

# Public Document Pack

Legal and Democratic Services



## PLANNING COMMITTEE

Wednesday 12 May 2021 at 7.30 pm

Place: Council Chamber, Epsom Town Hall.

Virtual link for public attendees:

<https://attendee.gotowebinar.com/register/1836588354038710542>

Webinar ID: 469-582-427

Telephone (listen-only): 020 3713 5012 Telephone access code: 769-340-528

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

Councillor Clive Woodbridge (Chair)  
Councillor Monica Coleman (Vice-Chair)  
Councillor Alex Coley  
Councillor Neil Dallen  
Councillor David Gulland  
Councillor Previn Jagutpal  
Councillor Colin Keane

Councillor Jan Mason  
Councillor Steven McCormick  
Councillor Lucie McIntyre  
Councillor Debbie Monksfield  
Councillor Peter O'Donovan  
Councillor Clive Smitheram

Yours sincerely

A handwritten signature in black ink that reads "J.C. Beldan".

Chief Executive

For further information, please contact Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk).

## Public information

### Information & Assistance:

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for the Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at [Democraticservices@epsom-ewell.gov.uk](mailto:Democraticservices@epsom-ewell.gov.uk).

### Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. Should any such matters arise during the course of discussion of the below items or should the Chairman agree to discuss any other such matters on the grounds of urgency, the Committee will wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

### Public speaking

Public speaking in support or objection to planning applications is permitted at meetings of our Planning Committee. **You must register in advance if you wish to speak.**

To register to speak at this Planning Committee meeting, please contact Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk), tel: 01372 732000 in advance of the deadline for registration, which is given below.

We will ask you to submit a written statement that can be read out at the meeting in the event of any technical issues during the meeting. The statement must be of no more than 3 minutes in length when read aloud.

If a number of people wish to speak on a particular application, public speaking will normally be allocated in order of registration. If you fail to submit your written statement, then your place may be allocated to those on the speakers' waiting list. Further information is available by contacting Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk), tel: 01372 732000.

**Deadline for public speaking registration: Noon, 7 May.**

## **Guidance on Predetermination /Predisposition**

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

### **Predisposition**

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

### **Pre-determination / Bias**

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

## **AGENDA**

### **1. DECLARATIONS OF INTEREST**

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

### **2. EPSOM GENERAL HOSPITAL, DORKING ROAD, EPSOM, SURREY, KT18 7EG (Pages 5 - 54)**

Erection of a multi storey car park comprising ground plus 5 storeys and 527 car parking spaces, reconfiguration of surface parking to provide 104 car parking spaces and improvement to the access road from Dorking Road.

### **3. DEVELOPMENT SITE AT 24-28 WEST STREET, EPSOM, SURREY (Pages 55 - 112)**

Demolition of existing building and construction of a new part 7 and part 8 storey building containing ground floor commercial/retail (E use class) and 25 residential units (C3 Use) on upper levels and associated development.

Epsom General Hospital, Dorking Road, Epsom, Surrey, KT18 7EG

<b>Ward:</b>	<b>Woodcote Ward</b>
<b>Site:</b>	<b>Epsom General Hospital, Dorking Road, Epsom, Surrey, KT18 7EG</b>
<b>Application for:</b>	<b>Erection of a multi storey car park comprising ground plus 5 storeys and 527 car parking spaces, reconfiguration of surface parking to provide 104 car parking spaces and improvement to the access road from Dorking Road</b>
<b>Contact Officer:</b>	<b>Ginny Johnson</b>

## 1 Plans and Representations

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

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q5NDX2GYH7100>

## 2 Summary

- 2.1 The Site at present comprises surface level car parking, with no built form. It forms part of the wider Epsom General Hospital site, which comprises an ad hoc collection of altered buildings, with varying heights and design styles, lacking any coherent masterplan. The Site also falls in close proximity to the Woodcote Conservation Area.
- 2.2 The proposal seeks the construction of a multi-storey car park (MSCP), comprising 527 car parking spaces, the reconfiguration of the existing surface car parking surrounding the proposed structure, providing an additional 104 car parking spaces and improvements to the access road for vehicles and pedestrians, from Dorking Road.
- 2.3 The proposed MSCP would undeniably have a visual presence, but consideration is given to the requirements for this and the associated public benefits, which include:
- Addressing car parking pressures within Epsom General Hospital, by replacing lost car parking spaces and accommodating required car parking spaces, to future proof car parking needs at the hospital
  - Improving pedestrian routes
  - Improving patient and staff experiences.

- 2.4 Officers consider that the principle of a proposed MSCP is acceptable, subject to material considerations. The proposal has evolved to better respond to its surrounding context, but Officers do accept that there is a degree of harm caused to the setting of the adjacent Conservation Area. In balancing this harm against the public benefits of the scheme, the requirements for a parking solution at the hospital and the public benefits arising from the MSCP are in this case, considered to outweigh the adverse impacts of the proposal, when considering paragraph 196 of the NPPF.
- 2.5 Officers recommend approval, subject to a completed S106 Legal Agreement and Conditions.

### **3 Site description**

- 3.1 The Application Site ('Site') comprises car parking spaces. It is broadly triangular in shape, measuring approximately 0.77 hectares in size. It forms part of the Epsom General Hospital wider site.
- 3.2 To the north and east of the Site is Epsom Hockey Club's building and Epsom Cricket's Club's green, to the north-east of the Site are two storey residential properties, lining Dorking Road, to the south of the Site is Epsom Lawn Tennis Club's courts and to the west of the Site is Epsom General Hospital and its various buildings, car parking and hardstanding.
- 3.3 The wider area comprises a mix of uses, including housing and schools. Epsom Town Centre is located approximately 1.3 kilometres to the north of the Site (approximately a 15 minute walk).
- 3.4 Dorking Road is to the north-west of the Site, which provides existing access to the Site.
- 3.5 The Site is designated as a Built Up Area. It is not Listed, nor is it within a Conservation Area, but it is adjacent to Woodcote Conservation Area.
- 3.6 The Site is within Flood Zone 1 (low probability of flooding), but partly within a Critical Drainage Area.
- 3.7 There are no tree preservation orders relating to the Site or relating to trees on its boundaries.

### **4 Proposal**

- 4.1 The proposal seeks:
- the construction of a multi-storey car park (MSCP), comprising 527 car parking spaces
  - the reconfiguration of surface parking surrounding the MSCP, providing 104 car parking spaces; and
  - improvements to the access road for pedestrians and vehicles, from Dorking Road.
- 4.2 In accordance with the accompanying Design and Access Statement (DAS), the proposed MSCP provides a total of 631 spaces, including 27 disabled parking spaces. The Trust intends to split the MSCP car parking between staff, patients and visitors, although the exact operational strategy is still in development. Any division internally will be achieved through signage and management, rather than barriers. Patients and visitors are likely to be allocated to the lower levels, with staff on upper levels.

4.3 In accordance with the DAS, the general arrangement is as follows:

	Disabled	Non-disabled
Level 05	2	88
Level 04	2	88
Level 03	2	88
Level 02	2	88
Level 01	2	88
Level 00 (ground)	2	75
	727	
Surface car parking	15	89
	631	

4.4 In accordance with submitted drawings, the proposed MSCP measures approximately 21 metres in height, 70 metres in width and 32 metres in depth. It is set over 6 storeys.

## 5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 70 neighbouring properties. A Site Notice was displayed and the application advertised in the local paper.

5.2 1 letter of support was initially received, with the following comment:

- Car parking arrangements are inadequate for patients at present

5.3 89 letters of objection were initially received, with the following concerns:

- Inappropriate height and mass
- Inappropriate design
- Adverse impact on neighbouring amenity
- Adverse visual impact
- Adverse impact on adjacent Sports Club
- Traffic generation and impact
- Adverse environmental impact
- Adverse ecological impact

### Woodcote Epsom Residents' Society

- Accepts the principle of a multi-storey car park on the Site, to address existing vehicle movement and parking problems and to replace lost car parking
- Inappropriate height and massing
- Inappropriate design
- Adverse impact on neighbouring heritage assets

- Adverse visual impact

The Board (Committee) of Epsom Sports Club

- Inappropriate height and massing
- Inappropriate design
- Overlooking to the club grounds, raising a safeguarding and welfare risk
- Adverse environmental impact
- Traffic generation and impact

Epsom Civic Society

- Recognise requirement for a car park
- Would recommend green living walls
- Inappropriate height and massing
- Adverse impact on adjacent Conservation Area and nearby listed buildings on Dorking Road
- Adverse impact on and from adjacent sports club's ground
- No sustainability credentials
- Public health risks
- Limited charging points for electric vehicles

5.4 Amended plans were received and re-consultation took place on 05.02.2021. 26 letters of objection were received, with the following concerns:

- Inappropriate height and mass
- Inappropriate design
- Adverse impact on adjacent Sports Club and Cricket Club
- Traffic generation and impact
- Adverse environmental impact

Woodcote (Epsom) Residents' Society

- Inappropriate height and mass
- Adverse visual impact
- Inappropriate materials, visually incongruous
- Out of character
- Adverse impact on heritage assets
- Parking requirements
- Limited sustainability credentials

The Board (Committee) of Epsom Sports Club

- Initial objection remains (including previous comments)
- Noise and disturbance

Epsom Civic Society

- Adverse impact on adjacent sports club
- Inappropriate height and mass
- Inappropriate design
- No inclusion of green walls, timber fenestration. Metal cladding is inappropriate
- Basement car park would be welcomes



5.5 Updated drawings were received on 29.03.2021, with design amendments. The new drawings show the following design amendments:

- Reduction in jump height protection by 1 metre. This revised height level does remain within the recommended height limits
- Introducing four living walls on the building (one each on the north and south elevations and two on the eastern elevation)
- Removal of perforated panels on the top floor
- Standardised the colour of all galvanised items.

5.6 The Local Planning Authority has re-consulted on the amended drawings for 14 - 21 days. 23 letters of objection were received, with the following concerns:

- Inappropriate height and mass
- Inappropriate design
- Adverse impact on neighbouring amenity
- Traffic generation and impact
- Adverse environmental impact
- Noise and disturbance.

Woodcote (Epsom) Residents' Society

- Inappropriate height (reduction in decking height is welcomed, but highest part of the building, at cores 1 and 2, remain the same height, with the building being between 4.6 and 5.5 metres higher than the nearest corner of the Bradley Wing hospital building)
- Green walls are more like green strips and fail to break up massing of the building or contribute to sustainability
- Removing perforated panels and standardisation of colour will have a minimal impact on the harmful visual impact.

Epsom Civic Society

- Reduction of the top floor by 1 metres is beneficial, but the new building is 5.6 above the adjacent wing of the hospital
- The green living walls are "2 metre wide strips" and only offer decorative benefits
- The removal of the perforated panels assists the aesthetics, but has minimal effect on the overall façade vision.

## 6 Consultations

- SCC Highways (25.03.2021): recommend S106 Obligation and conditions
- SCC Fire and Rescue (14.04.2020): the application demonstrated compliance with the Fire Safety Order in respect of means of warning and escape in case of fire
- SCC Archaeology (10.02.2021): recommend condition
- SCC LLFA (05.03.2020): recommend conditions
- Environment Agency: the application has a low environmental risk and so no comments to make
- Thames Water (18.02.2021): recommend condition and informative
- EEBC Ecology: recommend condition

- EEBC Trees: no formal comment provided
- EEBC Environmental Health (15.02.2021): design needs to be properly considered to promote natural surveillance and avoid areas that could be exploited for anti-social behaviour and other illegal activities. There is an adverse noise impact predicted, with mitigation suggested. This should be installed
- EEBC Contaminated Land: (02.03.2020): recommend condition
- EEBC Design and Conservation Area Officer: objection
- Crime Reduction Advisor & Design Out Crime Officer: the MSCP would be a positive move in terms of safe and available car parking.

