Planning Officers or the Planning Inspector. In the interests of consistency in decision making, and as policy position has not changed in the intervening period, it would be unreasonable to now object to insufficient or unmanageable tree planting and landscaping provision.
- 10.116 Subject to Planning Permission being granted, a hard and soft landscape Condition is required.

Sustainability

- 10.117 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7) It sets out that sustainable development has overarching economic, social and environmental objectives. The environmental objectives include mitigating and adapting to climate change. Paragraph 9 of the NPPF states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account.

- 10.118 Consideration of sustainability and climate change are embedded within the Local Planning Authority's Core Strategy and Development Management Policies Document. Specifically, CS1 of the Core Strategy sets out that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development, both in Epsom and Ewell, and more widely. Changes should protect and enhance the natural and built environments of the Borough and should achieve high-quality sustainable environments for the present and protect the quality of life of future generations. Policy CS6 sets out that development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change.
- 10.119 An Energy and Sustainability Report, dated 26 January 2023, accompanies this application. It sets out that the scheme would deliver a series of sustainability measures (including, but not limited to):
- Sustainable material selections
 - The development of a Site Waste Management Plan to ensure waste generation is minimised during construction
 - Water conservation measures within the units to comply with 110 litres / bedspace per day
 - SuDs strategy to achieve a run-off rate of 1 l/s in line with Surrey SuDS guidance, with flows attenuated via blue roofs and permeable paving
 - A comprehensive ecological strategy to deliver a net gain in biodiversity alongside ecological protection measures
 - Incorporation of climate adaptation measures, including permeable paving & landscaping.
- 10.120 The Energy and Sustainability Report sets out that the development would achieve a 71.93% reduction below a Part L 2021 baseline, and the primary energy 41.57% below the Part L 2021 baseline.
- 10.121 The proposal demonstrates that it would deliver a series of sustainability measures and complies with Policy CS6.

Contamination

- 10.122 Policy CS6 of the Core Strategy sets out that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development - both new build and conversion.

- 10.123 Policy CS6 sets out that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development - both new build and conversion.
- 10.124 EEBC Contaminated Land formally commented on this application on 26.04.2023. The response sets out that the Site is located adjacent to a Site formally used for fuel storage and is close to the large Sainsburys petrol station. Piles of asbestos and other waste has been found on Site.
- 10.125 EEBC Contaminated Land recommends that a ground contamination and ground gas Condition is included on any Planning Permission granted.
- 10.126 Subject to securing a planning condition, the proposal accords with Policy CS6.

Community Infrastructure Levy (CIL)

- 10.127 The Community Infrastructure Levy (CIL) is a charge which can be levied by local authorities on new development in their area. Most new development which creates net additional floor space of 100 square metres or more, or creates a new dwelling, is potentially liable for the levy.
- 10.128 The proposal would be CIL liable.

Legal Agreements

- 10.129 Subject to Planning Permission being granted, the following Heads of Terms would be secured through a Section 106 Agreement:
- A Viability Review Mechanism
 - Monitoring fee
 - Legal fees.

11 Planning Balance and Conclusion

- 11.1 This application has been designed to respond to the issues raised by the Planning Inspector, specifically in relation to the latest scheme at this Application Site ('Site'), ref: 21/01708/FUL, APP/P3610/W/22/3299653, and the scheme prior to that, ref: 20/00797/FUL, APP/P3610/W/21/3283320. Both were dismissed at Appeal on 19.10.2022 and 21.10.2022 respectively.

