

**22/01518/FUL Majestic Wine Warehouses Ltd, 31 - 37 East Street
Epsom, Surrey**

Ward:	Town Ward
Site:	Majestic Wine Warehouses Ltd 31 - 37 East Street Epsom Surrey KT17 1BD
Application for:	Demolition of the existing building and the construction of a self-storage facility (Use Class B8) and flexible office space (Use Class E(g)(i)), together with vehicle parking and landscaping.
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: [22/01518/FUL](https://www.ewell.surrey.gov.uk/22/01518/FUL)

2 Background

- 2.1 The application was due to be determined by Members at the July 2023 Planning Committee. However, the applicant has since appealed this application because of non-determination. Members are therefore not determining this planning application but considering whether they would have refused the proposal (for the reasons set out below or other reasons) or if they would have approved the proposal. Officers will then inform the Planning inspectorate of the decision the Council would have made if the applicant had not appealed.

3 Summary

- 3.1 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.
- 3.2 The application seeks planning permission for the demolition of the existing two storey building and the erection of a part four storey, part five storey

building comprising a self-storage facility (Class B8 use) and flexible office use (Class E(g)(i) use).

- 3.3 The site comprises brownfield land within a sustainable location and forms part of an opportunities site within the adopted Local Plan that seeks an element of employment floorspace. The proposal would result in an optimisation of the site and could therefore be considered acceptable in principle, subject to the other material planning considerations.
- 3.4 Although the proposal would result in the loss of existing retail use on the site, in the absence of any safeguarding policies to retain retail uses in a Town Centre Location outside of the designated primary shopping area, the loss of the existing retail use from the site is acceptable
- 3.5 The proposal would provide a flexible form of commercial accommodation to support local businesses, particularly small to medium enterprise and start up business, as well as creating new employment opportunities, both directly and indirectly.
- 3.6 The proposal would result in a reduction of traffic generation to the site in comparison to the existing use, to the benefit of the surrounding highway network.
- 3.7 The proposal would deliver a series of biodiversity measures on the site, resulting in an 11% biodiversity net gain.
- 3.8 The proposal would incorporate a combination of energy efficient measures, including photovoltaic panels.
- 3.9 The proposal would accord with the Council's policies in relation to heritage assets, flood risk, noise/disturbance, land contamination and archaeology.
- 3.10 It has not been sufficiently demonstrated that the proposal would not significantly reduce the stature and environmental benefits of TPO trees T4 (Ash) and T5 (Sycamore), as well as G6 (2 no. Sycamore) by preventing their future crown growth, to the detriment of their future wellbeing.
- 3.11 The opportunities for meaningful landscaping have not been fully explored, as the proposal fails to provide any landscaping to the rear of the site, which is particularly important when considering the delivery of the adjacent opportunity site. Although the proposal would provide some form landscaping to the East Street streetscene, to a level that would be an betterment upon the existing situation, Officers are not satisfied as to whether this landscaping could be established in the long term, as a result of the proximity of the site to underground services that could prevent root growth and/or impact on future health and wellbeing.
- 3.12 As a result of its layout, scale, massing, design and materials, the proposed development would represent an overdevelopment that would fail to respect the predominate pattern of development in the locality and would appear as an overly dominating and incongruous addition that would fail to respond

architecturally to surrounding built form. The proposal would therefore fail to integrate with the prevailing character and appearance of the area.

- 3.13 The proposed development would create poor living conditions for the occupiers of the student accommodation at Crossways House due to inadequate daylight and through the reduction of sunlight to bedrooms, creating significant and unacceptable effect on their amenity.
- 3.14 Officers are not satisfied that the level of parking identified can be achieved on site. No robust justification has been submitted to demonstrate that the level of parking proposed would have no impact on the surrounding area in terms of the street scene or the availability of on street parking.
- 3.15 The presumption in favour of sustainable development (paragraph 11 of the NPPF) is engaged, and planning permission should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the NPPF 2021 as a whole.
- 3.16 Overall, the adverse effects of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The application is therefore recommended for refusal
- 3.17 **The application would have been recommended for REFUSAL**

4 Site description

Application Site

- 4.1 The application site lies to the north of East Street and comprises a two-storey brick building and 48 space hard surfaced car parking area set upon 0.31 hectares. The existing building is subdivided into two units; one unit comprises 1,010m² of floor space and is currently vacant, whilst the second unit comprises 222 m² of floor space and is currently occupied by the operation Majestic Wine.
- 4.2 Vehicular access to the site is direct from East Street, by way of a priority junction and shared access with Laine Performing Arts Centre and car parking adjacent to the gas holder. The access becomes divided 30 metres from the carriage way on East Street, directing the traffic to either the site or the Laine Performing Arts Centre.
- 4.3 There are two trees to the front of the site that are subject to a Tree Preservation Order.

Surroundings

- 4.4 The area surrounding the site comprises a mix of commercial and residential uses. To the north of the site is Hook Road Car Park, the gas holders, with Rainbow Leisure Centre beyond.

- 4.5 To the north east of the site two student accommodation blocks, one of which Crossways House, bounds the site.
- 4.6 To the south west of the site is the Laine Performing Arts Centre, beyond which is an office and four residential properties.
- 4.7 To the south, beyond the main highway is the Royal Mail Delivery Office, a retail store, the Epsom Job Centre and various offices.
- 4.8 With the vicinity of the site are Grade II Listed properties 23, 25 and 27 East Street, located to the south west.
- 4.9 The townscape to the north side of East Street is varied, ranging from two storey residential dwellings to five storey student accommodation and office blocks. The southern East Street townscape is predominantly four storeys in height.

5 Proposal

- 5.1 The proposed development involves the demolition of the existing two storey building and the erection of a part four storey, part five storey building comprising a self-storage facility (Class B8 use) and flexible office use (Class E(g)(i) use).
- 5.2 With regard to the self-storage use, the proposal would comprise 'permanent' floors on the ground floor level and on part of the second floor, providing 1.859m² of self-storage floorspace.
- 5.3 The quantum of self-storage floorspace can be increased through the installation of demountable mezzanine floors across the first, part second third and further floor, to a total maximum quantum of self-storage floor space of 8,006m².
- 5.4 The proposed building would also accommodate 222m² of flexible office space located across the ground and first floor of the building.
- 5.5 The proposal would be supported by an undercroft service yard accessed via a sliding gate and access-controlled bollard. The gate would be opened during staff hours of 08:00 – 18:00, with limited access to specific customers outside of core hours from 07:00 – 23:00. Access to the service yard outside of these core hours would be via key code entry.
- 5.6 The information supporting this application advises that 14 parking spaces can be provided within the site, including one disabled space and one parent/child space.
- 5.7 Two parking spaces will be provided with electric vehicle charging points and a further two supplied with a suitable power supply.
- 5.8 12 cycle parking spaces will be provided within the site to serve both the self-storage facility and the flexible office space.

- 5.9 The proposal also provides hard and soft landscaping along the East Street frontage and along the south west of the boundary. The East Street landscaping would comprise native and oriental shrub planting, flowering lawn and the planting of three multi stemmed trees. The existing TPO trees will be retained and subject to pruning works.
- 5.10 The landscaping along the south west boundary comprising hedging and climbers on a stainless-steel rod structure on the south west elevation of the building, with other areas of ornamental shrub planting and flowering lawn.

6 Comments from third parties

- 6.1 The application was advertised by means of a site and press notice, and letters of notification to neighbouring properties. Three letters of objection had been received and the issues raised are summarised as follows:

Southern Gas Network

- The site boundary includes land outside of the control of the applicant which is necessary to facilitate the full range of necessary vehicle movements. The swept path diagram confirms that tight vehicle movements will need to be performed immediately adjacent to the Laines Theatre Performance Centre, putting students at greater risk as a consequence.
- The proposed layout and massing could prejudice the future redevelopment of the remaining parts of the Utilities Site
- The proposal would result in harm to the amenity of the residents at the adjacent student accommodation at Crossways House.
- No consideration has been given in the Noise impact Assessment to the potential for residential development on the remaining parts of the Utilities Site.
- No marketing evidence has been provided to suggest that a retail use is no longer viable.
- The site is not an appropriate location for a self-storage facility; an office development is more suitable
- The net increase in jobs outlined in the supporting Economic Statement is misleading; only three people will be directly employed.
- No account of the network of underground utilities has been taken. The proposal needs to take account of the potential impacts that the development can have on utilities which are susceptible to vibration, in the interests of human health and continuity of supply.

University of Creative Arts

- UCA's five storey accommodation known as Crossways House provides student accommodation for 150 students. The wellbeing of students is a priority for UCA, and it is important that UCA is able to provide students with high quality student accommodation, as this is their primary living space when study with UCA. The student accommodation is leased all year round by UCA.
- The development seeks to drastically add to the volume, height and massing of the site resulting in a prose represents a gross form of overdevelopment
- A building of this height and massing would have an overbearing impact on Crossways House which will create a sense of enclosure for the students living there.
- The proposal would create a poor sense of outlook and result in loss of light levels that will impact the existing living conditions of students at Crossways House .
- As a result of the operating hours, the proposal is likely to cause an increase in noise position for the existing residents of Crossways House
- UCA is not against the redevelopment of the site but does not consider a self-storage facility use appropriate in this location.

Other

- The obvious use of this site would be for housing
- It would be better to build/provide this self-storage facility further out of the centre of Epsom, preferably in the industrial area such as Longmead.

6.2 The applicant has responded to these objections with the following comments:

- The application site solely comprises of land that is owned by the applicant or that they have access rights over.
- No changes to the existing junction with East Street are proposed as part of the application. As a result, vehicles accessing the proposed development would have the same width of access as vehicles , such as large articulated lorries, currently accessing the site. The submitted swept path drawing show that the largest vehicle that would require access to the site, a 10m rigid HGV can comfortably turn in and out of this access with no tight manoeuvres are required.
- Footways are provided on both sides of the access, including adjacent to the Laines Arts Centre. Given this and the wide access that does not

require tight turns, there would be no increased risk to users of the centre as a result of the proposed development.