## **7 Relevant planning history**

- 7.1 There is an extensive planning history relating to Epsom General Hospital. The below details relevant and recent planning applications only. It does not provide a comprehensive list of all planning applications at the wider site.

Application number	Decision date	Application detail	Decision
21/00252/FUL	Pending	Demolition of the existing hospital buildings, accommodation block and associated structures and redevelopment of the site to provide a new care community for older people arranged in two buildings, comprising 267 care residences, 10 care apartments and 28 care suites providing transitional care, together with ancillary communal and support services Use Class C2, 24 key worker units Use Class C3, childrens nursery Use Class E, as well as associated back of house and service areas, car and cycle parking, altered vehicular and pedestrian access, landscaping, private amenity space and public open space	Pending
20/01322/DEM	12.10.2020	Demolition of the existing buildings and structures on site	Prior Approval Required and Approved
20/01093/DEM	03.09.2020	Demolition of the existing buildings and structures on site	Prior Approval Required and Approved
20/00885/DEM	22.07.2020	Prior Notification of the proposed demolition of buildings at Epsom General Hospital, including York House, Woodcote Lodge, Rowan House, Beacon Ward, the boiler house and ancillary buildings and structures, under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)	Prior Approval Required and Approved
20/00108/FUL	30.07.2020	Part-demolition, construction of a three-storey extension to the rear of Langley Wing, a bridge link between Langley Wing and Wells Wing at second floor level, a roof garden at ground floor level, internal and external alterations of Langley Wing and plant	Granted
19/01722/FUL	23.11.2020	Demolition of the existing hospital buildings, accommodation block and associated structures and redevelopment of the site to provide a new care community for older people	Refused

Application number	Decision date	Application detail	Decision
		arranged in two buildings, comprising 302 to 308 care residences, 8 to 12 care apartments and 26 to 30 care suites providing transitional care, together with ancillary communal and support services Use Class C2, 24 key worker units Use Class C3, childrens nursery Use Class D1 as well as associated back of house and service areas, car and cycle parking, altered vehicular and pedestrian access, landscaping, private amenity space and public open space	
19/00865/FUL	11.10.2019	Installation of a new Boiler House, CHP, Standby Generator and associated plant on Well's Wing second floor terrace, with acoustic screen	Granted
19/00295/FUL	12.08.2019	Covered walkway, new boundary fence section, relocation of cycle facility, re-provision of VIE oxygen storage facility, double stacking of A&E modular building and paved access route to the North East of Woodcote Wing (Retrospective)	Granted
19/00063/FUL	19.07.2019	Two oil tanks, a generator with a flue and a mast structure	Granted
18/01571/FUL	14.06.2019	Retrospective 3 storey Modular Office Accommodation Building	Granted
18/00990/FUL	10.12.2018	Proposed extension to accommodate new bed lift	Granted
16/00719/FUL	20.10.2016	Erection of 2No glass curtain wall link corridors with 5 degree roof. Alterations to existing doors and windows to suite new layout.  Landscaping to Fenby Ward, level existing secure garden, lay half with new Astro Turf and creation of play area	Granted
15/00910/FUL	03.11.2015	Re-cladding of the "Wells Wing" building, comprising installation of new external wall insulated render system, replacement new double-glazed uPVC/PPC aluminium windows and upgraded roof finish and insulation	Granted

Application number	Decision date	Application detail	Decision
14/00494/FUL	09.09.2014	Excavation to external areas of Elgar Ward and Delius Ward to enable the provision of secure fenced outdoor areas together with associated hard and soft landscaping.	Granted
10/00876/FUL	02.02.2011	Single-storey extension and alteration to existing endoscopy day-case unit	Granted

## 8 Planning Policy

### National Policy Planning Framework (NPPF) 2019

Chapter 2 Achieving Sustainable Development

Chapter 4 Decision Making

Chapter 6 Promoting a Strong and Competitive Economy

Chapter 8 Promoting Healthily and safe communities

Chapter 9 Promoting Sustainable Transport

Chapter 11 Making Effective Use of Land

Chapter 12 Achieving Well-Designed Places

Chapter 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 15 Conserving and Enhancing the Natural Environment

Chapter 16 Conserving and Enhancing the Historic Environment

### Core Strategy 2007

Policy CS1 – Sustainability

Policy CS3 - Biodiversity

Policy CS5 - The Built Environment

Policy CS6 - Sustainability in New Developments

Policy CS12 - Infrastructure

Policy CS13 - Community facilities

Policy CS16 - Managing transport and travel

### Development Management Policies Document November 2015

Policy DM4 - Biodiversity

Policy DM5 - Trees and landscape

Policy DM7 - Footpath, cycle and bridleway network

Policy DM8 - Heritage assets

Policy DM9 - Townscape character and local distinctiveness

Policy DM10 - Design requirements

Policy DM17 – Contaminated land

Policy DM19 - Development and flood risk

Policy DM34 - New social infrastructure

Policy DM35 - Transport and New Development

Policy DM36 - Sustainable transport.

Policy DM37 – Parking Standards

## **9 Planning considerations**

- Principle of development
- Design, heritage and visual impact
- Transport
- Neighbouring Amenity and Noise
- Air Quality
- Trees and Landscaping
- Ecology
- Archaeology
- Flood Risk and Drainage
- Contamination.
- Crime and Community Safety

## **10 Principle of development**

10.1 The main principle considerations include:

- The need for a MSCP; and
- The impact of the MSCP on heritage assets.

MSCP need

- 10.2 A letter, dated 03.02.2020 accompanies this application, which sets out the reasoning for the proposed MSCP. It sets out that that Epsom and St Helier University Hospitals NHS Trust ('The Trust') are part way through a significant investment programme at Epsom General Hospital. At peak times there are queues on Dorking Road, for access to the hospital's public car park. This scheme seeks to address this, by creating new lanes (or "reservoirs") for cars entering and leaving the Site, to reduce pressure on Dorking Road. This also provides swifter access for ambulances.
- 10.3 The letter sets out that alternative methods of travel for staff and patients will be promoted and improvements to public transport access to Epsom General Hospital will be explored. But, to ensure that the existing number of car parking spaces for staff and visitors are retained, it's essential that the MSCP is built.
- 10.4 The letter sets out that the programme of improvements is partly funded by the recent sale of part of the Epsom General Hospital site to Guild Living. As a result of this sale, the amount of surface car parking available to The Trust will reduce and so to ensure that the car parking capacity is retained, this scheme seeks to replace the car parking and accommodate additional car parking, required for impatient and therapy services, which will move from West Park (New Epsom and Ewell Cottage Hospital and The Poplars) (NEECH) to Epsom General Hospital. Additionally, the proposal seeks to re-provide car parking spaces that have been removed as a result of other permitted schemes on the hospital site.
- 10.5 The cover letter makes reference to the 'Guild Living scheme', but Officers note that this was refused on 23.11.2020, under ref: 19/01722/FUL. A revised planning application has been submitted, under ref: 21/00252/FUL.
- 10.6 The accompanying DAS reiterates the contents of the letter, but further sets out that the proposal also seeks a much-improved pedestrian route from the Dorking Road entrance, through to the Wells Wing and Emergency Department entrances on the eastern elevation of the hospital.
- 10.7 An email presentation was received on 07.04.2021 from the Applicant, providing a "social benefits case" for the proposed scheme, which is available in the public domain. The presentation sets out a summary of future options and strategies for Epsom General Hospital, including, for example, proposed refurbishments to existing buildings and proposed investments to expand emergency and urgent care facilities. It sets out the need for the proposed MSCP, stating that approximately 250 car parking spaces has been lost as a result of a sale of land to Guild Living, 50 additional car parking spaces being required for the NEECH move to Epsom General Hospital, to improve patient and staff experience and future proofing the car parking needs for the hospital.
- 10.8 The presentation sets out that concerns had been raised regarding the height of the proposed MSCP, so the Applicant did explore a scheme with a reduced height, but this would require a larger footprint, pushing the proposed building closer to the Site boundary, which in part comprises the boundary of the adjacent Conservation Area..
- 10.9 The presentation does set out that in response to representation received on this application, the following changes have been sought:
  - proposing more trees on the Site

- jump height protection has been removed on the top floor of the building;
- perforated panels have been removed;
- galvanised items have been standardised to improve aesthetics;
- alterations to materials; and
- four green living walls have been introduced.

10.10 In considering the case put forward, Officers understand that a car parking solution is required at Epsom General Hospital. The proposed MSCP and surface car parking would replace lost car parking and accommodate future car parking needs. Subject to material considerations, the principle of a MSCP at Epsom General Hospital is considered acceptable.

Impact of MSCP on heritage assets

10.11 At present, the Site comprises surface level car parking, with no built form. It forms part of the wider Epsom General Hospital site, which comprises an ad hoc collection of altered buildings, with varying heights and design styles, lacking any coherent masterplan. The Site also falls in close proximity to the boundary of the Woodcote Conservation Area, which in this location relates to the back gardens of residential properties facing onto Dorking Road. The residential properties referred to are Grade II Listed Buildings but are located further away from the proposed MSCP.

10.12 Officers appreciate the Site's key constraints, the practical consideration that has led to the siting of the proposed MSCP and the required height of this to allow for required car parking numbers. During the course of this planning application, the Applicant has sought to provide reasoning and justification for the proposed MSCP and the recently amended drawings seek to reduce the height of the jump height protector, to decrease the height of the overall building. The introduction of living walls and additional tree planting on the Site boundary has sought to soften the building's appearance and impact. In essence, the Applicant has altered the design of the proposal to further mitigate the adverse impacts on the surrounding context.

10.13 Officers acknowledge that the proposed building would undeniably have a visual presence, but consideration is given to the requirements for the proposed MSCP and the public benefits arising from this, which include:

- Addressing car parking pressures within Epsom General Hospital, by replacing lost car parking spaces and accommodating required car parking spaces, to future proof car parking needs at the hospital
- Improving pedestrian routes
- Improving patient and staff experiences.

10.14 Officers consider that the principle of a proposed MSCP is acceptable, subject to material considerations. The proposal has evolved to better respond to its surrounding context, but Officers do accept that there is a degree of harm caused to the setting of the adjacent Conservation Area. In balancing this harm against the public benefits of the scheme, the requirements for a parking solution at the hospital and the public benefits arising from the MSCP are in this case, considered to outweigh the adverse impacts of the proposal, when considering paragraph 196 of the NPPF.