- 11.2 EEBC cannot currently demonstrate a five-year housing supply. In consequence, the provisions of Paragraph 11(d) of the National Planning Policy Framework 2021 (NPPF) apply. This states that Planning Permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This is referred to as the “tilted balance”.
- 11.3 The proposal seeks 16 much needed residential flats, each benefiting from private amenity space. This is a significant scheme benefit.
- 11.4 The proposed building has been reduced in height in comparison to the previously dismissed schemes at this Site, redesigned with a more appropriate roof form that compliments existing roof forms on other buildings in the locality. The proposed building’s mass has been broken down, lessening its visual impact and it sits successfully within longer views along East Street and Kiln Lane.
- 11.5 The proposed building would not adversely impact the neighbouring amenity enjoyed at 113 East Street, or other nearby properties.
- 11.6 The proposal provides policy compliant car parking on Site, policy compliant cycle parking spaces on Site, vehicular access, which allows for two-way traffic and an external pedestrian footpath. This addresses the Inspector’s concerns in the more recent Appeal Decision.
- 11.7 If the proposal were to be granted Planning Permission, it would generate economic benefits, including from the construction process and from the occupiers of the development, by supporting business and other facilities in the local and wider area.
- 11.8 The proposal does not provide any affordable housing, which weighs negatively and significantly within the planning balance. If Planning Permission is granted, a Viability Review Mechanism would be tied into a Section 106 Agreement (S106 Agreement) (A S106 Agreement is a legally binding agreement, or “Planning Obligation”, between a Local Planning Authority and a property owner, with its purpose to mitigate the impact of development on the local community and infrastructure).
- 11.9 Taking all material considerations into account, the benefits of the proposal would significantly and demonstrably outweigh the negative impacts when assessed against the NPPF, as a whole.
- 11.10 Officers recommend approval of the planning application, subject to Conditions and a S106 Agreement.

12 Recommendation

Part A

Subject to a S106 Agreement of the Town and Country Planning Act 1990 (as amended) being completed and signed by 08 September 2023 to secure the following Heads of Terms:

- A Viability Review Mechanism
- Monitoring fee
- Legal costs

Planning Committee authorise the Head of Place to grant Planning Permission, subject to Planning Conditions stipulated below.

Part B

In the absence of a completed Legal Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) being completed by 08 September 2023, the Applicant has failed to comply with Policy CS9 (Affordable Housing) of the LDF Core Strategy (2007) in relation to the review mechanism associated with the provision of affordable housing.

Conditions

1. Timescale

The development hereby permitted shall be begun before the expiration of three years from the date of this permission

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

2. Approved plans

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

- EX (00) - PL3 – Location Plan – dated January 2023
- (EX)02-PL3 - Existing Site Plan – dated January 2023
- (EX)01-PL3 - Existing Block Plan – dated January 2023
- (EX)03-PL3 - Existing Floor Plans – dated January 2023
- (EX)04-PL3 - Existing Elevations Sheet 01 - dated January 2023
- (EX)05-PL3 - Existing Elevations Sheet 02 - dated January 2023
- (GA)01-PL3 – Proposed Block Plan – dated January 2023
- GA)08-PL3 – Proposed Site Plan – dated January 2023
- (GA)03-PL3 - Proposed Floor Plans Sh1 - dated January 2023
- (GA)04-PL3 - Proposed Floor Plans Sh2 - dated January 2023
- (GA)05-PL3 – Proposed Floor Plans Sh3 - dated January 2023
- GA)08-PL3 – Proposed Street Elevation – dated January 2023
- (GA)06-PL3 - Proposed Elevations Sheet 01 - dated January 2023
- (GA)07-PL3 - Proposed Elevations Sheet 02 - dated January 2023

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007)

3.External materials

Prior to the commencement of development (excluding works of demolition), details of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details

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

4.Boundary treatments

Prior to above ground works (excluding works of demolition) details of all boundary treatments to be used for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details

Reason: To secure a satisfactory appearance on completion of the development in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015)

5.Hard and soft landscaping

Prior to above ground works (excluding works of demolition) details of a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include details of the materials used for the widened access road, footpath and car park entrance/exit crossover, with consideration given to the principles of shared space that ensures a safe environment for all, particularly pedestrians. 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 or shrubs which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that purpose only, unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of visual amenity and to secure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015)

6. Ground contamination investigation and risk assessment

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

- (i) details of the extent, scale and nature of contamination
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land and occupants
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments
- (iii) details of viable remedial options, and identification of and justification for the preferred option(s)

7. Unexpected contamination

The development must be carried out in complete accordance with the approved written report, referred to in Condition 6. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until appropriate remediation has been undertaken

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

8. Site investigation and risk assessment

Unless otherwise agreed by the Local Planning Authority, the following must be undertaken prior to any occupation of the site, in accordance with current best practice guidance:

- (i) a site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including volatile hydrocarbons) and contaminants with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the local planning authority. 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. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority

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

9.Sustainable drainage

The development hereby permitted shall not commence until details of the design of a surface water drainage scheme has 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) Evidence that the proposed final solution will effectively manage the 1 in 30(+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 1 l/s.
- b) 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.).
- c) 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 from increased flood risk.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system
- e) 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

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 Section 15 of the National Planning Policy Framework 2021 and Policy DM19 of the Development Management Policies 2015

10.Sustainable drainage verification

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 surface water 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), and confirm any defects have been rectified

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS in accordance with Section 15 of the National Planning Policy Framework 2021 and Policy DM19 of the Development Management Policies 2015

11. Construction Transport Management Plan

No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) provision of boundary hoarding behind any visibility zones
- (e) measures to prevent the deposit of materials on the highway
- (f) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (g) no HGV movements to or from the site shall take place between the hours of 7.30 and 9.30 am and 3.00 and 5.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Kiln Lane or East Street (A24) during these times
- (h) on-site turning for construction vehicles (or measures for traffic management) 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 does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015).

12. Pedestrian splays

The development hereby approved shall not be first occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the modified access to Kiln Lane and modified access from the sites parking area onto the private access road, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays for the life of the development.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies

DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015).

13.EV charging

The development hereby approved shall not be occupied unless and until each of the proposed parking spaces are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained for the life of the development.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015).

14.Cycle storage

The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes by said facilities have been provided within the development site for a minimum of 19 bicycles, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained for the life of the development.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

15. Travel measures

At first occupation of the development, each unit shall be provided with a travel information pack, including information for residents regarding the availability of and whereabouts of local public transport/walking/cycling/car sharing clubs/car clubs and include a £50 oyster card contribution in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

16.Access operation

No part of the development shall be first occupied unless and until the proposed modified access onto Kiln Lane has been constructed and provided with visibility zones in general accordance with the approved plans (GA)02-PL3) and thereafter shall be permanently retained and maintained

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

17. Access widening

The development shall not be first occupied unless and until the existing private access road has been widened to 5m between Kiln Lane and the access to the proposed parking area, in general accordance with (GA)02-PL3, and thereafter shall be permanently retained and maintained

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

18. Existing access

The development hereby approved shall not be first occupied unless and until the existing access from the site onto East Street has been permanently closed and any kerbs, verge, footway, fully reinstated

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

19. Car parking and turning

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 purpose

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users, to support sustainable development objectives of the National Planning Policy Framework 2021 and to satisfy policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

20. Hours of work

Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations or deliveries of materials relating to the construction of the development, 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. Compliance with Ecology Report

The development hereby approved shall be carried out in accordance with the protection, mitigation and enhancement measures detailed in the letter, by WE, January 2023 and supporting Reports. The approved measures shall thereafter be maintained for the life of the development

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

22. Compliance with Energy and Sustainability Report

The development shall accord with the Energy and Sustainability Report (ref: Envision, Rev C, 26th January 2023) to ensure that the proposal delivers sustainability measures compatible with the Local Planning Authority's requirements for sustainable design and construction. The requirements within the report shall be implemented prior the first occupation of the development and thereafter maintained for the life of the development.

Reason: To accord with sustainable design and construction, in accordance with Policy CS6 of the Core Strategy 2007

23. Obscure glazing

Before any occupation of the development hereby permitted, the bathroom window of Unit 2-02 (ref: (GA)04-PL3 - Proposed Floor Plans Sh2 – dated January 2023) 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 to a minimum of level 3 on the standard scale for the life of the development. Any film used to achieve the requisite obscurity level shall be non-perishable and tamper-proof, and must be replaced in the event that it ceases in obscurity level 3

Reason: To protect the amenities and privacy of the proposed new residential property in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions) of the LDF 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. 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 SCC LLFA website
5. 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. Sub ground structures should be designed so they do not have an adverse effect on groundwater

6. If there are any further queries please contact the Flood Risk, Planning, and Consenting Team via SUDS@surreycc.gov.uk. Please use our reference number in any future correspondence
7. The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway 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 (including Stats connections/diversions required by the development itself or the associated highway 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: 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/flooding-advice
8. 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
9. 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
10. 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)
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

12. Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway
13. 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