- The proposed development would not prejudice the future delivery of further development at the Utilities Site and an illustration has been submitted to demonstrate this.
- It is noted that the Council are currently consulting on the Regulation 18 Draft New Local Plan. The draft plan proposes to continue to allocate the majority of the Utilities Site land for redevelopment. This plan is at a very early stage of preparation and therefore it is considered appropriate to focus on the adopted Local Plan at this stage. However, the draft allocation also continues to allocate the land for mixed use development, including residential and employment uses.
- The height is considered to respect the character and context of the surrounding locality and is policy compliant. It is therefore considered that height is acceptable, as it helps promote additional height across the Utilities Site.
- The level of BRE daylight and sunlight compliance is considered to be reasonably high, given the urban context of the area. Where the BRE guidance is not met, these windows serve units within Crossways House which is in use as student accommodation. Only three bedrooms will fall below guidance for both VSC and NSL and they do so marginally.
- Crossways House itself serves student accommodation which have more transient residential occupiers than Use Class C3 homes, and therefore would typically be considered to be a less sensitive use.
- The Proposed Development has also sought to minimise the impact to the Crossways House windows; however some degree of impact is to be expected for the development site to undergo any meaningful redevelopment and the Site is a site allocated for development.
- Any future residential development located on the Epsom Gas Works site will be positioned further away than Crossways House from the yard and therefore, based on the conclusions of the Noise Impact Assessment, it is clear that there would be no adverse effects on new residential development at the Epsom Gas Works site.
- We therefore do not agree with SGN's interpretation of Policy DM31. Notwithstanding this, as noted within the Planning Statement submitted with the application, the existing use is a large format retail occupier rather than a shop unit. It is therefore our understanding that the loss of this retail floorspace would be acceptable in-principle without the need to provide marketing evidence over the past two years.
- Direct employment opportunities will be provided from the proposed flexi-office space as well as the proposed self-storage use.

- The indirect opportunities that have been set out in the Economic Survey submitted with the application, should not be overlooked. The indirect job opportunities that the self-storage facility will provide, provide an import addition to the economy and support for local business.
- With respect to utilities, a draft Construction and Environmental Management Plan has been submitted with the application, it is expected that the Council will condition that a final Plan is required to be submitted prior to implementation of the development.

6.3 One letter of support had been received from the Epsom Civic Society and summarised as follows:

- The design appears to fit with the context of East Street
- The design and materials are welcomed compared with the warehouse shed normally associated with the applicant company
- The flexible office space is interesting and assume there will be demand for this
- Landscaping is important is East Street as it is bereft of 'greenness'. It is important that existing trees are protected
- Concern that the redevelopment may be a little premature given that the site forms part of the Utilities Site.
- Access to the Utilities Site has not as yet been designed but given the established entrance to the original gas works site, thought should be given to as whether the current application may jeopardise, impinge or compromise the layout design of an important upcoming Town Centre site

6.4 The comments material to the planning merits of this proposal are addressed within the contents of this report.

7 Consultations

7.1 **Surrey County Council Highways:** No objection subject to conditions

7.2 **Environment Agency:** No objection subject to condition

7.3 **Lead Local Flood Authority (SuDS):** No objection subject to conditions

7.4 **Surrey County Council Archaeology:** No objection

7.5 **Council's Conservation Officer:** No harm identified to any designated heritage assets

7.6 **Contaminated Land Officer:** No objection subject to conditions

7.7 **Council's Tree Officer:** Objection raised due to lack of landscape opportunities.

7.8 **Council's Transport and Waste Service Manager:** No objection

8 Relevant Planning History

Application No	Application detail	Decision
05/00660/FUL	Variation of planning condition 5 of 79/119/0553, condition 4 of 80/0224/0131 and condition 1 of EPS/96/0288; to extend the range of goods that can be sold from the retail unit to include all types of comparison goods and wine, spirits and beer (in bulk only)	Granted 01.11.2005

9 Planning Constraints

Built Up Area
Epsom Town Centre Boundary
Higher Buildings Area
Opportunity Site
Area of High Archaeological Value
HSE Major Hazards Site
SSSI 5K Buffer Zone
SSSI Impact Risk Zone

10 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 9 – Promoting sustainable transport
Chapter 12 – Achieving well design places
Chapter 14 – Meeting the challenge of climate, flooding and costal 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 CS14 - Supporting Measures to Improve Epsom Town Centre
Policy CS16 - Managing Transport and Travel

Development Management Policies 2015

Policy DM4 - Biodiversity and New Development
Policy DM5 - Trees and Landscape
Policy DM8 - Heritage Assets
Policy DM9 - Townscape Character and Local Distinctiveness
Policy DM10 - Design Requirements for New Developments
Policy DM24 - Employment Uses Outside of the Existing Employment Area
Policy DM25 - Development of Employment Uses
Policy DM31 - Safeguarding Small-Scale Retail Provision
Policy DM35 - Transport and New Development
Policy DM36 - Sustainable Transport for New Development
Policy DM37 - Parking Standards

Plan E Epsom Town Centre Area Action Plan 2011

Policy E1 - Town Centre Boundary
Policy E3 - Town Centre Retail Capacity
Policy E5 - Town Centre Employment Floorspace Provision
Policy E7 - Town Centre Building Height
Policy E15 - The Utilities Site

Other Material Documents

Planning Practice Guidance 2021
National Design Guide 2021
Surrey County Council Vehicular Guidance 2021
The Epsom and Ewell Borough Council Future40
The Epsom & Ewell Economic Development Action Plan 2016
The Housing and Economic Needs Assessment 2023
The Longmead and Nonsuch Industrial Estates Capacity Study 2018
The Spatial Economic Growth Strategy 2020
Addendum to the Spatial Economic Growth Strategy 2021
The Epsom and Ewell Borough Council East Street Office Demand Study –
Final Report 2013
Epsom Draft Emerging Local Plan 2022 - 2040 (Reg 18 consultation closed)
Epsom Draft Town Centre Masterplan

11 Planning Considerations

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

- Presumption in Favour of Sustainable Development
- Loss of Existing Retail Use
- Economic Opportunities
- Impact on Heritage Assets
- Trees and Landscaping
- Impact on Visual Amenity
- Impact upon Neighbouring Residential Amenity
- Highways, Parking and Cycle Parking
- Refuse and Recycling Facilities
- Biodiversity
- Flood Risk and Surface Water Drainage
- Land Contamination
- Archaeology
- Sustainability
- Community Infrastructure Levy (CIL)
- Planning Balance

12 Presumption in Favour of Sustainable Development

12.1 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.

12.2 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.

12.3 The Council does not have an up-to-date development plan at this time. 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.

12.4 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

2021. When considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.

13 Principle of Development

- 13.1 Paragraph 119 of the NPPF 2021 states that planning decisions should promote an effective use of land in meeting the need for homes or other uses, while safeguarding and improving the environment.
- 13.2 Paragraph 124 of the NPPF 2021 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.
- 13.3 Paragraph 81 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.
- 13.4 The site comprises brownfield land within a sustainable location and forms part of a opportunities site within the adopted Local Plan that seeks an element of employment floorspace. The proposal could therefore be considered acceptable in principle, subject to the other material planning considerations identified below.

14 Loss of Existing Retail Use

- 14.1 Paragraph 86 of the NPPF 2021 supports the role that town centres play at the heart of local communities and that a positive approach to their growth, management and adaptation should be made.
- 14.2 The site has a mixed retail use and lies within the Town Centre Boundary. The site does not lie within the designated primary shopping area and is therefore afforded no protection by Policy E4 of Plan E Epsom Town Centre Area Action Plan 2011, which seeks to retain retail uses within the primary shopping designation of the Town Centre.
- 14.3 However, Policy DM31 of the Development Management Policies Document 2015 seeks to safeguard small scale retail provision by not permitting the loss of retail unless
- a) the unit is within 400m of a designated frontage; or
 - b) the retail use is inappropriate in terms of access or neighbourliness or
 - c) the proposed use would provide a community serve or function
- 14.4 As the site is within 160 metres of the designated primary frontage of the Epsom Town Centre Primary Area and in the absence of any other policies to protect the loss of existing E1 uses in a Town Centre Location outside of the designated primary shopping area, the loss of the existing Class E1 (retail) use from the site is acceptable.