## 11 Design, Heritage and Visual Impact

- 11.1 Chapter 16 of the NPPF relates to the conservation and enhancement of the historic environment. Paragraph 189 sets out that in determining applications, Local Planning Authorities should require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 11.2 Paragraph 190 sets out that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 11.3 Paragraph 192 sets out that in determining applications, Local Planning Authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - The desirability of new development making a positive contribution to local character, and distinctiveness.
- 11.4 Paragraph 193 sets out 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.
- 11.5 Paragraph 196 sets out 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
- 11.6 Chapter 12 of the NPPF relates to achieving well-designed places. Paragraph 124 sets out that the creation of high quality 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. Being clear about design expectations, and how these will be tested, is essential for achieving this

- 11.7 Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development. Developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Development should be sympathetic to local character and history, including the surrounding built environmental and landscape setting, establish or maintain a strong sense of place and optimise the potential of a Site to accommodate and sustain an appropriate amount and mix of development. Furthermore, places should be created that are safe, inclusive and accessible, with a high standard of amenity for existing and future users.
- 11.8 Paragraph 128 sets out that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the Local Planning Authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests.
- 11.9 Paragraph 130 sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 11.10 Paragraph 131 sets out that in determining applications, great weight should be given to outstanding or innovative designs, which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 11.11 Policy CS5 sets out that the Local Planning Authority will protect and seek to enhance the Borough's heritage assets including historic buildings and conservation areas. The settings of these assets will be protected and enhanced. The policy also sets out that high quality and inclusive design will be required for all developments. Developments should (inter alia) create attractive, functional and safe environments, reinforce local distinctiveness and complement the attractive characteristics of the Borough and make efficient use of land.
- 11.12 Policy DM8 sets out that the Local Planning Authority will resist the loss of Heritage Assets and every opportunity to conserve and enhance these should be taken by new development.
- 11.13 Policy DM9 sets out that planning permission will be granted for proposals that make a positive contribution to the Borough's visual character and appearance. In assessing this, the following is considered:
- 11.14 compatibility with local character and the relationship to the existing townscape and wider landscape;
- the surrounding historic and natural environment;
  - the setting of the proposal Site and its connection to its surroundings; and
  - the inclusion of locally distinctive features and use of appropriate materials.
- 11.15 The Chalk Lane Conservation Area and the Woodcote Conservation Area fall to the southeast and northeast of the Site (less than 0.1 miles from the Site).

- 11.16 Both the Chalk Lane Conservation Area Appraisal and the Woodcote Conservation Area Appraisal sets out that *"in future, in order that the special architectural and historic interest of the conservation area is protected, the Borough Council will need to be especially vigilant when considering applications for new development"*.
- 11.17 Concerns have been received from neighbours regarding the height, design and massing of the proposal and its impact on surrounding heritage assets. This has been taken into consideration by Officers in the assessment of this application.

Heritage Desk-Based Assessment

- 11.18 A Heritage Desk-Based Assessment, dated February 2020, accompanies this application.
- 11.19 A Design and Access Statement (DAS) accompanies this application, dated 07.02.2020, providing the design rationale for the proposed MSCP. With regards to the Woodcote and Chalk Lane Conservation Areas and the Grade II Listed Buildings along Dorking Road (including White Horse Public House and the 67 and 69 Dorking Road), the assessment sets out that the proposed redevelopment would introduce a degree of change in the setting, through the introduction of new built form. However, the key contributors to the significance of these assets would be preserved, and this change needs to be considered given to the existing urban settings of these assets. As such, the impact of the proposal on the Listed Buildings and Conservation Areas would be limited, due to the existing modern context in which the assets are experienced and the design treatments that aim to respond to the local materials and palette. When all aspects are considered, the proposed development would result in some limited harm to those designated heritage assets, falling within the lower end of the spectrum of less than substantial harm. In accordance with the NPPF, when less than substantial harm (lower end) to designated heritage assets has been identified, *"this harm should be weighed against the public benefits of the proposal"* (Para. 196).

Constraints and opportunities

- 11.20 The DAS sets out that the Site's key constraints include the shared approach lane and minimal reservoir within the Site. The Site is also overlooked from most directions, particularly from the cricket club to the east. The northern end of the Site borders a private residential garden. The key opportunities include the Site's proximity to key hospital entrances and the opportunity to provide an improved pedestrian experience. As part of the proposal, existing pavements would be improved and pedestrian crossings proposed, which would improve wayfinding and safety.

MSCP positioning

- 11.21 The DAS sets out that consideration has been given to the siting of the proposed MSCP, which is broken down into the following four steps:

Step 1	The footprint of the MSCP is pushed away from sensitive boundaries, positioned closer to the hospital. This gives easier access to and from the hospital for pedestrians and intrudes less onto neighbouring residential properties/sports premises
Step 2	The positioning of the MSCP enables a “reservoir” for cars entering/exiting the hospital, to move away from blue light route. This helps to mitigate congestion along an important access road
Step 3	MSCP cores are positioned to ease pedestrian access to the hospital, whilst protecting the blue light route.  Remaining surface parking layout is revised, providing a simpler layout with less confusion.
Step 4	The MSCP employs a Vehicular Circulation Module (VCM) to maximise spatial efficiency of the building, whilst ensuring the built volume is as compact as possible.

Vertical Circulation Module

- 11.22 In order to provide maximum spatial efficiency and a high quality user experience, the proposed layout of the proposed MSCP is based on a Vertical Circulation Module (VCM). This creates two one-way circulating routes through the car park. The aisles are one way, with a shared central ramp, split using a painted line, in order to improve ease of use for drivers and to maintain the free flow of vehicles. This provides good visibility and clarity of navigation for vehicles and pedestrians.

- 11.23 Car parking spaces are sized at 2.4m x 4.8 m and clear heights at a minimum of 2.1, below any obstruction (e.g. steel beams or signage). Disabled car parking bays have an additional margin of 1.2m to each side and the rear of each space and are located on flat areas only.

Updated drawings (29.03.2021)

- 11.24 Updated drawings were received on 29.03.2021, with design amendments. The new plans seek the following design amendments:

- Reduction in jump height protection by 1 metre. This revised height level does remain within the recommended height limits
- Introducing four living walls on the building (one each on the north and south elevations and two on the eastern elevation)
- Removal of perforated panels on the top floor
- Standardised the colour of all galvanised items.

- 11.25 The materials key on the updated drawings show the following proposed materials:

- Red multi brick
- Powder coated aluminium fins in four colours (green RAL 6025, Grey RAL 7047, copper RAL 3016 and red RAL 3001)
- Steel doors
- Aluminium windows
- Precast concrete (smooth finish)
- Galvanised steel structure

- Green wall (subject to fire engineering and building control approval).

11.26 The Local Planning Authority has re-consulted on the amended drawings. Concerns have been raised from nearby residents, regarding the amended scheme, including its height, mass, bulk and design. These comments have been taken into consideration by Officers.

Fire safety

11.27 A formal response was received from Surrey Fire & Rescue Service on 14.04.2020. This sets out that the application has been examined by a Fire Safety Inspecting Officer and it appears to demonstrate compliance with the Fire Safety Order in respect of means of warning and escape in case of fire.

Local Planning Authority Design and Conservation Officer comments (09.03.2021)

11.28 The Local Planning Authority's Design and Conservation Officer commented on this application on 09.03.2021, regarding the originally submitted drawings. The comments are summarised below.

11.29 The proposed MSCP would be located in close proximity to a group of Twentieth Century hospital buildings, which are of limited architectural or historic interest. The proposed MSCP would however be within the setting of the Woodcote Conservation Area. On the northern side of Dorking Road, opposite the entrance to the hospital, there are a small group of one and two storey Grade II Listed buildings. At present, the Site is not built on and is used for ground level parking.

11.30 The proposed MSCP would be clearly visible, given its substantial mass, behind two-storey suburban housing. Its scale, character and materiality would relate in no way to these buildings and given its location next to the Woodcote Conservation Area, it can be regarded as harmful to the setting of this designated heritage asset.

11.31 The scale of the proposed MSCP remains excessive. This is described as a 6 storey building, however this is deceptive, as the top floor is not simply a roof, but a floor with enclosing walls, making it effectively a 7 storey building. This should be regarded as excessive, so close to a Conservation Area of mostly suburban character. The proposal is as excessive as that presented at pre-application stage and is (in my view) unacceptable.

11.32 Views from the Chalk Lane Conservation Area may also be affected by such a large proposed development. The development may not be seen from the Chalk Lane Conservation Area, but the Applicant has not demonstrated this, by not preparing longer views.

11.33 The design of the proposed MSCP is dependent on the articulation of the cladding surfaces, to massage its bulk. This is partially successful, but it does not conceal the sheer scale of the building and its dynamic texturing of surfacing, drawing attention to the building, making it more noticeable from the Conservation Area.

11.34 Though the elevations may have some strong architectural interest, this would mainly be as a result of different colours and forming of metal shapes in the cladding. That interest is very out of character with the architecture of the Conservation Area. Its more dynamic surface articulation would serve to dominate the small scale suburban architecture in the Conservation Area. The exact material finish is so critical to the appearance of the building it is perhaps not something that could be left to conditions.

- 11.35 On balance, the proposal is considered unacceptable and the Applicant is advised to reconsider the scale of the building and reduce its height. However, a much larger footprint, with a slightly reduced height, might also be harmful to the setting of the local context. The proposal is considered to be unacceptable, under Policy DM10, as its scale, layout, height, form (including roof forms) and massing does not respect local character and local distinctiveness. The proposal would also be harmful to the setting of the Conservation Area, contrary to paragraph 190 of the NPPF.

Local Planning Authority Design and Conservation Officer comments (21.04.2021)

- 11.36 The Local Planning Authority's Design and Conservation Officer commented on the updated, latest drawings, on 21.04.2021. The Officer acknowledged that there are some minor amendments to the drawings, but very little has changed. The most obvious change is the addition of four strips of green wall, which adds to the variety of surfaces and some additional interest. However, the Officer is not convinced that the living walls will help to blend the structure into the local environment, when viewed from the Conservation Area, as claimed by the list of amendments. With or without the green walls, the relationship to the architectural character and scale is not related to the Conservation Area or to the hospital.

- 11.37 The reduction of the height by 1 metre is not great within the context of the building and the amendments to the panelling are not clear on the building. Therefore, the principle objection on grounds of scale and impact on the Conservation Area still stand.

Officer comments

- 11.38 At present, the Site comprises surface level car parking, with no built form. It forms part of the wider Epsom General Hospital site, which comprises an ad hoc collection of altered buildings, with varying heights and design styles, lacking any coherent masterplan. The Site also falls in close proximity to the Woodcote Conservation Area and Listed Buildings on Dorking Road.

- 11.39 Officers appreciate the Site's key constraints, the practical consideration that has led to the siting of the proposed MSCP and the required height of this to allow for required car parking numbers. During the course of this planning application, the Applicant has sought to provide reasoning and justification for the proposed MSCP and the recently amended drawings seek to reduce the height of the jump height protector, to decrease the height of the overall building. The introduction of living walls and additional tree planting on the Site boundary has sought to soften the building's appearance and impact.

- 11.40 Officers acknowledge that the proposed building would undeniably have a visual presence, but consideration is given to the requirements for the proposed MSCP and the public benefits arising from this, which include:

- Addressing car parking pressures within Epsom General Hospital, by replacing lost car parking spaces and accommodating required car parking spaces, to future proof car parking needs at the hospital
- Improving pedestrian routes
- Improving patient and staff experiences

- 11.41 Officers consider that the principle of a proposed MSCP is acceptable, subject to material considerations. The proposal has evolved to better respond to its surrounding context, but Officers do accept that there is a degree of harm caused to the setting of the adjacent Conservation Area. In balancing this harm against the public benefits of the scheme, the requirements for a parking solution at the hospital and the public benefits arising from the MSCP are in this case, considered to outweigh the adverse impacts of the proposal, when considering paragraph 196 of the NPPF.

## **12 Transport**

- 12.1 Chapter 9 of the NPPF relates to the promotion of sustainable transport.
- 12.2 Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 12.3 Policy CS16 encourages development proposals that foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should (inter alia) provide safe, convenient and attractive accesses for all, including the elderly, disabled, and others with restricted mobility. Development proposals should be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. Furthermore, development proposals must ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, not materially increase other traffic problems.
- 12.4 Policy DM36 out that to secure sustainable transport patterns across the Borough, the Local Planning Authority will (inter alia) prioritise the access needs of pedestrians and cyclists in the design of new developments and require new development to provide on-site facilities for cyclists as appropriate, including showers, lockers and secure, convenient cycle parking, in accordance with standards.
- 12.5 Policy DM37 sets out that developments will have to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.
- 12.6 Concerns have been received from neighbours regarding the generation of additional traffic and the impact of the development on the surrounding highway. This has been taken into consideration by Officers in the assessment of this application.