15 Economic Opportunities

Proposed Mixed Use – Class B8 Storage

- 15.1 Policy 81 of the NPPF 2021 states that significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.
- 15.2 Future40 is the Borough Council's initiative that has created a new long-term vision for the Borough as a Creative and Vibrant Place, with opportunity and prosperity as a main theme. This initiative identifies that the Borough invests in its future by supporting business, allowing them to grow and feel welcome.
- 15.3 The Epsom & Ewell Economic Action Plan 2016 aims to anticipate and respond to changes in employment and business patterns by proposing a series of interventions to (inter alia):
- a) improved accessibility and infrastructure, which is essential to improving the functionality and competitiveness of the town;
 - b) widening the choice of commercial property, noting that there are a number of employment sites which have scope for innovative development, fundamental to securing economic growth diversification; and
 - c) Securing business investment and growth in the Borough
- 15.4 The Spatial Economic Growth Strategy 2020 highlights at paragraph 2.5.1 that there is an acute shortage of small business units within the Borough, particularly for businesses with the aspirations and potential for scaling-up.
- 15.5 Paragraph 2.4.2 of the Spatial Economic Growth Strategy 2020 identifies that many small businesses, whilst working flexibly, still require a base or hub and are prepared to pay for decent quality and smart, slick office space, which the Borough currently lacks
- 15.6 The Spatial Economic Growth Strategy 2020 also identifies Longmead and Nonsuch industrial estates as have a strategic importance as an employment location, mainly, though not exclusively, for industrial uses.
- 15.7 The 2021 Addendum to the Spatial Economic Growth Strategy (which takes into consideration the impact of the Covid pandemic on employment floorspace demand due changes of circumstances and the adoption of new working practices) identifies at paragraph 5.5 that demand for industrial and warehouse space will be booming in the foreseeable future and that demand for industrial premises far outweighs the current supply.
- 15.8 Paragraph 5.5 attributes this demand to:

- A shift from retailers giving up their shopfronts and focusing more on storage and distribution
 - More delivery businesses
 - A number of people running business from home are demanding industrial premises
- 15.9 The Housing and Economic Needs Assessment 2023 recommends at paragraph 1.25 that the Council should continue to secure warehousing and general industrial floorspace supply in key industrial estates of the Borough.
- 15.10 Paragraph 17.79 of the Housing and Economic Needs Assessment 2023 recommends that due to the prominent role of Longmead and Kiln Lane industrial estates in providing industrial and warehousing spaces in the Borough, it is essential to safeguard the employment land supply of these estates from loss to other land uses and that the two industrial estates be redeveloped the estates to increase the job density to absorb the additional floor needs for (et alia) warehousing purposes.
- 15.11 Paragraph 17.80 of the Housing and Economic Needs Assessment 2023 recommends redeveloping the Longmead and Kiln Lane industrial estates to increase land needs relevant to light industrial, general industrial and warehousing purposes.
- 15.12 Policy C11 of the Core Strategy 2011 seeks to retain employment uses in Epsom Town Centre.
- 15.13 Policy E5 of Plan E, Epsom Town Centre Area Action Plan 2011 seeks to deliver around 6,000 sqm of new employment floorspace within the Town Centre during the period until 2026.
- 15.14 The proposal seeks to provide an overall quantum of 8,006 sqm of self-storage space, through a variety of size of rooms, typically 1 – 40 sqm, dependent upon the requirements of the customer.
- 15.15 The application is supported by an Economic Statement, prepared by Quod, reference Q220515, which advises at paragraph 3.6 that the storage space attracts a wider range of business occupiers, with paragraph 3.8 identifying that the operations flexible terms are particularly attractive to small/medium enterprises and start-ups.
- 15.16 The Economic Statement states that the proposed use create indirect opportunities for 280 – 375 net additional local jobs. Paragraphs 3.13 to 3.15 advises that this figure is as a result of a 2018 survey undertaken by the applicant company, which asked its existing customers how many jobs were created as a result their storage space.
- 15.17 The responses averages as 1 full time employee (FTE) job per 28sqm GIA of self-storage floorspace. Given the proposed developments maximum quantum of self-storage floor area, this would equate to a potential for providing 285 FTE jobs.

- 15.18 At the time the 2018 survey was taken, 28% of the overall applicant company floorspace occupied by business, which has now risen nationally to 37%. Should the level of business demand match that of the current national average, then the Planning Statement suggests that the employment supported by the proposed development could be as high as 390 FTE jobs.
- 15.19 The proposed use would directly employ 3 FTE jobs. The site in its current use has the potential to support up to 15 FTE jobs. The proposed development would therefore likely result in the loss of indirect employment at the site. This is considered to be an adverse impact of the scheme to be weighed in the planning balance.
- 15.20 Notwithstanding this, there is an identified need in the Borough for warehouse space to accommodate for a shortfall in commercial space or flexible arrangements for small business units and start-ups and the scale of indirect FTE opportunities created at the site are a considered to be a benefit of the scheme to be weighed in the planning balance.

Proposed Mixed Use – Flexible Offices

- 15.21 The East Street Office Demand Study 2013 identifies at paragraph 5.10 that the occupier market in East Street has continued to show resilience and an appetite for small-medium office floorspace accommodation, especially on a flexible lease/rental basis, to allow for future changes to their operating environment.
- 15.22 Paragraph 5.44 of the East Street Office Demand Study 2013 therefore recommends making better use of the East Street office stock through more flexible floorspace letting and lease arrangements.
- 15.23 The Spatial Economic Growth Strategy 2020 identifies that there is a need to address an employment demand in the Borough for office related uses, particularly for smaller units to accommodate start up and small businesses of 1-10 people.
- 15.24 Paragraph 2.4.4 of the Spatial Economic Growth Strategy 2020 identifies that the trend for flexible working looks set to remain and will probably increase as businesses use hot-desking, home-working and flexible hours as a way of cutting costs and using technology to its full advantage. Whilst often needing less space as a consequence, businesses still require a base, or a hub of some sort and the requirement is typically for quality over quantity.
- 15.25 Paragraph 2.5.3 of the Spatial Economic Growth Strategy 2020 identifies a lack of flexibility in unit sizes and lease lengths for units on East Street.
- 15.26 Paragraph 3.1.4 of the Spatial Economic Growth Strategy 2020 identifies East Street as having potential to become the Borough's Central Business District, although there is need for refurbishment to internal layouts of existing office buildings and improvements to the public realm.

- 15.27 The Housing and Economic Needs Assessment 2023 recommends at paragraph 1.79 that the current land use for offices should be intensified or regenerated in key employment areas such as the Town Centre area and the sites at East Street. Paragraph 17.78 recommends current office clusters, such as Epsom Town Centre and the sites at East Street represent opportunities for office spaces to meet demand.
- 15.28 The 2021 Addendum to the Spatial Economic Growth Strategy reiterates demand is expected to remain strong for smaller office space.
- 15.29 Plan E, Epsom Town Centre Area Action Plan 2011 sets a vision for each of the key areas throughout Epsom Town Centre. The vision for East Street is summarised as the main business district for both Epsom and the wider Borough, with a mix of small shops and other commercial uses.
- 15.30 Policy DM25 of the Development Management Policy Document 2015 identifies that Epsom Town Centre is the most sustainable location for new office facilities and other higher density employment uses.
- 15.31 In addition to self-storage, 222sqm of flexible office space will be provided aimed specifically at small to medium enterprises. Serviced office units from 10 – 50 sqm will be subject to the same flexible rental terms as the storage units. Breakout space will be provided for communal working and shared meeting room facilities will be available to book.
- 15.32 Correspondence from DWD reference 13263 and dated 14 February 2023, indicates that the flexi office space has the potential to directly support 14-18 people. This figure is reached by using the Homes and Communities Agency 2015 Employment Density Guide (3rd Edition). This figure, along with the proposed 3 FTE jobs that the proposal would directly employ would result in 17-21 directly employed staff working at the site, a net gain over the potential 15 FTE directly employed positions created by the current uses at the site.
- 15.33 Whilst it is appreciated that the flexi office space is likely to generate FTE, these would not be directly employed at the site any more than the business associated with the self-storage use would be directly employed staff working at the site.
- 15.34 Notwithstanding this, there is clearly an identified need in the Borough for flexible office space and the scale of indirect FTE opportunities created at the site are considered to be a benefit of the scheme to be weighed in the planning balance.

Wider Benefits

- 15.35 The Economic Statement highlights the wider economic benefits of the proposed development, such as jobs associated with the construction of the development and the direct economic and social investment into the town centre from future customers, adding to the vitality and viability of the town centre.

- 15.36 Further community benefits are identified because of the attractive nature of the flexible space for use by charities and community organisations. These are benefits of the scheme to be weighed in the planning balance.

Utilities Site Allocation/Emerging Draft Local Plan

- 15.37 The Spatial Economic Growth Strategy 2020 advises at paragraph 3.1.5 that the buildings immediately adjacent to the Utilities site that face onto East Street have scope for recycling and redevelopment and intensification for employment uses and other complementary activity. This would complement high profile development on the Utilities site and propel this grouping of sites into a significant central business district.
- 15.38 Policy E15 of Plan E Epsom Town Centre Area Action Plan 2011 identifies the site falling within the Utilities Site opportunity site. Proposals for the redevelopment of the Utilities Site will require the delivery of (inter alia) a minimum of 5,000 sqm of employment floorspace alongside a minimum of 250 dwellings.
- 15.39 Paragraph 5.20 of the key wording associated with this policy identifies that The Utilities Site opportunity site will deliver new employment floorspace on those parts of the site with frontage access onto East Street and Hook Road. These are appropriate locations for high density employment uses, such as modern serviced office developments, which will contribute towards the vision for this part of the Town Centre.
- 15.40 As part the evidence base to support the Council's Local Plan (2022-2040), the Council has committed to preparing an 'Epsom Town Centre Masterplan' to set out the vision for the town centre and provide a framework for development principles. Within both the Local Plan and Masterplan, the 'Hook Road Car Park and SGN Site' of which this forms part will be a key allocation to deliver the Council's aspirations to provide, amongst other things, high quality residential development to help meet the housing needs of the borough.
- 15.41 Policy SA1 of the Draft Local Plan Regulation 18 Consultation 2023 identifies the site as falling within the Hook Road Car Park and SGN Site allocation, seeking to deliver a mixed use development comprising (inter alia) mixed use ground floor active frontages, accommodating space for office, retail and creative start-ups. The layout, scale and massing of the proposed development has the potential to prejudice the wider delivery of the opportunity site in the future, by fettering parts of the opportunity site by creating overbearing, overshadowing and loss of light impacts, therefore preventing the delivery of much needed houses and employment spaces. This is an adverse impact to the scheme to be weighed in the planning balance.
- 15.42 Furthermore, whilst Officers acknowledge that the emerging Draft Local Plan is in an early stage of preparation, the fact that the Draft Plan holds future

aspirations for the direction of travel for the Borough should not be discarded, particularly where there are very real concerns that the proposed scheme could prejudice the comprehensive delivery of a site which presents a generational opportunity for successful regeneration and provision of a significant number of homes within the town centre. Policy SA1 of the Draft Local Plan Regulation 18 Consultation 2023 seeks to provide office, retail and creative start-ups within the site, which are employment uses considered to be more appropriate to the existing and potential future character of the area.

- 15.43 There are other commercial sites within the Borough with good access that would provide a more suitable location for the proposed development. For example, a similar self-storage company, Shurgard, runs its operation from London Road. The relocation of the proposed development to other suitable employment sites within the Borough would be much encouraged.

16 Impact on Heritage Assets

- 16.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that in considering applications which affect Listed Buildings, Local Planning Authorities must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 16.2 The application of the statutory duties within Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 combined with the guidance contained in the NPPF 2021 means that when harm is identified, whether that be less than substantial or substantial harm, it must be given considerable importance and great weight.
- 16.3 Additionally, the NPPF 2021 attaches great importance to the conservation and enhancement of the historic environment. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 16.4 Paragraph 200 of the NPPF 2021 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional

- 16.5 Paragraph 201 of the NPPF 2021 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 16.6 Paragraph 202 of the NPPF 2021 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 16.7 Whilst there is no statutory protection for the setting of a Conservation Area, paragraph 200 of the NPPF 2021 requires that consideration be given to any harm to or loss of significance of a designated asset, which includes Conservation Areas, from development within its setting.
- 16.8 This is further supported by paragraph 206 of the NPPF 2021 which states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”
- 16.9 Appendix 2 Glossary of the NPPF 2021 defines setting of a heritage assets as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 16.10 Policy DM8 of the Development Management Policies Document 2015, sets out the Council’s intention to resist the loss of our Heritage Assets and take every opportunity to conserve and enhance them. It states that development proposals that involve or have an effect upon Heritage Assets must establish the individual significance of the Asset as part of the application or consent process. As part of the assessment process the significance of the Asset will

be considered (namely whether it is a designated Heritage Asset or a non-designated Heritage Asset) when determining whether the impact of any proposed development is acceptable.

- 16.11 The site is set amongst a set of relatively large buildings along East Street. To the east of the site 42-44 East Street, a Grade II building located between two large office buildings, which is of significance as a good quality 18th century house. This heritage asset has no views of the application site and it makes no contribution to its setting.
- 16.12 To the west of the site are 19 and 21 East Street, 23 and 25 East Street and The Plough and Harrow Public House all of which are Grade II Listed. At the turn of the century, much of this area consisted of dwellings of a similar scale interspersed with the gas works and telephone exchange.
- 16.13 The significance of the two sets of Listed buildings consists of their status as humble cottages building during the development of Epsom in the nineteenth century, evident in their appearance, form, scale and use of materials. The former Plough and Harrow is significant as a public house said to be built around 1900, evident in its rather extravagant appearance, form and scale.
- 16.14 The setting of these buildings is largely evident from this group and those closer to the railway bridge which indicates the piecemeal development of this part of Epsom during the 19th and 20th centuries. Unlike 42-44 East Street these buildings are not entirely marooned. However, toward the site, the buildings are of a much greater scale and do not contribute to the setting of these listed buildings.
- 16.15 The Council's Conservation Officer is satisfied that the proposed development would not cause harm to the setting of the heritage assets. Although the Conservation Officer acknowledges that their setting will change, it would not lead to the loss of any element which reveals their significance. The Council's Conservation Officer concludes that views of the heritage assets looking east along the road currently feature large buildings and the proposal would only add to this. The Council's Conservation Officer adds that this is not saying that the scale of the building is appropriate, just that it would not harm what contributes to the setting of the heritage assets and their significance.
- 16.16 As the Council's Conservation Officer has attributed no harm to the significance of the designated heritage assets as a result of the proposed development, it is not necessary to weigh up the public benefits against any identified harm. The proposal would therefore preserve the setting of the architectural and historic interest of the identified Listed Buildings, in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas Act 1990), Policy DM8 of the Development Management Policies Document 2015 and the relevant heritage paragraphs of the NPPF 2022.

17 Trees and Landscaping

- 17.1 Paragraph 131 of the NPPF 2021 notes the important contribution that trees make to the character and quality of urban environments, as well as helping to mitigate climate change. Planning decisions should take opportunities to incorporate trees elsewhere in development, that appropriate measures are in place to secure the long term maintenance of newly planted trees and that existing trees are retained wherever possible.
- 17.2 Policy DM5 of the Development Management Policies Document 2015 sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by [inter alia]:
- continuing to maintain trees in streets and public open spaces and selectively removing, where absolutely necessary, and replacing and replanting trees; and
 - requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature trees and other planting.
- 17.3 The proposal is supported by an Arboricultural Report, prepared by Crown Tree Consultancy, dated August 2022, which identifies two TPO trees to the front of the site (Ash T4 and Sycamore T5), as well as a group of Sycamores G6- G8) planted on third party land to the north of the site land, adjacent to the shared boundary. The Report advises that these trees are to be retained as part of the proposal and would be subject to pruning, to prevent accidental damage to the canopies of these trees during demolition and construction works.
- 17.4 The Council's Trees Officer has reviewed the supporting Arboricultural Report and noted that the building is set back 2.0 metres from the building line of the existing warehouse on site adjoining the two TPO trees (Ash T4 and Sycamore T5). However, the Tree Officer is concerned that there would be little room for canopy growth for these two trees as a result of the layout of the proposed development.
- 17.5 The Tree Officer has advised that a building line clearance of 8.0 – 9.0 would be desirable to allow for the full growth of the TPO trees. The spatial separation between the new building line of the proposed development and the TPO trees would be 6.0 metres, which falls below the desirable separation required to accommodate future crown spread.
- 17.6 Similarly, the Tree Officer recommends a minimum 4.5m clearance between the proposed building and a Sycamore (G6) within third party land adjacent to the boundary of the site. The Tree Officer has also raised concern about the extent of pruning to these trees, which would need to be significant and consistent, in order to accommodate the side elevation of the proposed

- development. This would significantly reduce the stature of this tree and its environmental benefit to the area.
- 17.7 In terms of the proposed landscaping, the Tree Officer notes that over the years, the gradual replacement of buildings along East Street with larger buildings has created a canyoning effect and is now one of the worst streets in the Borough for street level traffic pollution. Although the proposal involves new tree and native species landscaping as part of the scheme, which is welcomed and considered to be a benefit to the proposal in principle, the Tree Officer is concerned that there is lacking sufficient landscaping at street level to help purify the air and create an attractive place for people. The canyoning of building with little green infrastructure is both unattractive and unhealthy.
- 17.8 The Tree Officer has also noted that numerous attempts at street tree planting have failed due along East Street due to the intensive array of services below the footways. Therefore, from a design perspective, it is necessary to try and break up the wall of tall buildings and move the building lines back, so more landscaping and trees can be provided.
- 17.9 Although paragraph 5.25 of Plan E Epsom Town Centre Area Action Plan 2011 considers green walls to be innovated measures to enhance biodiversity and to make a valuable contribution towards the enhancement of the Town Centres' character and appearance, the Council's Tree Officer is not satisfied that the wall of climbers would provide the appropriate biodiversity mitigation that can otherwise be achieved by the three-dimensional quality of new tree planting.
- 17.10 The Tree Officer recommends that in addition to the climbing plant wall, there should also be a significant further offsetting of the building to allow a further frontage tree to be incorporated into the street scene. A new semi-mature tree could then be planted at the midpoint between T5 and what is shown as the reception entrance. A further tree in this location could help soften the building mass behind and would prevent obtrusive banners being sited on this visual corner of the building.
- 17.11 The Tree Officer concludes that the bulk of the proposed building would cover the majority of the footprint of the site, which would prevent any suitable, additional landscape space to be created at the rear. It also loses the opportunity for landscape integration with any potential future redevelopment with the brownfield site at the rear.
- 17.12 In light of the Tree Officer's comments, Officers are concerned that the proposed development would prevent the future growth of trees with and adjacent to the site, including two TPO trees that amount to a significant contribution to the verdancy of the area. The successful retention of these trees is a key criteria of Policy E16 of Plan E Epsom Town Centre Area Action Plan 2011

- 17.13 The proposal also reduces the ability to provide any meaningful landscaping on the site, to both the front, but particularly to the rear. Policy E16 of Plan E Epsom Town Centre Area Action Plan 2011 seeks the provision of additional tree plans and landscaping; involving the planting of native species and the opportunity to provide this in a meaningful way has not been met by the proposal.
- 17.14 Officers are also not satisfied that it has been sufficiently demonstrated that the proposed landscaping identified in the supporting documentation can be successfully established long term, due to the provision of underground services under the adjacent footpath,
- 17.15 As such, the proposal would fail to comply with Policy DM5 of the Development Management Policies Document 2015 and paragraph 131 of the NPPF 2021. This is considered to be an adverse impact of the scheme to be weighed in the planning balance.

18 Impact on Visual Amenity

- 18.1 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.
- 18.2 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.
- 18.3 Paragraph 135 of the NPPF 2021 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 18.4 Policy DM9 of the Development Management Policies Document 2015 states supports development that would make a positive contribution to the Borough's visual character and appearance.
- 18.5 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 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.
- 18.6 Policy DM13 of the Development Management Policies Document 2015 states [inter alia] that buildings higher than 12 metres will be inappropriate in all areas of the Borough except the identified areas within the Epsom Town Centre Boundary where buildings up to a maximum height of 16 metres will be allowed in certain locations.
- 18.7 However, in May 2018, the Licensing and Planning Policy Committee took a decision to set aside and Policy DM13 of the Development Management Policies Document 2015. This was due to the policy restricting opportunities for growth in the Borough. It should be noted that although this policy remains part of the development plan, it is afforded limited weight in the decision-making process and in regard to the presumption of sustainable development.
- 18.8 East Street is a mixed use area with a strong building line on both sides of main highway. The majority of the built form faces the highway, providing active frontages. There is no uniformity in plot size, although the predominant plot character is a good distribution of frontage built form, with hard surfacing to accommodate rear vehicle parking. A number of the new developments along East Street also feature some frontage landscaping strips or accommodate trees, in order to bring some verdancy to this densely built form area
- 18.9 To the west of East Street, moving towards the High Street, the built form to the south of the highway is tall and close knit, commencing with the three storey commercial units at 2a – 16a East Street and extending to the four storey Emerald House (14 East Street), part three/four storey Post Office (18 East Street) and the four storey retail unit at 20 - 40 East Street.
- 18.10 In comparison, two storey built form lines the north of East Street highway, until Crossway House and Bradford House (39 and 39a East Street), which are both five storey developments. Beyond this is the four storey Newport House (40 East Street) and then a further run of two storey built form.
- 18.11 As you move further east towards Ewell Village and particularly past Church Road, the built form to the south relaxes into three and two storey development and benefits from more landscaping and greater pockets of spaciousness.
- 18.12 The existing layout of the site complements the predominant pattern of development within the locale, by siting the built form within the site to front the main highway, thereby contributing to the established building line, and providing a hard surfaced vehicle parking court to the rear.