### **Transport Assessment**

- 12.7 A Transport Statement dated February 2020, accompanies this application. This was updated in July 2020, following comments from SCC Highways.

Existing parking provision

- 12.8 The Transport Statement sets out that information provided by the Trust states that there are 801 car parking spaces at Epsom General Hospital, divided between staff and visitors. The breakdown of car parking spaces is as follows:

Visitor spaces	254
Disabled spaces	40
Staff spaces	507
Total car parking spaces	801



Useable spaces

- 12.9 The Transport Statement sets out that the number of space recorded on site as part of surveys undertaken in May 2019 were slightly below that recorded in the above table. Most car parking spaces were lost due to the installation of a modular office building. The resulting observed car parking spaces were as follows:

Visitor spaces	248
Staff spaces	528
Total car parking spaces	776

Visitor car parking

- 12.10 The Transport Statement sets out that the visitor car is located to the left of the main access road from Dorking Road.

General accessibility

- 12.11 The Transport Statement sets out that Epsom General Hospital is in an accessible location and can be accessed by modes of transport other than the private car.

Proposal

- 12.12 The Transport Statement sets out that Epsom General Hospital's site-wide parking capacity, carried out in 2017, has been used as a baseline parking position. In 2017 there were a total of 801 parking spaces across the hospital site, with 256 located within the visitor car park.
- 12.13 The Epsom General Hospital site has undergone numerous changes within the years and in accordance with surveys undertaken in May 2019, there are currently a total of 776 useable parking spaces within the wider hospital site, including 248 spaces in the visitor car park.

Car parking requirements

- 12.14 The Transport Statement sets out that 241 car parking spaces would be lost as a result of redevelopment of an area to the south-west of the Epsom General Hospital site. Additionally, further car parking spaces would have been lost as a result of the following:

Reference	Description of development	Decision	Decision date	No. of car parking spaces lost
18/01571/FUL	Retrospective 3 storey Modular Office Accommodation Building	Granted	14.06.2019	12
19/00063/FUL	Two oil tanks, a generator with a flue and a mast structure	Granted	19.07.2019	23

- 12.15 The Transport Statement sets out that additionally, 66 car parking spaces associated with Woodcote Lodge are required to be relocated and existing NHS services, located at New Epsom and Ewell Community Hospital (NEECH), are to be relocated to Epsom General Hospital, resulting in 46 additional staff and demand for approximately 50 extra car parking spaces.
- 12.16 The Transport Statement sets out that as a result of the above, there is a requirement for 851 car parking spaces across the Epsom General Hospital site, which is an increase of 50 car parking spaces above the baseline position.
- 12.17 The development proposals seek to provide a total of 631 parking spaces within the proposed MSCP site boundary/existing visitor car park, with 527 located within the proposed MSCP and a further 104 surface level spaces, all accessed via the existing priority junction on Dorking Road. A further 220 spaces would be retained elsewhere on the Epsom General Hospital site resulting in the total parking capacity of 851 spaces.

Proposed MSCP

- 12.18 The Transport Assessment sets out that the proposed MSCP has been designed on the standard of:
- 2.4m x 4.8m non-disabled car parking bays; and
  - 3.6m x 4.8m disabled car parking bays.
- 12.19 The aisle width is 6m, allowing for a 1.2m pedestrian walkway across the car parking deck. The car parking deck is a Vertical Circulation Module (VCM), meaning that the car parking aisles form part of the ramps of the proposed MSCP. The cross falls are 1:50 and the falls along the aisles are 1:26.

- 12.20 The Transport Assessment sets out that proposed entrance to the car park and the entrance and exit barriers are located in roughly the same position as that in the existing car park, but the area in-between has been redesigned, so that all surface level car parking in this area is removed, to provide two entry and exit lanes.

Disabled spaces

- 12.21 A query has been raised regarding why disabled bays are not located in one area, on one floor of the proposed MSCP.
- 12.22 The Applicant's transport consultant responded to this query, on 27.04.2021, setting out that building regulations and industry standard documents require all accessible parking bays to be placed on a flat/level surface. The proposed MSCP deck layout includes ramped decks, in an arrangement known as Vertical Circulation Module (VCM). Due to this, it is not possible to have all accessible spaces at ground floor level because these would be positioned on a slope.
- 12.23 The proposed accessible spaces have been positioned in close proximity to the stair cores and lifts. Some floors would be used for staff car parking and other floors used for patient and visitors parking, so in line with the Trust's strategy, the proposal would enable accessible parking to be available to all users of the car park.

Car parking management during construction

- 12.24 The Transport Assessment sets out that during the construction of the proposed MSCP, a total of 174 spaces will be retained on Site for use by hospital staff. This area will only be accessible from and to Dorking Road. The remaining staff vehicles will be accommodated off-site at a number of locations with shuttle buses taking staff to/from Epsom General Hospital.
- 12.25 The Transport Assessment sets out that visitors would use the parking spaces within the area for disposal, with access from Woodcote Green Road, with exiting onto Dorking Road. There are 221 spaces proposed within the area for disposal, plus an additional 28 disabled spaces located in the consultant's car park in front of the Woodcote Wing resulting in 249 which is roughly equivalent to the existing visitor car park (256 spaces in 2017).
- 12.26 Figures were updated during the course of the planning application. The correct numbers are 67 staff parking spaces and 132 visitor parking spaces to be provided on Site during construction, whereas previously it was indicated that during construction 174 staff and 249 visitor spaces would be provided on Site.

Construction traffic

- 12.27 The Transport Assessment acknowledges that a separate 'Traffic Management Plan' dated 22.11.2019 accompanies this application. Construction working hours are anticipated to be 08:00 – 18:00 Monday to Friday and 08:00 – 13:00 on Saturdays. There shall be no works on Sundays (unless by prior agreement with Epsom General Hospital).
- 12.28 The preference shall be for operatives to cycle and/or take public transport to the Site. Cycle hoops shall be provided beside the Site officers, to promote cycling to work. There shall be no car parking within Epsom General Hospital, apart from short-term car parking within the construction site boundary, for deliveries and collections.

*Post development trips and car parking demand*

12.29 Subject to the proposed MSCP being granted planning permission, the Transport Assessment sets out that the hospital arrivals and departures from Dorking Road would consist of:

- existing trips (Table 5.1 of the Transport Assessment)
- trips from Woodcote Green Road (Table 5.12 of the Transport Assessment); and
- NEECH trips (Table 5.13 of the Transport Assessment).

- 12.30 The resulting peak hour arrivals and departures, along with net changes, are shown below:

	Arrival	Departure	Total	Change
AM peak (07:30 – 08:30)	301	153	454	+106
PM peak (16	122	313	435	+108

- 12.31 The Transport Assessment sets out that the existing parking accumulation data for both the visitor car park and the wider Epsom General Hospital site (Figures 5.2 and 5.3) demonstrate that the existing car park reaches full capacity (or close to full capacity). Additionally, the relocation of staff/services from NEECH would result in an increase in demand for on-site car parking, of 50 spaces.
- 12.32 The Transport Assessment therefore considers that the proposed increase in car parking, as a result of the proposed MSCP (from 801 to 851 total spaces) is appropriate to accommodate the additional demand from NEECH.

Traffic impact

- 12.33 The Transport Assessment sets out that the proposed MSCP is not predicted to have a significant impact on traffic on Dorking Road. Whilst there will be an increase in vehicles queuing to exit the proposed MSCP, the number is not considered to be unusual for a car park of this size during the peak hour. The route to and from the entry/exit barriers has been designed to accommodate queuing traffic away from other hospital traffic (such as ambulances).

Summary

- 12.34 In summary, the Transport Assessment sets out that the proposal seeks to provide 527 car parking spaces within the proposed MSCP and an additional 104 surface level car parking spaces. With a further 220 car parking spaces being retained elsewhere on the Epsom General Hospital site, the total car parking spaces increases from 801 to 851 car parking spaces.
- 12.35 The Transport Assessment sets out that Epsom General Hospital is located in an accessible location and can be accessed by different modes of transport.
- 12.36 The Transport Assessment sets out that due to the reassignment of trips currently accessing Epsom General Hospital's car park within the area for disposal from Woodcote Green Road, plus the relocation of staff/services from NEECH to Epsom General Hospital, there will be an increase in trips as result of the proposals.
- 12.37 Junction capacity assessment demonstrate that Dorking Road/Epsom General Hospital's access would operate with a minimal impact on Dorking Road, following the implementation of the proposed MSCP, whilst the increase in queuing within the Epsom General Site could be accommodated by the proposed layout.

- 12.38 The Transport Assessment sets out that the proposed car parking provision is appropriate to accommodate the additional demand from NEECH, whilst also providing an extra amount of car parking spaces, to prevent overspill onto surrounding residential roads.
- 12.39 The Transport Assessment concludes that the proposed MSCP would not have a material traffic impact or a detrimental impact on local highway safety. Therefore, it is considered that there are no highway or transport reasons that would support refusal of the planning application.

Travel Plan

- 12.40 A Travel Plan, dated February 2020, accompanies this application. An updated Travel Plan was provided on July 2020, as a result from SCC Highway's formal consultation response.
- 12.41 It provides a long-term strategy with the aim of promoting and facilitating trips to and from the Site using the most sustainable modes of travel available and in turn, reducing private car travel and associated car parking demand. The primary objective of the Travel Plan is to reduce unnecessary vehicular trips undertaken by staff and visitors through the promotion and facilitation of suitable alternative modes of travel when accessing the Site.
- 12.42 The Travel Plan sets out a range of physical and managerial measures to implement the long-term strategy. It is not a fixed document and the strategy and measures may require reviewing over the period of the Plan, to accommodate any changes in circumstances. Notwithstanding this, the objectives of the Travel Plan to encourage sustainable travel will not change.
- 12.43 SCC Highways raised concern with the updated Travel Plan, specifically that there was not enough content to make it acceptable. SCC Highways recommended that a new Travel Plan is secured by condition, should planning permission be granted.

SCC Highways

- 12.44 SCC Highways requested the models used in the Transport Assessment, for review by SCC Highways Modelling team. In addition, SCC Highways provided a formal response, dated 06 May 2020, requiring additional information from the Applicant.
- 12.45 The Applicant provided a Technical Note and updated Transport Assessment and Travel Plan on 24.07.2020 to address concerns raised by SCC Highways.
- 12.46 SCC Highways raised additional concerns with regards to the temporary reduction in car parking spaces at the Epsom General Hospital site. SCC Highways also queried whether there would be any changes to the main hospital access on Dorking Road. The Applicant's transport consultant confirmed in an email, dated 14.10.2020, that there are no current plans to make alterations to the main hospital access on Dorking Road.
- 12.47 A note was prepared by the Applicant's transport consultant, on 11.12.2020, comparing the existing/observed arrivals and departures at the Epsom General Hospital site, with those predicted to take place during the construction phase of the MSCP. SCC Highways responded on 06.01.2021, requiring additional information from the Applicant.
- 12.48 SCC Highways Modelling team's concerns regarded the impact of trips on Dorking Road. The Applicant sought to address this and dialog was had between SCC Highways and the Applicant's Transport Consultant regarding suitable mitigation for increased queuing at Epsom General Hospital.