- 18.13 The existing built form extends the full width of the plot, with the East Street elevation configured in steps and two storey in scale. Whilst the East Street elevation contains some cladding and advertisements to break up the brickwork expanse, given the absence of a dedicated entrance or any windows to along this elevation, there is no existing active frontage, which is somewhat uncharacteristic of the area. Notwithstanding that the existing built form on the site is not of any great architectural merit, it's scale and form prevents it from appearing prominent within the existing street scene.
- 18.14 The proposal would replace the existing built form on site with a part four and five storey built form that would extend the majority of the width and depth of the existing plot. The proposed built form would be arranged on site to respect the building line along East Street whilst providing a frontage landscape strip of a scale that would allow for some soft landscaping, although it is questioned as to whether any planting can be established with any longevity. It is considered that there is a greater opportunity to provide more meaningful landscaping on the site, particularly to the rear of the site, that would otherwise contribute significantly towards establishing verdancy on East Street and improve the visual amenity of the area.
- 18.15 By extending built form over the majority of the plot, the proposal would result in the loss of the open hard surfacing to the rear of the site, a feature that is characteristic of the area. The proposal would result in the loss of the opportunity to provide any form of landscaping to the rear of the site, preventing any integration with any potential future redevelopment with the brownfield site at the rear. The proposal would therefore fail to respect the prevailing pattern of development in the locale, by resulting in an over proliferation of built form within the plot, indicating an overdevelopment of the site.
- 18.16 The massing of the building is articulated into two distinct volumes, with the proposed built form facing East Street at four storeys and combined partially glazed panels with white and grey cladding, yellow aluminium feature frames and light brickwork. The second volume is five storeys, set back further within the site. The four storey element would be served by two separate pedestrian entrances from East Street; one to the south east of the proposed building serving the proposed flexible office use and one to the south west serving the proposed storage use. These entrances, in combination with the glazing panels, would provide a much-welcomed active frontage to the site that would be characteristic to the street scene.
- 18.17 With respect to scale, the existing built form has a footprint that covers 43% of the site, with the remainder providing vehicle access, parking and landscaping. In comparison, the footprint of the proposed built form would extend over 66% of the site; 9% of which would be four storey, with the remaining 57% at five storey.
- 18.18 The four storey element along East Street would have an overall height of 12 metres, with the remaining fifth storey at a height of 15.6 metres (16.7 metres to the top of the lift overrun).

- 18.19 Whilst the height of the proposed built form would be comparable to adjacent development, the combination of the height, width and depth of the proposed built form would result in a massing that would appear as an overly large and dominating, appearing as an incongruous feature would fail to respect the character and appearance of the locality.
- 18.20 In respect of design, the nature of operation is dictating a stark utilitarian style building without any real architectural interest or any meaningful voids to break up the elongated elevations, instead relying upon the over proliferation of vertical grey cladding as an attempt to provide visual relief to what would otherwise be an excessive amount of brickwork. Although the south west/north east elevation would feature a green climbing wall system that would add some interest to this elevation, it would not serve to soften the design of the building as intended.
- 18.21 It is noted that the existing building on site is similar in design; however, the presence of a similar form of existing development is not justification to allow further inappropriate development into a street scene, particularly when the replacement built form is at a greater scale and therefore would have a greater visual prominence within the street scene in comparison to the existing situation.
- 18.22 East Street is a predominant mix of residential and office buildings, and the design of these surrounding buildings reflect characteristics required for human occupancy. In comparison, the design of the development, with minimal fenestration, demonstrates how incongruous a large warehouse building would be within the East Street streetscene.
- 18.23 The extent of the built form would be clearly visible from East Street through the proposed access and would be read as an incongruous addition that would harm the character and appearance of the area.
- 18.24 Whilst both local and national policy seeks to encourage effective use of brownfield sites in sustainable locations such as this, it also requires respect towards local character and high quality design. The proposed development, as a result of its scale, massing and design would present as an overly domineering and incongruous addition that would fail to respect the pattern of development in the locality, as well as failing to integrate successfully with the prevailing character and appearance of the area.
- 18.25 In accordance with paragraph 134 of the NPPF 2021, the permission should be refused as it would be, contrary to paragraph 130 of the NPPF 2021, Policies CS1 and CS5 of the Epsom and Ewell Core Strategy 2007, Policies DM9 and DM10 of the Epsom and Ewell Development Management Policies 2015. This is considered to be an adverse impact of the scheme to be weighed in the planning balance.

19 Impact upon Neighbouring Residential Amenity

- 19.1 Policy CS5 of the Core Strategy 2007 and Policy DM10 (Design Requirements for New Developments, including House Extensions) 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.
- 19.2 The neighbouring properties most likely to have their amenities impacted upon by the proposed development are Crossways House which comprises student accommodation located to the south east of the site, the Laine Performing Arts Centre, and educational facility located to the south west of the site.

Overbearing/Loss of Outlook

- 19.3 The proposal would be located within 3.5 – 14.4 metres of Crossways House. The south west elevation of Crossways House is articulated, and the section of the elevation stepped forwards within 3.5 metres of the development does not contain any windows. The recessed walls of the south west elevation of Crossways House would be within 12.4 metres and 14.4 metres respectively, which would prevent any issues of loss of outlook or be overbearing.
- 19.4 The proposed development would be located within 2.8 metres – 16.4 metres of Laine Performing Arts School. Whilst the proposal is likely to have a greater impact upon the occupiers of this neighbouring property, given its nature as an educational premises and in considering the distances to be retained, Officers are satisfied that the proposal would not create any issues of loss of outlook or be overbearing to the occupiers within.

Loss of Daylight/Sunlight

- 19.5 The application is supported by a Daylight and Sunlight Assessment, prepared by GIA, reference 17740-22-0819 and dated 19 August 2022.
- 19.6 The Daylight and Sunlight Assessment has considered the daylight impacts to the neighbouring properties as a result of the proposal using two BRE methodologies set out in the BRE document Site layout planning for daylight and sunlight: A guide to good practice (2022); the Vertical Skylight Component (VSC) and The No Sky Line (NSL). The Daylight and Sunlight Assessment confirms at paragraph 4.14 that for daylight impacts to be compliant with BRE Guidelines, both the VSC and NSL tests have to be met.
- 19.7 For sunlight assessment, one methodology is provided by the BRE, denoted as Annual Probable Sunlight Hours (APSH). These assessments are now typically carried out using specialised computer software which allows the

assessment of rooms with multiple windows to be completed more accurately than what is suggested in the BRE Guidelines.

- 19.8 Given the non-domestic nature of the Laine Performing Arts School, Officers are satisfied that the proposal would not cause significant harm to the amenities of the occupiers utilising the educational facility in terms of loss of sunlight and daylight. The following assessment is therefore concentrated upon Crossway House,

Vertical Skylight Component

- 19.9 Paragraph 2.2.7 of the BRE Guidelines states that if VSC levels are greater than 27%, then enough skylight should still be reaching the window of the existing building. If the VSC, with development in place, is both less than 27% and less than 0.80 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.
- 19.10 Officers have reviewed the Daylight and Sunlight results and have identified 18 habitable rooms that would have a VSC of 27% or less with the development in place.
- 19.11 Out of these 18 habitable rooms, 9 of these would experience less than 0.8 times its former value (more than 20%). Of the remaining 9 that would not experience a reduction of VSC of less than 0.8 times its former value, further consideration of the NSL will be considered from paragraphs 19.17 – 19.21 below.
- 19.12 3 out of the 9 habitable rooms would experience less than 0.8 times its former value would experience a reduction ranging between 20% to 30% (F01/R11, F02/R4 and F02/R11).
- 19.13 The remaining 6 (F01/R8, F01/R9, F01/R10, F02/R8, F02/R9 and F02/R10) would experience 30%-40% reduction in VSC.
- 19.14 It is noted that the Daylight and Sunlight Assessment at paragraphs 5.13 – 5.14 considers any habitable rooms with a VSC reduction of between 20%-30% to be only marginally beyond the 20% and that those habitable rooms that will experience a 30%-40% would, in some cases, retain VSC values of between 15% - 23%; a level considered by the author of the Assessment to be acceptable given the urban context of the area and the nature of the properties use.
- 19.15 Officers strongly disagree with paragraph 5.12 of the Daylight and Sunlight Assessment, in which the author considers the habitable use contained within Crossway House to be 'transitory in nature' and therefore 'potentially less sensitive to a change in light condition (when compared to residential use)'. Officers consider Crossway House to be in residential use, as student accommodation, where students can reside up to a year and beyond. UCA have also confirmed that the student accommodation is used all year round and when students are on their summer break, the rooms are used by short

term lets for summer school students on exchange programmes. A habitable use more akin to being 'transitory in nature' would be a hotel and therefore not an appropriate comparison, given the semi-permanent occupation of their nature.