- 12.49 SCC Highways confirmed on 12.02.2021 that it is content that a Temporary Visitor Car Park Management Plan could be secured by planning condition, subject to planning permission being granted.
- 12.50 SCC Highways provided a final response, dated 25.03.2021, recommending that an appropriate agreement should be secured, before the grant of planning permission. The response comprises Obligations and Conditions and also an extensive 'Note to Case Officer'. This is provided below.

*"This application seeks planning permission for the erection of a MSCP and the reconfiguration of some of the existing car parking within the Application Site at Epsom General Hospital. It is proposed 527 car parking spaces will be provided within the MSCP and that the reconfiguration of existing at grade car parking within the red line edging of the Application Site will provide 104 car parking spaces. The number of car parking spaces within the Epsom General Hospital site (including those 220 spaces retained elsewhere on the hospital site, outside of the red line edging) would total 851 parking spaces.*

*Parking surveys were carried out at the site in 2017, to determine a baseline position for parking at Epsom General Hospital prior to the redevelopment works. These surveys confirmed that there were 801 parking spaces available at Epsom General Hospital (254 visitor parking spaces, 40 disabled parking spaces and 507 staff car parking spaces). The proposal for 851 car parking spaces is therefore a net increase of only 50 car parking spaces at the hospital site.*

*The need for a MSCP largely results from the sale of part of the Epsom General Hospital site fronting Woodcote Green Road to a third party. The land sold comprises areas previously used for staff car parking and redundant hospital buildings. Owing to the sale of this land, Epsom General Hospital has lost 241 parking spaces. To re-provide these car parking spaces the Applicant proposes to build a MSCP. The demand for a net additional 50 car parking spaces within the Epsom General Hospital results from the relocation of NHS services currently provided at the New Epsom and Ewell Community Hospital (NEECH) which are to be relocated to the Epsom General Hospital site. The relocation of this service will see 46 additional staff based at Epsom General Hospital and therefore justify demand for 50 additional car parking spaces within the Site.*

*The County Highway Authority highlights that this application would therefore only increase the numbers of parking spaces at Epsom General Hospital by 50. The proposed MSCP condenses the area within which these spaces are provided as the hospital has already sold land used for hospital parking to a third party. An existing point of access on Woodcote Green Road that does not fall within the land sold to the third party will be retained and be used as a servicing route for the hospital, and shall be subject to a one-way (south to north) operation.*

*It is proposed that vehicles accessing the MSCP will use the existing eastern most access on Dorking Road (A24). It is understood that prior to the sale of part of the Epsom General Hospital site, most staff accessed Epsom General Hospital via the Woodcote Green Road entrance. The proposed development would therefore see intensification in use of the Dorking Road entrance to Epsom General Hospital as existing trips, relocated trips from Woodcote Green Road and new trips associated with the relocated services from the NEECH would all be accessing on-site car parking using this access. The Applicant has provided the figures for the below table, which details the number of arrivals and departures and net change in vehicle movements in the AM and PM peak hour. The majority of these are not new trips on the network, but are redistributed trips all accessing*

*the site via Dorking Road, whereas previously, the trips would have been split between Dorking Road and Woodcote Green Road.*

	<i>Arrival</i>	<i>Departure</i>	<i>Total</i>	<i>Change</i>
<i>AM peak (07:30 – 08:30)</i>	301	153	454	+106
<i>PM peak (16</i>	122	313	435	+108



*The County Highway Authority has raised concern about the impact of additional traffic using the existing Epsom General Hospital access on Dorking Road. The Applicant has carried out Paramics Modelling to assess the impact of both reassigned trips from Woodcote Green Road and additional trips associated with the proposed development. The modelling has passed audits carried out by SCC Highways Modelling team.*

*The modelling report provided by the Applicant acknowledges that there are unreleased vehicles within Epsom General Hospital and that there will be a significant increase in queuing levels in the hospital exits between base and 2025 scenarios. Left unmitigated in a worst-case scenario, the greatest number of unreleased vehicles from the hospital access is 137 in the 2025 plus development scenario. The unreleased vehicles are vehicles trying to get onto the network, but because of queuing, are unable to join the network. Because these are not in the model, it is hard to quantify these, but this could be interpreted as vehicles that need to be released, and therefore this can be thought of as an additional queue of vehicles waiting to leave the site.*

*To address these concerns the Applicant has modelled preventing those vehicles that would be turning left when leaving the site from using the main Epsom General Hospital exit, and reassigning all left turning traffic to the existing egress only junction further west onto Dorking Road. This mitigation reduces the level of queuing at the main junction, however, does not entirely remove queuing within the Application Site. The below summary table provided by the Applicant sets out the mitigation impact of redirecting left turning vehicles exiting the site to the westernmost egress. It should be noted that a queue length of 0 does not mean there is no queuing, but instead that any queuing is within the extents of the model, which allows for approximately 12 vehicles at the main junction and approximately 10 at the egress.*

<b>Main Junction</b>	<b>No Mitigation</b>	<b>Mitigation</b>
Base	0	NA
Base + Dev	90, PM, 1715	50, PM, 1715
2025	20, PM, 1630	NA
2025 + Dev	125, PM, 1715	70, PM, 1715

  

<b>Egress only</b>	<b>No Mitigation</b>	<b>Mitigation</b>
Base	0	NA
Base + Dev	0	0
2025	10, AM, 945	NA
2025 + Dev	10, AM, 945	30, AM, 945

*The mitigation (redistribution of left turning vehicles from the main hospital junction to the egress only junction to the west) does reduce the number of unreleased vehicles from the main Epsom General Hospital junction in the 2025 plus development scenario. However, the proposed mitigation does increase the number of unreleased vehicles travelling north bound on Dorking Road at certain times of the day, for example increasing from 220 in the unmitigated scenario to 250 in the mitigated scenario at 18:15 (please see table below which demonstrates worst case number of unreleased vehicles on Dorking Road). As the below table highlights, in the worst case scenario, the proposed development could increase the number of unreleased vehicles on Dorking Road from 150 (2025 without any development) to 250 (2025 with development and mitigation to*

*reduce extent of queuing within the site). The PM period sees the highest growth in unreleased vehicles and the audits suggest this occurs around 18:00 (+/- 15 minutes).*

	AM Unreleased Vehicles	IP Unreleased Vehicles	PM Unreleased Vehicles
2025 Base	130	20	150
2025 + dev	100	15	220
2025 + mit	100	-	250

*Increases in the +mitigation scenarios could be due to both variability within the model and 'letting out behaviour' on the main carriageway. A more constant stream of right turners from the main Epsom General Hospital exit may be slowing traffic on the main carriageway slightly. However, this is considered the worst-case scenario, which is unlikely to be reached*

*The Applicant has confirmed that to further reduce queuing within the Application Site and reduce the impact on Dorking Road, they will stagger staff shift patterns, to be tied into the Travel Plan. This will spread staff departure times from the hospital across several hours and further reduce the extent of queuing within the Application Site. The modelling does not account for this and is hence a worst-case scenario. The Applicant has also advised that they will continue to provide approximately 25% of outpatient appointments virtually after the COVID-19 pandemic, so in-person outpatient appointments at the hospital will be reduced further, reducing queuing within the Application Site, which again has not been modelled. The modelled scenario is therefore a worst-case situation, and, the impact of the development is likely to be less than the modelling predicts. The County Highway Authority understands the Applicant may be considering reducing the amount of parking provided within the proposed MSCP. Should this be the case the impact would be further reduced.*

*On balance the County Highway Authority does not consider that the impact of the proposed development on Dorking Road would be severe if the above mitigation measures are secured, with the proposed mitigation (redirecting left turning vehicles to the egress, staggering staff shift patterns and providing 25% of appointments virtually) combined with a Travel Plan (a strategy for reducing car travel to the Application Site, and measures for implementing the strategy) will suitably reduce the impact of the proposed development on the highway.*

*As Epsom General Hospital have already sold the land used for staff car parking to a third party, the Applicant has confirmed it will not be possible to use this area for parking whilst the proposed MSCP is under construction. Additional parking will be temporarily lost within the red line edging of the Application Site whilst the proposed car park is under construction. It is therefore important that both staff and visitor car parking is carefully managed during construction to ensure that demand for parking within the Application Site does not exceed the reduced parking capacity. The County Highway Authority recommends a condition for a Visitor Temporary Parking Management Plan.*

*With regards to Temporary Staff parking, the Applicant has agreed with Epsom & Ewell Borough Council at the October 2020 Environment and Safe Communities Committee that Epsom & Ewell Borough Council can provide 450 car parking spaces to Epsom General Hospital Staff on a temporary basis whilst the proposed MSCP is under*

*construction within existing Borough Council car parks, however the County Highway Authority was not involved in this committee or agreement.*

*The County Highway Authority also recommends a permanent car parking management plan be provided, which should address the management and allocation of staff and visitor car parking at the site on a permanent basis.*

Officer comments

12.51 The proposal seeks a MSCP, which has been assessed by SCC Highways, who have no objection, subject to S106 Obligations and Conditions. Officers are satisfied that the proposal meets the relevant policy tests.

**13 Neighbouring Amenity and Noise**

13.1 Policy DM9 (Townscape Character and Local Distinctiveness) sets out that Planning Permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance. In assessing this, the following will be considered:

- compatibility with local character and the relationship to the existing townscape and wider landscape;
- the surrounding historic and natural environment;
- the setting of the proposal site and its connection to its surroundings; and the inclusion of locally distinctive features and use of appropriate materials.

13.2 Policy DM10 sets out that development proposals will be required to incorporate principles of good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or area which should be respected, maintained or enhanced include, but are not limited, to the following:

- prevailing development typology, including housing types and sizes;
- prevailing density of the surrounding area;
- scale, layout, height, form (including roof forms), massing;
- plot width and format which includes spaces between buildings;
- building line; and
- typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.

13.3 Concerns have been received from residents that the proposed buildings will adversely impact neighbouring amenity enjoyed at properties surrounding the Site. This has been taken into consideration by Officers in the assessment of this application.

13.4 Concerns have also been received regarding the impact the proposed MSCP would have on the adjacent Epsom Sports Club (hockey, cricket, tennis, lacrosse and croquet). This has been taken into consideration by Officers in the assessment of this application.

13.5 The Site currently comprises surface car parking, so the proposed addition of a MSCP would have a greater visual presence. Considering must be given to the potential impact of this on surrounding residential amenity and other facilities.

- 13.6 The proposed MSCP is to be sited over the current surface level car park located at the north eastern side of Epsom General Hospital. To the immediate south and west of the proposed siting of the proposed MSCP are the main hospital buildings and to the north and east is Epsom Sports Club (Hockey and Cricket) and Epsom Lawn Tennis Club. The nearest residential properties are set approximately 40m to the north in Elmslie Close and approximately 63m to the north for those on the south side of Dorking Road.
- 13.7 The nearest residential properties to the proposed MSCP are numbers 39 to 47 Dorking Road and 1 to 5 Elmslie Close. As above, the development is spaced between 40 and 70 metres from these residential properties. Due to the height, mass and bulk of the proposed MSCP and its positioning within the Epsom General Hospital site, it is likely that the proposed MSCP would have a minor adverse impact upon the existing outlook enjoyed at the closest residential properties. But, the separation distances are considered adequate and the potential loss of outlook is not considered to be unduly harmful or cause an overbearing impact. Furthermore, at these distances, it is considered that the proposal would not have a significant impact upon the daylight, sunlight or privacy enjoyed at these properties.
- 13.8 Epsom Sports Club are recreations grounds comprising open space for playing fields, sports courts and pitches, with associated pavilions and facilities. The proposed MSCP would be visible from the adjacent open spaces, but is not considered to adversely impact the recreational uses, including the sport and leisure uses, at the grounds. Concerns have been raised, stating that the proposal could raise a safeguarding issue. Officers acknowledge that Epsom Sports Club is a mixed club, for use by men, women and children. The nature of the proposed MSCP is not considered to raise safeguarding issues.
- 13.9 Epsom General Hospital comprises a number of buildings, of varying heights, many of which have been altered over time. Generally, the buildings are considered to be of poor quality, lacking any coherent masterplan. The proposed MSCP is considered an appropriate and compatible use to Epsom General Hospital and is not considered to adversely impact the services or care provision at the existing hospital buildings.
- 13.10 In summary, the proposal is not considered to adversely harm neighbouring amenity enjoyed at neighbouring properties. It is considered to comply with Policy DM10 of the Development Management Policies Document (2015).
- 13.11 Policy CS6 sets out that development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development minimises the emission of pollutants, including noise, water and light pollution, into the wider environment.
- 13.12 Policy DM10 sets out that development proposal should have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.
- 13.13 A Noise Impact Assessment, dated 10.02.2020, accompanies this application. It reviews the likelihood of an adverse noise impact as a result of the proposed MSCP. The Assessment has considered BS8233:2014 and the World Health Organisation guidance for assessing noise level from the play areas which offer acceptable external amenity and is applicable to the gardens of the nearest neighbouring property. A reasonable standard of external amenity is considered to be 55 dB(A) LAeq,16hour and below.

- 13.14 The main new noise source associated with the proposed MSCP would be from be additional cars, some of those being raised to a higher position on the top deck of the MSCP. Also, a higher density of cars located closer to Epsom General Hospital. The overall level of sound from the proposed MSCP, with the change in levels compared with existing conditions, has the potential to noticeably impact the noise level within the wards of Epsom General Hospital. Recommendations have been provided, where possible, to reduce the impact of the proposed MSCP.
- 13.15 The Local Planning Authority's Environmental Health team commented on this application on 15.02.2021. It sets out that there is an adverse noise impact predicted, with mitigation suggested within the Noise Impact Assessment. Subject to planning permission being granted, this should be installed (captured within a condition).

#### **14 Air Quality**

- 14.1 Paragraph 105e of the NPPF required adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
- 14.2 Paragraph 110e of the NPPF sets out that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 14.3 Paragraph 170 of the NPPF sets out that planning decisions should prevent new development from contributing to, or being put at unacceptable risk from, or being adversely affected by (inter alia) unacceptable levels of air pollution.
- 14.4 Paragraph 181 of the NPPF sets out that opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management and green infrastructure provision and management.
- 14.5 Policy CS1 sets out that the Council should 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.
- 14.6 Policy CS6 sets out that development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development minimises the emission of pollutants, including noise, water and light pollution, into the wider environment.
- 14.7 An Air Quality Assessment, dated February 2020, accompanies this application. It sets out that the proposed development does not raise any significant or other residual adverse impacts on the health and/or quality of life for any existing or proposed receptors, as a result of any anticipated changes to air quality. It is considered that the proposed development complies fully with air quality related National and Local planning policy and any mitigation can, if considered necessary, be enforced by means of appropriate planning conditions.

- 14.8 The Local Planning Authority's Environmental Health provided a comment on this application on 15.02.2021. This does not specifically reference the Air Quality Assessment. Officers have therefore used their professional judgement and subject to planning permission being granted, a condition should be included, capturing the recommendations and mitigation measures recommended within the Air Quality Assessment.
- 14.9 SCC Highways formally provided a response on 25.03.2021. It recommended a planning condition, should planning permission be granted, requiring at least 20% of the available parking spaces to be provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply). The Applicant reviewed this condition wording with Officers and it was agreed to revise the wording of the condition, to reflect that originally proposed by SCC Highways (within SCC Highways' draft response, dated 09.03.2021). The updated recommended condition would require 10% of car parking charging to be provided with EV charging. It would then require a further 10% to be provided with infrastructure, for future provision of EV charging, which would be tied into a S106 Agreement.
- 14.10 The proposal, subject to imposition of conditions, is considered to comply with Policies CS1 and CS6 of the Core Strategy (2007).

## 15 Trees and Landscaping

- 15.1 Chapter 15 of the NPPF concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.
- 15.2 Paragraph 175 of the NPPF sets out that development resulting in the loss or deterioration or irreplaceable habitats such as ancient woodland and ancient or veteran trees should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- Policy DM5 sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia) planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows and requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.
- 15.3 Policy DM5 further states that where trees, hedgerows or other landscape features are removed, appropriate replacement planting will normally be required. Consideration should be given to the use of native species as well as the adaptability to the likely effects of climate change.

### Trees

- 15.4 There are no tree preservation orders relating to the Site or relating to trees on its boundaries.
- 15.5 A Tree Survey and Arboricultural Integration Report, dated 01.11.2019, accompanies this application.

- 15.6 There is very limited vegetation within the Site, with 19 trees. four trees are of moderate quality and landscape value, all of which are outside of the application boundary. 15 trees are of low arboricultural quality and no more than moderate landscape value and of those one is Category B, 10 are Category C and four are Category U.
- 15.7 The proposal does not seek to prune trees and it does not seem to make any incursions into the Root Protection Areas (RPA) of trees to be retained. Therefore, no trees to be retained would be directly harmed by the proposal.
- 15.8 The proposal seeks to remove three individual trees, comprising two Category C trees and one Category U tree and one group of Category U common ash. The three individual trees and the group of trees are required to be removed for maintenance reasons and not to facilitate the proposed MSCP. All of the trees to be removed are self-seeded in a narrow verge between the existing car park and the chain link boundary fence. There are no trees proposed to be planted in replacement for the trees to be removed.
- 15.9 The Local Planning Authority's Tree Officer has not commented on this application, so Officers have used their professional judgement in assessing this. As the trees proposed to be removed are young and of low quality and landscape value, it is not considered that their removal will detract from the landscape, nor have a detrimental visual impact on the character or appearance of the area. The Report sets out measures to protect retained trees in accordance with current standards and guidance, which would be secured within a planning condition, subject to planning permission being granted.
- 15.10 The proposal, subject to imposition of conditions, is considered to comply with Policy DM5 of the Development Management Policies Document (2015).

Landscaping

- 15.11 Officers recognise that due the nature of the proposal (a proposed MSCP over an existing surface level car park), there are limitations with regards to improvements to proposed landscaping. These gains are balanced and limited, in line with needs and aims of maximising car parking at Epsom General Hospital.
- 15.12 A Soft Landscaping Plan (BD0035-STRIPE-00-00-DR-LA-3001 – P04 – dated 20.01.2021) accompanies this application. It includes a tree planting schedule.
- 15.13 The soft landscaping is considered an improvement upon the current levels of planting and given that the majority of tree species will be retained, this would result in a net gain. As such, the soft landscaping scheme is considered acceptable.
- 15.14 The submitted landscaping scheme does not cover the final hard surface finish of the development. The Design and Access Statement at page 4.11 shows the intention to have a tarmac surface tied into the existing, where appropriate.
- 15.15 The application is not specific about the final finishes pedestrian areas within and leading around the car park and tying into Epsom General Hospital. As such, should planning permission be granted, a landscaping condition shall be imposed, to ensure a full specification of surfacing, soft and hard landscaping, planting and retention. The proposal is considered to comply with Policy DM5 of the Development Management Policies Document (2015).

## 16 Ecology

- 16.1 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality
- 16.2 Paragraph 175 of the NPPF sets out that development whose primary objective is to conserve or enhance biodiversity should be supported, while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 16.3 Policy CS3 sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of National and Local biodiversity action plans in terms of species and habitat.
- 16.4 Policy DM4 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.
- 16.5 An Ecological Impact Assessment, dated 16.01.2020, accompanies this application.
- 16.6 The Assessment sets out that the Site mainly comprises hardstanding, with small areas of amenity grassland, which does not offer suitable habitats for protected or notable species. The construction of the proposed MSCP represents an impact that is significant at Site level only, given the absence of any habitats of value. The precautionary mitigation, to avoid the removal of vegetation during the nesting bird season, must be followed to ensure that there is not a breach of the Wildlife and Countryside Act.
- 16.7 The Assessment sets out enhancement opportunities, resulting in new opportunities for nesting birds and a likely gain for biodiversity at the Site. If any protected species are found during proposed works (subject to planning permission being granted), work should be stopped immediately and an ecologist contacted for advice.
- 16.8 The Local Planning Authority's Ecologist confirmed that the proposal does not result in any notable loss of biodiversity. As such, no mitigation is required, but, local planning policy does require proposals to improve biodiversity, so enhancements should be required. Officers consider that this could be required by a planning condition.
- 16.9 The proposal, subject to imposition of conditions, is considered to comply with Policy CS3 and DM4.

## 17 Archaeology

- 17.1 Chapter 16 of the NPPF refers to the conservation and enhancement of the historic environment. Paragraph 189 states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 17.2 Policy CS5 sets out that the Council will protect and seek to enhance the Borough's heritage assets including (inter alia) archaeological remains. The settings of these assets will be protected and enhanced.



17.3 Policy DM8 (seeks to resist the loss of Heritage Assets and instead promote the opportunity to conserve and enhance these. Specifically, on any major development site of 0.4ha or greater, applicants are required to undertake prior assessment of the possible archaeological significance of a site and the implications of the proposals.

17.4 A Heritage Desk Based Assessment, dated February 2020, accompanies the application. It sets out that the physical and non-physical effects, summarised below:

Physical effects

17.5 The proposal would not directly affect any designated heritage assets and no heritage assets of archaeological interest of comparable significance have been identified within the Site as part of the assessment. It also sets out that the assessment identified limited potential for presence of archaeological remains of prehistoric to medieval date within the Site. The Site has been subject to previous development, including stripping to facilitate construction of the car park. Such activity is likely to have compromised the survival of potential archaeological remains within the Site.

Non-physical effects

17.6 The Site does not constitute a key element of the setting of the majority of designated heritage assets located within the surrounding landscape and following a detailed assessment, it has been ascertained that development of the Site would not alter the setting of a group of listed buildings located along Dorking Road, over 100m west of the Site.

17.7 With regard to Woodcote and Chalk Conservation Areas, and associated Listed Buildings, and Grade II Listed Buildings along Dorking Road, including White Horse Public House and the 67 and 69 Dorking Road, this assessment has established that the proposed redevelopment would introduce a degree of change in the setting through the introduction of new built form. However, the key contributors to the significance of these assets would be preserved, and this change needs to be considered given the existing urban settings of these assets. As such, the impact of the proposal on the Listed Buildings and Conservation Areas would be limited, due to the existing modern context in which the assets are experienced and the design treatments which aim to respond to the local materials and palette. When all aspects are considered, the proposed development would result in some limited harm to those designated heritage assets, falling in within the lower end of the spectrum of less than substantial harm. In accordance with the NPPF, when less than substantial harm (lower end) to designated heritage assets has been identified, *'this harm should be weighed against the public benefits of the proposal'* (Para. 196).

17.8 SCC Archaeology commented on the application on 16.03.2020, stating that the Applicant's assessment considered the available archaeological and historical resource to assess the potential of the Site. SCC Archaeology considers that the archaeological potential of the Site is unknown and so further work in the form of an archaeological trial trench evaluation is required, to properly determine whether heritage assets of archaeological significance remain within the Site.