- 19.16 Furthermore, in many urban areas, a VSC value of 18% is a reasonable and accepted level of daylight. Whilst Officers may accept that, on balance, a retention of a VSC value of above 18%, any habitable rooms in existing neighbouring buildings that retain less than 18% VSC are considered to result in significant reduction of daylight which would adversely affect the amenity for the occupiers. In this case, habitable rooms F01/R8 would retain a VCS of 12%, F01/R9 would retain a VSC of 17%, F01/R10 would retain a VSC of 13% and F02/R8 would retain a VSC of 16%.

No Sky Line

- 19.17 Paragraph 2.2.11 of the BRE Guidelines states that if, following construction of a new development, the no sky line moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.80 times its former value this will be noticeable to the occupants, and more of the room will appear poorly lit.
- 19.18 There are 3 habitable rooms that would have direct sunlight reduced to 0.8 times its former value; F01/R10, F01/R11 and F02/R10, all of which serve bedrooms.
- 19.19 Paragraph 5.15 of the Daylight and Sunlight Assessment suggests that two of these bedrooms (F01/R11 and F02/R10) would have reduction of 24%, which the author considers to be only marginally beyond the parameter suggested by BRE Guidance.
- 19.20 Whilst Officers note that paragraph 2.2.10 of the BRE Guidance considers that, in houses, bedrooms are less important, Crossways House is not a domestic house, and the use of bedrooms by students is likely to be more intense than a domestic dwelling, as it is their only form of private accommodation. Students are therefore likely to spend more time in bedrooms than they are the shared living accommodation comprising living rooms, dining rooms and kitchens, all of which are considered more important in the BRE Guidance. Officers therefore consider that there are exceptional circumstances to consider bedrooms within Crossways House to be as important as living rooms, dining rooms, and kitchens when considering daylight distribution.
- 19.21 For this reason, Officers are concerned that the reduction of daylight into bedrooms F01/R10, F01/R11 and F02/R10 would result in dark and gloomy conditions for the occupier within to an extent that would harm their current level of amenity.

Annual Probable Sunlight Hours

- 19.22 Paragraph 3.2.13 of the BRE Guidance advises that sunlight to an existing dwelling may be adversely affected where the window receives less than 25% of annual probable sunlight hours and less than 0.80 times its former annual value; or less than 5% of APSH in winter and less than 0.80 times its former value during that period; and also has a reduction in sunlight received over the whole year greater than 4% of APSH.
- 19.23 Out of 54 windows considered relevant for assessment, 2 bedrooms would not meet the BRE Guidance for APSH. Both windows would experience changes in excess of 40% for annual and winter sunlight. Bedroom F01/R10 would retain 12% APSH and 2% winter sunlight and bedroom F02/R10 would retain 195 APSH and 4% winter sunlight.
- 19.24 Paragraph 5.17 of the Daylight and Sunlight Assessment considers these impacts acceptable, given the excellent compliance of the unaffected habitable units, isolated nature of the impacts and the use of the property as student accommodation.
- 19.25 Whist Officers again note that paragraph 3.1.2 of the BRE Guidance considers that in housing, the main requirement for sunlight is in living rooms, where it is valued at any time of the day, but especially in the afternoon. It is viewed to be less important in bedrooms and in kitchens, where people prefer it in the morning rather than the afternoon.
- 19.26 Officers refer back to paragraph 19.20 of this report to indicate the exceptional circumstances in which Officers consider bedrooms within Crossways House to be as important as living rooms when considering requirements for sunlight.
- 19.27 Officers also refer back to paragraph 19.15 of this report, which refutes the conclusion that the occupants of the accommodation are transitory in nature. The amenities of the occupiers within the student accommodation are considered to warrant the same level of protection as occupiers of residential domestic housing.
- 19.28 The proposal would result in a significant loss of sunlight to the bedrooms F01/R10, F01/R11 and F02/R10, creating dark and gloomy conditions to the extent that the occupiers within would experience a significant loss of amenity.

Noise

- 19.29 Paragraph 185 of the NPPF 2021 states that planning decisions should ensure that new development is appropriate for its location by taking into account the effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes, inter alia, mitigating and reducing to a minimum the potential adverse impacts resulting from noise from new development and to avoid

- noise giving rise to significant adverse impacts on health and the quality of life.
- 19.30 The proposed development is proposed to operate between 07:00 – 23:00 Monday to Sunday and Bank Holidays.
- 19.31 The proposal is supported by a Noise Assessment, prepared by Sharps Acoustics and dated 23 August 2023. The Noise Assessment assesses the potential impact of noise generated by the proposed development, such as vehicle movements, loading/unloading activities and plant noise, on the nearest sensitive noise receptors.
- 19.32 The proposal involves the installation of acoustic fences along the north east side of the service yard. This would measure up to 5.85 metres in height.
- 19.33 The Noise Impact Assessment advises that embedded noise mitigation in the form of two acoustic fences is required to ensure predicted noise levels would always be below the lowest observed adverse effect level in order for the proposed development to have no adverse effects on any noise sensitive receptor. In the event the application is granted, the Noise Assessment also recommends a condition to control noise output from the proposed plant, which is yet to be confirmed.
- 19.34 In light of the above, Officers raise no objection to the proposed in respect of noise, subject to, in the event that permission is granted, conditions to secure the siting of the acoustic fencing, to control noise output from the proposed plant and to secure the proposed operating hours. Broadly, this type of use is not unacceptable within this location and within an employment site.
- 19.35 In conclusion to the neighbouring amenity section, the proposed development would create poor living conditions for the occupiers of bedrooms F01/R8, F01/R9, F01/R10, F01/R11, F02/R8 and F02/R10 at Crossways House due to inadequate daylight and would create insufficient levels sunlight to bedrooms F01/R10, F01/R11 and F02/R10 at Crossways House, creating a significant and unacceptable effect on their amenity. As such, the proposal would fail to comply with paragraph 130 of the NPPF 2021 and Policy DM12 of the Development Management Policies Document 2015. This would weight as an adverse effect in the planning balance. This is considered to be an adverse impact of the scheme to be weighed in the planning balance.

20 Highways, Parking and Cycle Parking

- 20.1 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.
- 20.2 Policy CS16 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.
- 20.3 This policy further emphasises that development proposals should provide safe, convenient, and attractive accesses for all, including the elderly, disabled, and others with restricted mobility and be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements.
- 20.4 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.
- 20.5 The application is supported by a Transport Statement, prepared by Rappor, reference 21-0162 and dated September 2022 and correspondence referenced QT-21-0162, prepared by Rappor and dated 14 December 2022.
- 20.6 The Transport Assessment gives an account of the existing local highway network and local accidental data, as well as highlighting the accessibility benefits of the site.
- 20.7 The site would be accessed via a vehicle crossover from East Street. There are no changes proposed to the existing access and a swept path analysis has confirmed that a 10m rigid HGV, the largest vehicle that would require access to the site, can access and egress in a forward gear.
- 20.8 Pedestrian access to the proposed development would be provided directly from East Street with entrance to the storage reception immediately to the north of the site access road. Access to the flexi-offices will be to the north of the building, via a footway link from East Street.
- 20.9 The Transport Assessment identifies that the proposal would provide a total of 9.0 marked vehicle parking spaces within the site, 1.0 of which would be accessible and 1.0 for parent and child. 2.0 parking spaces would be fitted with active electric vehicle charging points, with a further 2.0 provided with a suitable power supply.
- 20.10 Notwithstanding this, the correspondence referenced QT-21-0162 suggests that a further 4.0 – 5.0 spaces could be accommodated to the front of the proposed loading bays, although these would not be marked out as parking spaces. The correspondence referenced QT-21-0162 therefore advises that parking for up to 13-14 vehicles can be accommodate on the site.
- 20.11 When considering forecast trip generation, in order to determine the levels of existing trips generated by the current storage/retail use operating from the site, a traffic survey was carried out on both a weekday (Friday) and a weekend day (Saturday) in May 2022, which indicates that the existing use of the site currently generates up to 34 vehicle trips during the Friday 17:00 – 18:00 PM peak (the current operation is closed during the 08:00 – 09:00 AM peak) with 264 vehicle trips across 07:00 – 19:00. On the Saturday, 58

- vehicle trips were generated during the weekend peak (11:00 – 12:00) with 317 vehicle trips across the 12 hour Saturday.
- 20.12 In order to predicted the traffic flow associated with the proposed development, the Transport Statement outlines that trip rates derived from the company operation at Fulham in a survey undertaken on a Thursday and Saturday in July 2019.
- 20.13 The Transport Statement considers this to be representative for the purposes of estimating trip generation at the site, even though the Fulham operation does not provide 24 hour site access (extended access between 5am to 11pm is available outside opening hours), does not provide flexi-offices and is within the London Low Emissions Zone (LEZ).
- 20.14 Notwithstanding this, the 2019 traffic survey indicates that the Fulham operation currently generates up to 6 vehicle trips during the Thursday AM peak, 7 vehicle trips in the PM peak and 121 vehicle trips across 24 hours. On the Saturday, 14 vehicle trips were generated during the weekend peak (10:00 – 11:00) with 168 vehicle trips across the 12 hour Saturday.
- 20.15 Following a request from Surrey County Highways in respect of the traffic generation associated with the proposed flexi office use, correspondence referenced QT-21-0162 has provided a forecast trip generation for the proposed flexi office use, using the TRICS database. This forecasts a generation of 8 vehicle trips in the weekday AM peak and 6 vehicle trips in the PM peak, with 40 vehicle trips across the 12 hour weekday.
- 20.16 In comparison to the existing use, the predicted traffic generation would result in a significant reduction in trip generation. Across the average weekday 106 fewer trips are forecasted and an few 149 trips on an average Saturday.
- 20.17 The County Highway Authority has undertaken a full assessment of the supporting Transport Statement and consider it be a fair representation of the existing highway network and a realistic assessment of the likely impact of the proposed development on the highway network.
- 20.18 Policy DM37 of the Development Management Policies Document 2015 and the Council's Parking Standards for Residential Development SPD set out that commercial development will adhere to the Surrey County Council Vehicular Guidance 2021.
- 20.19 The Transport Statement indicates at paragraph 5.10 that although the proposed use falls within a Class B8 use, self-storage is different in terms of its operation to a pure storage use and therefore considers the Class B8 use Surrey County Council's Vehicle parking Standards not relevant to the proposal.
- 20.20 Instead, the Transport Statement demonstrates that a parking accumulation exercise has been undertaken, again based on surveys at the existing

Fulham facility, which does not provide 24 hour site access, does not provide flexi-offices and is within the London LEZ.

- 20.21 The Parking Accumulation table submitted in support of this application (Table 2 - correspondence referenced QT-21-0162, superseding Appendix E of the Transport Statement) indicates that the maximum demand for car parking for both the storage and flexi office use will be at 11:00 for 12 spaces.
- 20.22 Officers note that the 2019 traffic survey indicates that the Fulham operation currently generates 24 arrivals and 25 departures on an average weekday between 11:00 – 12:00. Whilst it is appreciated that the duration of parking is variable dependant on the nature of trip, Officers are satisfied that 14.0 vehicle parking spaces can accommodate for the forecasted parking demand.
- 20.23 However, it will need to be demonstrated that a further 5.0 parking spaces can be accommodated to the front of the loading bays without impeding access/egress to the car parking spaces to the north, particularly in the case of HGV parking. It is further noted that whilst the County Highway Authority have not raised a technical objection to the parking provision on the site, they have requested, by way of a condition, revised plans for the parking area. These revised plans are to include larger parking bays that will facilitate larger vehicles/small vans which are most likely to utilise the parking area for the proposed use.
- 20.24 The proposal seeks to provide 12 cycle parking spaces within the site, which is considered to be acceptable. However, the County Highway Authority also note that the cycle parking may require relocation in order to accommodate these parking changes.
- 20.25 In the absence of details demonstrating that 14.0 vehicle parking spaces, including spaces that can facilitate for the parking of larger vehicles and small vans, can be accommodated on the site, Officers are not satisfied that the level of parking proposed can be achieved.
- 20.26 As it has not been sufficiently demonstrated that the level of vehicle parking proposed can be achieved on the site, Officers would expect robust justification to demonstrate that the level of parking proposed would have no impact on the surrounding area in terms of the street scene or the availability of on street parking. In the absence of any supporting evidence to demonstrate this, the proposal fails to meet Policy DM37 of the Development Management Policies Document 2015. This is considered to be an adverse impact of the scheme to be weighed in the planning balance.

21 Refuse and Recycling Facilities

- 21.1 Policy CS6 of the Core Strategy 2007 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.

- 21.2 Annex 2 of the Council's Revised Sustainable Design SPD 2016 sets out the refuse and recycling requirements for commercial development.
- 21.3 The proposal does not provide any dedicated refuse facilities for customers on site and instead direct customers to take waste off-site and dispose of it themselves. Waste facilities will only be provided for staff and refuse collection will take place from within the service yard.
- 21.4 Having reviewed the refuse/recycling arrangements proposed, the Council's Transport and Waste Services Manager considers them to be acceptable in terms of capacity and storage.
- 21.5 As such, Officers are satisfied that the proposed development would meet Policy CS6 of the Core Strategy 2007 and the requirements of Annex 2 of the Council's Revised Sustainable Design SPD 2016.

22 Biodiversity

- 22.1 The Local Planning Authority have a duty of care under Section 41 of the Natural Environment and Rural Communities Act 2006 to ensure that planning permission is not granted for any development that has potential to unlawfully impact on 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 (as amended).
- 22.2 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.
- 22.3 Policy CS3 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.
- 22.4 Policy DM4 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.
- 22.5 The application is supported by a Preliminary Ecological Appraisal, prepared by RPS, reference EC9O0269_871 002, dated August 2022. The Appraisal

- has identified that there are no suitable habitats for reptiles or amphibians on site.
- 22.6 In terms of bats, the site offers very little habitat for populations of commuting and foraging bats and that none of the trees on site have any suitable roosting features for bats.
- 22.7 The existing building on site is generally well sealed and offers very little in terms of suitable features for roosting bats. Whilst a small gap was noted above the roller door to the existing building, which could offer a suitable entrance point for bats, given that the building is in use, the Preliminary Ecological Appraisal concludes that it is highly unlikely that this would be suitable for roosting bats.
- 22.8 However, the Preliminary Ecological Appraisal notes that the scattered shrub and trees on the site offer some limited suitable habitat for common species of birds. In the event permission is granted, it would have been reasonable to recommend a condition to ensure that should any vegetation removal of suitable habitat be needed, this will need to occur outside the bird nesting season (March to September inclusive). If this is not possible, removal should only take place under the supervision of a suitably qualified ecologist who will check for any active nests.
- 22.9 Although the site itself offers limited suitable habitat for species of commuting or foraging bats, the adjacent green corridor does offer suitable habitat in an otherwise urban location. Although no further surveys are recommended in the Preliminary Ecological Appraisal, it is recommended, in the event permission is granted, to condition a number of mitigation measures as set out on Section 5 of the Preliminary Ecological Appraisal, to ensure that no adverse impact on this green corridor occur as a result of the proposal.
- 22.10 Subject to the abovementioned conditions should permission be granted; the Local Planning Authority are satisfied that they have carried out their duty of care under Section 41 of the Natural Environment and Rural Communities Act 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.
- 22.11 The application is also supported by a Biodiversity Net Gain Assessment, prepared by RPS, reference ECO02669_871 A, dated August 2022
- 22.12 Given that the Biodiversity Metric, the tool for determining biodiversity value, was updated in March 2023 to version 4, it is likely that the Biodiversity Net Gain Assessment submitted utilised the Biodiversity Metric 3. However, as biodiversity net gain is not mandatory for new development until November 2023, it is encouraging that net gain is being secured on the site, notwithstanding that the Metric used is not the most recent version.

- 22.13 The existing site contains hardstanding, a building and ruderal vegetation/scattered shrubs. This habitats would fit within the UKHabs Classification habitat condition category of poor and as such a pre-development score of the site is calculated by the Biodiversity Metric to be 0.92 habitat units.
- 22.14 The proposal seeks to provide new habitats on the site, which are demonstrated on the supporting Landscape Plan (Drawing Number L001 P02). This will provide a higher quality habitat, such as flowering grassland, trees and native scrub planting, which provides a biodiversity net gain of +0.11 habitat units, or 11.53%.
- 22.15 The 2021 Environmental Act will require new development to achieve a minimum of 10% biodiversity net gain, a measure supported by paragraphs 179 of the NPPF 2021 and Policy DM4 of the Policy DM4 of the Development Management. 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. This is considered to be a benefit of the scheme to be weighed in the planning balance.

23 Flood Risk and Surface Water Drainage

- 23.1 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.
- 23.2 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.
- 23.3 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.
- 23.4 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.
- 23.5 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.
- 23.6 The site is in a sensitive ground water location, overlaying a principal aquifer in Source Protection Zone 1.
- 23.7 The application is supported by a Flood Risk and Drainage Strategy, prepared by Campbell Reith, reference 13669 and dated September 2022.
- 23.8 In terms of fluvial flooding, the site, and therefore the proposed development, would be wholly in Flood Zone 1. As such, the development has 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.
- 23.9 As the proposed development would lie within Flood Zone 1, neither the sequential test nor the exceptions test, as set out in the Governments guidance 'Flood Risk Assessment: the sequential test for applicants' 2017 needs to be carried out
- 23.10 With respect to pluvial flooding, the site is located upon a principal aquifer and in Source Protection Zone 1. The geology of the site demonstrates that direct infiltration drainage techniques would not be suitable on the site and therefore attenuation provision is proposed in the form of cellular underground attenuation tank, to be sited beneath the proposed service yard. A flow control device will be fitted to release the surface water at a controlled rate into the existing nearby surface water public sewer network. A petrol interceptor will be used to treat the service yard run off.
- 23.11 Furthermore, additional attenuation is to be provided within rain gardens along the western boundary of the site. Rooftops and runoff from pedestrian areas will be routed directly into the rain gardens where possible.
- 23.12 The Lead Local Flood Authority have confirmed that the drainage proposal satisfies the requirements of the NPPF 2021 and has recommended that should permission be granted, suitable conditions are required to secure the details of the design of the surface water drainage scheme and to ensure that it is properly implemented and maintained throughout the lifetime of the development.
- 23.13 As such, 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.

24 Land Contamination

- 24.1 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.
- 24.2 Paragraph 184 of the NPPF 2021 continues where a site is affected by contamination issues, responsibility for securing a safe development rest with the developer and/or landowner in accordance with paragraph 179 of the NPPF 2021
- 24.3 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.
- 24.4 The application is supported by a Land Quality Statement, prepared by Campbell Reith, reference 13669 and dated September 2022. This document indicates that no significant contamination issues were encountered during investigations with respect to human health or controlled water receptors and recommends that a watching brief is maintained throughout demolition and intrusive ground works, so that any previously unidentified contamination material can be identified and referred to an experienced Environmental Consultant for evaluation.
- 24.5 Both the Environment Agency and the Council's Contaminated Land Officer has reviewed this document and have recommended conditions to secure a site investigation scheme, as well as conditions to prevent infiltration drainage and piling, in order to protect the groundwater source, which in this case a Primary aquifer within Ground Source Protection Zone 1.
- 24.6 If permission is granted, these conditions would 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.
- 24.7 The proposal is therefore considered to accord with Policy DM17 (of the Development Management Policies Document 2015 and the requirements of the NPPF 2021).

25 Archaeology

- 25.1 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.