17.9 Subject to planning permission being granted, SCC Archaeology recommend a planning condition, to secure the required archaeological work.

17.10 The proposal, subject to imposition of conditions, is considered to accord with policy CS5.

**18 Flood Risk and Drainage**

- 18.1 Chapter 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. Paragraph 155 stipulates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraph 163 sets out that when determining any planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 18.2 Policy CS6 out that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development – both new build and conversion. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development (inter alia) has no adverse effects on water quality, and helps reduce potential water consumption for example by the use of water conservation and recycling measures and by minimising off-site water discharge by using methods such as sustainable urban drainage and avoids increasing the risk of, or from, flooding.
- 18.3 The Site is within Flood Zone 1 (Low Probability of Flooding) and partly within a Critical Drainage Area.
- 18.4 The application is accompanied by a Surface Water Drainage Strategy Report, dated February 2020. It recognises that the Site is within flood zone 1 and there is no evidence to show previous flooding events at the Site.
- 18.5 The proposal sets out that the surface water system would discharge into the public surface water sewer at a restricted rate. The report demonstrates that the proposed drainage measures means that no property would be at risk of flooding if the development was to proceed and that suitable means of surface water and foul drainage can be achieved for the proposed development.
- 18.6 Surrey County Council Local Lead Flood Authority (LLFA) commented on the application on 05.03.2020, setting out that it is satisfied with the proposed drainage scheme, subject to conditions, should planning permission be granted.
- 18.7 A formal response from the Environment Agency outlines that the application has a low environmental risk and so there are no comments to make.
- 18.8 Thames water confirmed in its response dated 18.02.2021 that there are no public sewers crossing or close to the development but the proposed development is located within 15 metres of a strategic sewer and therefore a condition should be added to any planning permission granted.
- 18.9 Thames Water sets out that it would recommend petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Thames Water sets out that with regards to the water network infrastructure capacity, there would be no strong objection to the planning application, but that an Informative should be added to any planning permission granted.
- 18.10 The proposed development is considered to comply with Policy CS6 of the Core Strategy (2007).

## 19 Contamination

- 19.1 Policy DM17 sets out that where it is considered that land may be affected by contamination, planning permission will only be granted for development provided that the following criteria are satisfied:
- all works, including investigation of the nature of any contamination, can be undertaken without escape of contaminants which could cause unacceptable risk to health or to the environment;
  - it is demonstrated that the developed site will be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.
- 19.2 The Local Planning Authority's Contamination Land Officer commented on 02.03.2020, with no objection, recommending a full ground contamination and ground gas condition should planning permission be granted.
- 19.3 The proposal, subject to imposition of conditions, is considered to comply with Policy DM17.

## 20 Crime and Community Safety

- 20.1 A response was received from the Crime Reduction Advisor & Design Out Crime Officer, setting out that the car parking at Epsom General Hospital is assessed regularly by the British Parking Associated Safer Parking Scheme, who is aware of the plans for a proposed MSCP. At the present time, this would be a positive move in terms of safe and available car parking.

## 21 Community Infrastructure Levy

- 21.1 The scheme is not liable for community infrastructure levy.

## 22 Conclusion

- 22.1 The Site at present comprises surface level car parking, with no built form. It forms part of the wider Epsom General Hospital site, which comprises an ad hoc collection of altered buildings, with varying heights and design styles, lacking any coherent masterplan. The Site also falls in close proximity to the Woodcote Conservation Area.
- 22.2 The proposal seeks the construction of a multi-storey car park (MSCP), comprising 527 car parking spaces, the reconfiguration of the existing surface car parking surrounding the proposed structure, providing an additional 104 car parking spaces and improvements to the access road for vehicles and pedestrians, from Dorking Road.
- 22.3 The proposed MSCP would undeniably have a visual presence, but consideration is given to the requirements for this and the associated public benefits, which include:
- Addressing car parking pressures within Epsom General Hospital, by replacing lost car parking spaces and accommodating required car parking spaces, to future proof car parking needs at the hospital
  - Improving pedestrian routes
  - Improving patient and staff experiences.

22.4 In considering the requirement for the scheme and its associated public benefits, Officers consider that the principle of a proposed MSCP is acceptable, subject to material considerations. The design of the proposal has evolved in order to better respond to its surrounding context and to help mitigate adverse impacts on heritage assets, but Officers do accept that there is a degree of harm caused to the setting of the adjacent Conservation Area. In balancing this against the public benefits of the scheme, in this case, the requirement for and the public benefits arising from the MSCP are considered to outweigh the harm caused by the proposal, when considering paragraph 196 of the NPPF.

22.5 Officers recommend approval, subject to a completed S106 Legal Agreement and Conditions.

### **23 Recommendation**

23.1 Part A: Grant planning permission, in accordance with the proposed conditions and subject to a Section 106 Agreement being signed by 12 August 2021, and securing Heads of Terms and conditions (detailed below).

23.2 Part B: In the event the Section 106 Agreement referred to in Part A is not completed by 12 August 2021, the Head of Planning is authorised to refuse the application for the following reason:

23.3 In the absence of a completed legal obligation under section 106 of the Town and Country Planning Act 1990) as amended), failing to provide a financial monitoring fee to Surrey County Council towards future auditing of the site travel plan.

#### **Heads of Terms**

##### Travel plan

- A financial monitoring fee to be paid by the Applicant/Developer to Surrey County Council within three months of the multi-storey car park being first occupied, of £6,150 towards future auditing of the site travel plan.

##### Electric vehicle charging sockets

- A planning condition requires the development to provide at least 10% of the available parking spaces to be provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply).

A further 10% of the available parking spaces shall be provided with the required infrastructure (ducting, electrical supply, cabling and feed pillar/s) for the future provision of additional electric vehicle charging sockets, capable of accommodating 7 kw Mode 3 Type 2 connectors fed by a 230v AC 32 Amp single phase dedicated supply, (or current equivalent standard).

#### **Conditions**

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

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

- (2) In accordance with approved plans, the development shall provide 527 car parking spaces within the multi storey car park and 104 car parking spaces at surface level

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

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

J1250-STRIFE-WP-XX-PL-AX-91003 P1 – Location Plan – dated 05.02.2020

J1250-STRIFE-WP-XX-PL-AX-91002 P2 – Existing Site Plan – dated 05.02.2020

J1250-STRIFE-XX-01-PL-AX-90601 P1 – Existing Site Sections A and B – dated 05.02.2020

J1250-STRIFE-XX-01-PL-AX-90602 P1 – Existing Site Sections C and D – dated 05.02.2020

J1250-STRIFE-WP-XX-PL-AX-P3050 P6 – General Arrangement Elevations East and West – dated 26.03.2021

J1250-STRIFE-WP-XX-PL-AX-P30502 P6 – General Arrangement Elevations North and South – dated 26.03.2021

J1250-STRIFE-XX-01-PL-AX-30601 P2 – General Arrangement Sections A and B – dated 05.02.2020

J1250-STRIFE-XX-01-PL-AX-30602 P2 - General Arrangement Sections C and D – dated 05.02.2020

J1250-STRIFE-WP-00-PL-AX-P30100 P3 – General Arrangement Plan Level 00 – dated 25.01.2021

J1250-STRIFE-WP-01-PL-AX-P30101 P3 – General Arrangement Plan Level 01 – dated 25.01.2021

J1250-STRIFE-WP-02-PL-AX-P30102 P3 – General Arrangement Plan Level 02 – dated 25.01.2021

J1250-STRIFE-WP-03-PL-AX-P30103 P3 - General Arrangement Plan Level 03 – dated 25.01.2021

J1250-STRIFE-WP-04-PL-AX-P30104 P3 – General Arrangement Plan Level 04 – dated 25.01.2021

J1250-STRIFE-WP-05-PL-AX-P30105 P3 - General Arrangement Plan Level 05 – dated 25.01.2021

1250-STRIFE-WP-RL-PL-AX-P30106 P3 - General Arrangement Plan Roof Plan – dated 25.01.2021

J1250-STRIFE-WP-XX-PL-AX-91001 P3 – Proposed Site Plan – dated 25.01.2021

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

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

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

- (5) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.

- (6) Prior to the commencement of the façade of the building, details and samples of the external materials to be used for the development shall be made available to be approved by the local planning authority on site. The work shall not be carried out otherwise than as to conform to approve samples

Reason: In the interest of the character and appearance of the conservation area, in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

- (7) Prior to commencement of above ground works/the relevant part of the development hereby permitted, a sample of each of the proposed brick finishes (1m X 1m panel) shall be constructed on site for inspection and approval by the local planning authority on site. These shall illustrate the proposed brick in colour, texture, module, bond, pointing and mortar colour proposed for the building and shall be retained on site as a model for the work on site. The work shall not be carried out otherwise than as to conform to approve samples

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

- (8) No development shall take place until details of the design and external appearance of all railings, fences, gates, walls, bollards and any other means of enclosure have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the development first being occupied/brought into use and shall thereafter be retained.

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

- (9) Prior to the first use of the new areas of hard surfacing, details shall be submitted to and approved in writing by the local planning authority. The development shall be carried out fully in accordance with the approved details and so maintained.

Reason: To reduce surface water run-off from the site in line with Policy CS6 of the Core Strategy (July 2007) and Policy DM10 of the Development Management Policies 2015.

- (10) In this condition "retained tree" means an existing tree, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the development

a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the details set out in the Tree Report and Tree Protection Plan (dated 01.11.2019), without the written approval of the Borough Council. Any pruning shall be carried out in accordance with British Standard 3998 (tree work) and in accordance with the arboricultural method statement

b) if any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Borough Council

c) tree protection shall be maintained in-situ and not moved or removed until all construction has finished and equipment, materials, or machinery are removed from site

d) The arboricultural protection information and plans submitted as part of the application, and listed in the approved plans condition, or submitted to meet a condition of consent shall be implemented and adhered to at all times during the construction process unless otherwise agreed in writing with the Borough Council. This shall include any requirement for arboricultural supervision and site monitoring. The development thereafter shall be implemented in strict accordance with the submitted details

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

- (11) Before development takes place tree protection measures shall be installed and any further information provided in accordance with the submitted arboricultural information. The applicant shall arrange a pre-commencement meeting after the installation of the tree protection between the Borough Council and the applicant's project arboriculturist to allow inspection and verification of the protection measures

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

- (12) A hard and soft landscaping plan and a soft landscaping plan is submitted with this application (J1250-STRIPE-WP-XX-PL-AX-91004 P1 – Hard and Soft Landscaping Plan – dated 05.02.2020 and BD0035-STRIPE-00-00-DR-LA-3001 – Soft Landscaping Plan – dated 20.02.21

No development, above ground floor slab level, shall commence until a finalised scheme of hard and soft landscaping has been submitted to the Local Planning Authority for approval, which shall include details of all existing trees on the land, and details of any to be retained, together with measures for their protection, in the course of development. The

scheme shall indicate the location and species of plants and trees to be planted on the site. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the final occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees of planted removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

- (13) No external lighting shall be installed on the site or affixed to any buildings on the site unless the local planning authority has first approved in writing details of the position, height, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed. Note this relates to the final lighting solution, not during the construction phase.