- 25.2 Policy CS5 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.
- 25.3 Policy DM8 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.
- 25.4 The site is located within an Area of High Archaeological Potential, designated around the historic core of Epsom. The application is supported by an Archaeological Desk Based Assessment, prepared by Orion Heritage Ltd, reference PN3503/DBA1 and dated June 2022, which has concluded that the archaeological potential of the site is not sufficient to preclude or constrain development and given the low archaeological potential of the site, no further requirement for archaeological investigation is anticipated.
- 25.5 The County Archaeological Officer has reviewed the archaeological desk based assessment submitted and considers it to be of good quality and suitable to support the development application. In view of the previous history of the site and the low likelihood of the potential archaeology, the County Archaeological Officer raises no objection to the proposal.
- 25.6 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.

26 Sustainability

- 26.1 The National Planning Policy Framework 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 Framework 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. requirements of construction and incorporates waste management processes.
- 26.2 Consideration of sustainability and climate change are embedded within the Council's current adopted Core Strategy and Development Management Policies Document. Specifically, Policy CS1 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.

26.3 The application is supported by a Sustainability Statement, prepared by Blew Burton Ltd, dated August 2022 and a Planning Statement, prepared by DWD Property and Planning, reference 13263 and dated September 2022 which identifies the following sustainability measures:

- Photovoltaic panels will be installed on 465m² of the roof;
- Air to air heat pump system to heat the reception and flexi-offices;
- Construction materials will be responsibly sourced where possible, durable and fit for purpose;
- A detailed Site Waste Management Plan will be developed by the contractor prior to work starting on site. This plan will set targets and procedures for the sorting, reusing and recycling of construction waste into defined waste groups, either on site or through a licensed contractor;
- The actual specifications of the water using products are yet to be established, however, a 40% improvement on baseline; and
- Energy efficient measures will be implemented, such as good fabric insulation and low energy light fittings

26.4 As such, it is considered that the proposal would be able to secure a sustainable development outcome and would therefore accord with Policies CS1 and CS6 of the Core Strategy.

27 Community Infrastructure Levy (CIL)

27.1 The proposal will be CIL liable.

28 Planning Balance

28.1 Paragraph 11 (d) of the NPPF 2021 is engaged as the policies which are most important for determining the application are out-of-date. 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.

28.2 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.

28.3 Whilst it is clear that the proposal has the potential to create a substantial amount of indirect employment, the anticipated numbers identified in

supporting documents are not supported by any robust or up to date evidence. Notwithstanding this, the Council's own evidence demonstrates that there is a clear demand for flexible employment accommodation in the Borough and this benefit is therefore afforded substantial weight in the planning balance.

- 28.4 The proposal would create short term economic benefits during the construction period. Given the warehouse style of construction would reduce the overall length of the construction period and the otherwise temporary nature of this benefit, it is afforded minor weight in the planning balance.
- 28.5 The use of the development for wider community benefit is also afforded minor weight in the planning balance, as there is no evidence provided to demonstrate that the proposed development would be attractive to such community groups.
- 28.6 The benefit from direct economic and social investment into the town centre from future customers is afforded moderate weight as a result of the distance from the site into the Town Centre, which is likely to attract customers into it.
- 28.7 The proposal would result in a reduction of vehicle trips to the site, which would have a positive impact upon the highway network. This benefit is afforded moderate weight in the planning balance.
- 28.8 The proposal would incorporate a series of biodiversity enhancements to deliver a biodiversity net gain of 11% on the site. This benefit is afforded moderate weight in the planning balance as any development coming forward from November 2023 would expect to achieve a 10% minimum on the site as mandatory.
- 28.9 The proposal would accord with the Council's policies in relation to heritage assets, flood risk, noise/disturbance, land contamination and archaeology. These are not considered to be benefits of the scheme, as new development is expected to be policy compliant.
- 28.10 As a result of its layout, scale, massing, design and materials, the proposed development would represent an overdevelopment that would fail to respect the predominate pattern of development in the locality and would appear as an overly dominating and incongruous addition that would fail to respond architecturally to surrounding built form. The proposal would therefore fail to integrate with the prevailing character and appearance of the area. Given that high quality design is at the heart of national, strategic and local planning policy, this adverse impact is afforded substantial weight in the planning balance.
- 28.11 The proposed development would create poor living conditions for the occupiers of bedrooms F01/R8, F01/R9, F01/R10, F01/R11, F02/R8 and F02/R10 at Crossways House due to inadequate daylight and through the reduction of sunlight to bedrooms F01/R10, F01/R11 and F02/R10 at

Crossways House to insufficient levels, creating significant and unacceptable effect on their amenity. This adverse impact is afforded substantial weight in the planning balance.

- 28.12 Whilst the documentation supporting this application identifies that 14.0 vehicle spaces can be accommodated within the site, in the absence of any details demonstrating that 14.0 vehicle parking spaces, including spaces that can facilitate for the parking of larger vehicles and small vans, can be physically accommodated on the site, Officers are not satisfied that the level of parking identified can be achieved. As it has not been sufficiently demonstrated that the level of vehicle parking proposed can be achieved on the site, Officers would expect robust justification to demonstrate that the level of parking proposed would have no impact on the surrounding area in terms of the street scene or the availability of on street parking. This adverse impact is afforded moderate weight in the planning balance.
- 28.13 The scheme has been submitted in isolation from the wider redevelopment of the opportunity site. It is clear from the submitted plans that the proposal constitutes a large utilitarian building which has little or no regard to the wider opportunity site. The rear elevation, which would effectively front on to any redevelopment of the Hook Road and SGN Site presents an industrial and blank elevation to its likely future neighbours and has the very real potential to hamper the comprehensive redevelopment of the area rather than assisting or enabling it. The proposed scheme would make it harder for the Council to meet its aspiration within the Reg 18 consultation to provide town centre homes by reducing the amount of land available, both within the site and adjoining given its horrendous scale and aspect. This adverse impact is afforded moderate weight in the planning balance.
- 28.14 It has not been sufficiently demonstrated that the proposal would not significantly reduce the stature and environmental benefits of TPO trees T4 (Ash) and T5 (Sycamore), as well as G6 (2 no. Sycamore) by preventing their future crown growth, to the detriment of their future wellbeing. This adverse impact is afforded moderate weight in the planning balance.
- 28.15 Although the proposal would provide some form of landscaping to the East Street streetscene, to a level that would be an improvement upon the existing situation, Officers are not satisfied as to whether this landscaping could be established in the long term, as a result of the proximity of the site to underground services that could prevent root growth and/or impact on future health and wellbeing. Furthermore, the opportunities for landscaping have not been fully explored, as the proposal fails to provide any landscaping to the rear of the site, which is particularly important when considering the delivery of the adjacent opportunity site. There is more than adequate scope to provide meaningful frontage and rear landscaping on the site and it has not been adequately demonstrated why this cannot be provided. This adverse impact is afforded moderate weight in the planning balance.
- 28.16 Overall, the adverse effects in respect of this development would not 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.

29 Recommendation

That the Planning Inspectorate be informed that the Local Planning Authority would have REFUSED permission for the following reasons:

1. Harm to the Character of the Area

As a result of its overall layout, scale, massing, design and materials, the proposed development would represent an overdevelopment that would fail to respect the predominate pattern of development in the locality and would appear as an overly dominating and incongruous addition that would fail to respond architecturally to surrounding built form. The proposal would therefore fail to integrate with the prevailing character and appearance of the area, contrary to paragraph 130 of the NPPF 2021, Policies CS1 and CS5 of the Epsom and Ewell Core Strategy 2007, Policies DM9 and DM10 of the Epsom and Ewell Development Management Policies 2015.

2. Harm to Existing Trees

It has not been sufficiently demonstrated that the proposal development, as a result of its layout and scale, would not significantly reduce the stature and environmental benefits of TPO trees T4 (Ash) and T5 (Sycamore), as well as G6 (2 no. Sycamore) by preventing their future crown growth, to the detriment of their future wellbeing.

Furthermore, the layout and scale of the proposed development prevents any meaningful landscaping on the site, particularly to the rear, to the detriment of the emerging verdancy of the area. It has also not been sufficiently demonstrated that the landscaping scheme proposed can be fully established in the long term, as a result of the proximity of the site to underground services that could prevent root growth and/or impact on future health and wellbeing. As such, the proposal would fail to comply with paragraph 131 of the NPPF 2021 and Policy DM5 of the Development Management Policies Document 2015.

3. Harm to Neighbour Amenity

The proposed development would create poor living conditions for the occupiers of bedrooms F01/R8, F01/R9, F01/R10, F01/R11, F02/R8 and F02/R10 at Crossways House due to inadequate daylight and would create insufficient levels sunlight to bedrooms F01/R10, F01/R11 and F02/R10 at Crossways House, resulting in dark and gloomy accommodation that would create significant and unacceptable effects on the occupier's amenity. As such, the proposal would fail to comply

with paragraph 130 of the NPPF 2021 and Policy DM12 of the Development Management Policies Document 2015.

4. Lack of Car Parking

In the absence of details and robust justification demonstrating that 14.0 vehicle parking spaces, including spaces that can facilitate for the parking of larger vehicles and small vans, can be accommodated on the site, it has not been adequately demonstrated that the level of parking proposed can be achieved and there would not be adverse impact on the surrounding area in terms of the street scene or the availability of on street parking. In the absence of any supporting evidence to demonstrate this, the proposal fails to meet Section 12 of the National Planning Policy Framework 2021 and Policy DM37 of the Development Management Policies Document 2015.

Informatives

1. The plans relating to this application are as follows:

Drawing Number 2303-X01-A
Drawing Number 2303-P01
Drawing Number 2303-P02
Drawing Number 2303-P03
Drawing Number 2303-P04
Drawing Number 2303-P05
Drawing Number 2303-P06
Drawing Number 2303-P07
Drawing Number 2303-P08
Drawing Number 2303-P09
Drawing Number L001 P02
Drawing Number L002 P01
Drawing Number SP02 Rev C

2. In dealing with the application, the Council has implemented the requirement of 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 Documents and other informal written guidance, as well as offering a full pre-application advice service.