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

- (14) Prior to the first occupation of the proposed development a Travel Plan, to include the staggering of staff shift patterns, shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework and Surrey County Council's "Travel Plans Good Practice Guide". And then the approved Travel Plan shall be implemented upon first occupation of the Multi-storey car park and for each and every subsequent occupation of the development, and thereafter, maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019

- (15) The development hereby approved shall not be occupied unless and until at least 10% of the available parking spaces are provided with a fast/slow charge socket, with details of any split to be agreed with the Local Planning Authority. (Current minimum requirement for fast charge sockets: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply). This required infrastructure shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the Multi-storey Car Park, and once provided, shall be permanently retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019

- (16) Prior to the first occupation of the Multi-storey car park the applicant shall design and implement a scheme in consultation with The County Highway Authority to direct all vehicles turning left onto Dorking Road when leaving the application site to exit only using the westernmost egress onto Dorking Road to mitigate queuing within the application site.



Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users

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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users

- (18) The development hereby approved shall not be first occupied unless and a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Car Park Management Plan shall be implemented upon the first occupation of the multi-storey car park and retained in perpetuity

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users

- (19) The development hereby approved shall not be first occupied unless and until directional signage has been erected within the hospital site to direct staff, visitors, ambulances, deliveries and drop-offs to ensure the free flow of vehicles within the application site, in accordance with a scheme to be submitted to and approved in writing by The Local Planning Authority

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users

- (20) No development shall commence until a Construction Transport Management Plan, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) programme of works (including measures for traffic management)
  - (e) HGV deliveries and hours of operation
  - (f) vehicle routing
  - (g) measures to prevent the deposit of materials on the highway
  - (h) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users

- (21) No development shall commence until a Temporary Visitor Car Parking Management plan, to include details of management of visitor parking during construction of the multi-storey car park has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users

- (22) No development shall commence until a Temporary Staff Car Parking Management plan, to include details of:
- a) management of staff parking during construction of the multi-storey car park
  - b) temporary park and ride facilities have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users

- (23) The scheme shall be carried out in accordance with the protection, mitigation and enhancement measures detailed in the Ecological Impact Assessment, dated 16.01.2020 prior to the first occupation of the development and/or in accordance with the approved timetable detailed in the ecological assessment and plan. The approved measures shall thereafter be maintained.

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

- (24) Prior to occupation of the building, a scheme to enhance the biodiversity interest of the site shall be submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full and thereafter maintained.

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

- (25) No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact/cause failure of local underground sewerage utility infrastructure

- (26) The development shall accord with the recommendations and mitigation suggested within the Noise Impact Assessment (10.02.2020)

Reason: To protect the occupants of nearby residential properties from noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015.

- (27) The development shall accord with the recommendations and mitigation suggested within the Air Quality Assessment (February 2020).

Reason: To protect the occupants of nearby residential properties from noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015.

- (28) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority

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

- (29) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
- a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 6.8 l/s.
  - b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.)
  - c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected
  - d) Details of drainage management responsibilities and maintenance regimes for the drainage system
  - e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site

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

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS

- (31) Unless otherwise agreed by the Local Planning Authority, the following must be undertaken prior to occupation of the new development, in accordance with current best practice guidance:

A site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas and contaminants (including asbestos) with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the local planning authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority. If ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. The site shall

be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site and verification report shall incorporate the approved additional measures

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

- (32) Prior to occupation, all dwellings hereby approved shall comply with Regulation 38 of the Building Regulations – Fire Safety

Reason: In order to comply with Policy CS6 (Sustainability in New development) of the Core Strategy (2007)

- (33) Prior to commencement of works, full details and a maintenance programme for the green walls shall be submitted to and approved by the Local Planning Authority. The green walls shall be planted prior to the occupation of the car park.

Reason: To ensure the establishment and maintenance of an appropriate green walls scheme, in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

Informative(s):

- (1) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149)
- (2) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage
- (3) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types
- (4) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway

- (5) All bridges, buildings or apparatus (with the exception of projecting signs) which project over or span the highway may be erected only with the formal approval of the Transportation Development Planning Team of Surrey County Council under Section 177 or 178 of the Highways Act 1980
- (6) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
- (7) There are public sewers crossing or close to the development. If significant work is planned near to sewers, it's important that the risk of damage is minimised. Thames Water will need to check that the development doesn't limit repair or maintenance activities, or inhibit the services it provides in any other way. The applicant is advised to read the guide working near or diverting pipes
- (8) Thames Water would recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourses
- (9) Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, IT would not have any objection to the planning application, based on the information provided
- (10) Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, IT would not have any objection to the planning application, based on the information provided
- (11) On the basis of information provided, Thames Water would advise that with regard to water network infrastructure capacity, IT would not have any objection to the planning application. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development
- (12) If the applicant is planning on using mains water for construction purposes, it's important it lets Thames Water know before this is used, to avoid potential fines for improper usage
- (13) Your attention is drawn to the series of publications produced by the Department for Communities and Local Government (CLG), which provides information for the responsible person about the Fire Safety Order
- (14) Responsibility for ensuring that a building is provided with appropriate fire safety arrangements rests with the responsible person, once the building is occupied. The responsible person should, therefore, ensure that the fire safety arrangements in place are adequate and comply fully with the requirements of the Fire Safety Order
- (15) Fire safety information in accordance with Regulation 38 of the Building Regulations 2010 should be provided to the responsible person at the completion of the project or when the building or extension is first occupied. This information should take the form of a fire safety manual and form part of the information package that contributes to the fire risk assessment that will need to be carried out under the Regulatory Reform (Fire Safety) Order 2005

- (16) Passive fire protection measures, particularly fire stopping, fire barriers and fire resisting compartmentation, restricts the spread of smoke and fire through a building through hidden areas such as voids. It is recommended that careful attention is given to this detail during construction. Certification of this work can be beneficial to confirm the suitability of the structure to meet its performance requirement lay out in this design application
- (17) Surrey Fire and Rescue Service (SFRS) would strongly recommend that consideration is given to the installation of AWSS (ie; Sprinklers, Water Mist etc) as part of a total fire protection package to:
- protect life; protect property, heritage, the environment and our climate; help promote and sustain business continuity; and permit design freedoms and encourage innovative, inclusive and sustainable architecture.
- (18) The use of AWSS can add significant benefit to the structural protection of buildings in the event of a fire. Other benefits include supporting business recovery and continuity if a fire happens. SFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises.

**19/01021/FUL - Development Site at 24-28 West Street, Epsom, Surrey**

<b>Ward:</b>	<b>Town Ward;</b>
<b>Site:</b>	<b>24-28 West Street, Epsom, Surrey</b>
<b>Application for:</b>	<b>Demolition of existing building and construction of a new part 7 and part 8 storey building containing ground floor commercial/retail (E use class) and 25 residential units (C3 Use) on upper levels and associated development</b>
<b>Contact Officer:</b>	<b>Antoine Commenville</b>

## **1 Plans and Representations**

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

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PVZ5SRGYFS700>

## **2 Summary**

- 2.1 The application is classified as a major planning application and is referred to Planning Committee in accordance with Epsom and Ewell Borough Council's Scheme of Delegation.
- 2.2 The application seeks planning permission for the demolition of existing building and construction of a new part 7 and part 8 storey building containing ground floor commercial/retail (Planning Use Class E) and 25 residential units (Planning Use Class C3) for all upper levels.
- 2.3 The proposal is not able to viably provide a policy compliant provision of 10 affordable units corresponding to 42% provision of affordable housing. However, the proposal will provide a three on-site affordable housing proposed as Discounted Market Sale units which would be the equivalent of 12% affordable housing as per Paragraph 64 of the NPPF (2019).

- 2.1 The proposed development would substantially increase the height and footprint of the existing development upon the site. However, it is to have regard to have regard to both Policy DM11 and to weigh this against the requirement to exercise the presumption in favour of sustainable development (also known as the ‘tilted balance’ as set out in paragraph 11 of the National Planning Policy Framework (NPPF). The need to have regard to this requirement is triggered as a result of the lack of a five housing land supply and the failure to deliver our annual housing target. In May 2018 the Licensing and Planning Policy Committee approved the use of the policy document entitled ‘Making the Efficient Use of Land – Optimising Housing Delivery’.. This document outlines that the Borough Council has agreed that sites considered available, deliverable, and developable, such as the application site, should be ‘fully optimised to positively respond to our objectively assessed housing need’.
- 2.2 The document identifies that this may require developing to a higher density and building height than policy currently permits or has previously been considered acceptable. The document also identifies that ‘in order to reach a balanced decision, the Borough Council’s Planning Committee may attribute greater weight towards the need to deliver new additional homes.’(Paragraph 3.3) in decision making. Therefore, whilst the application proposals exceed the adopted policy requirements relating to scale and density, in light this approach, limited weight should be given to this conflict and greater weight to the need to deliver homes to meet the local housing need, the significant five year land supply shortfall and the desire to preserve the Green Belt.
- 2.3 Therefore, while the proposal would lead to less than substantial harm upon the Conservation Area the Council’s Design and Conservation officer states that the proposal has the potential for making a positive contribution to build quality, skyline and distinctiveness of Epsom. The Council’s Design and Conservation Officer also considers the design of the proposed building as amended, is acceptable, subject to further details of materials and finishes being secured by way of planning conditions. It is further considered to not have a harmful impact upon the character and appearance or visual amenities of the surrounding area. For these reasons, including other considerations set out in the remainder of this report that it is considered the benefits outweigh the less than substantial harm to the Conservation Area.
- 2.4 The proposal provides for a car free development, apart for providing two on-site spaces for disabled parking and one car club space. The site is located in a highly sustainable location at approx. 200m from Epsom Train Station. Surrey County Council, the highway authority, has raised no objections.
- 2.5 The architectural character of the development is considered to respond positively to the site’s surroundings, but with a more contemporary and sustainable context.
- 2.6 The provision of amenity provided within this scheme is regarded to be sufficient to meet the recreation needs of future occupiers. In addition, there is suitable access to the open space and recreational fields within a short walk of the application site.



2.7 When considering the presumption in favour of sustainable development, the adverse impacts of this development are not considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

2.8 **The application is recommended for APPROVAL subject to a s106 agreement and the imposition of appropriate planning conditions.**

### **3 Site description**

3.1 The application site consists of the properties at 24-28 West Street in Epsom Town Centre. The site is triangular in shape and has a total area of 0.054 hectares. The existing property on the site dates back to 1905 when it was originally a Corn and Coal Merchants, the property is not listed nor is it locally listed. The property was reviewed by Historic England and deemed not worthy of statutory listing, however, it has been noted as a positive contributor in the Conservation Area Appraisal. To the rear of the properties is hardstanding for car parking.

3.2 The buildings at the site comprise a two-storey building, of mansard roof design to include Dutch gable end. The principle elevation of the building fronts West Street with the Dutch gable end facing onto Station Approach. It is externally finished with white/cream painted render, stone quoins and sash windows. The ground floor contains bakery (Planning Use Class F.2) and office accommodation (Planning Use Class E) situated on the first and second floors of the building.

3.3 The properties surrounding the site are of a mixed composition varying between apartments blocks of 4 storey immediately adjacent and up to a maximum of 5 storeys in height towards the station. Within the town centre the majority of buildings feature ground floor retail. To the north of the site is a railway embankment. The site is approximately 200 metres from Epsom Railway Station

3.4 The site is located within Epsom Town Centre Conservation Area and to the south and east of the site there are multiple listed buildings with a direct view of the site.

### **4 Proposal**

4.1 The applicant is proposes to demolish the existing two storey building, and to erect a new part 7 and part 8 storey building comprising ground floor commercial/retail (Planning Use Class E) and 25 residential units (Planning Use Class C3) on upper levels and associated development.

4.2 The layout of the development includes a single building that would be 'triangular shaped' spanning almost the full area of the site, having a footprint of approx. 351m<sup>2</sup>, and sited along the frontage of both West Street and Station Approach.

- 4.3 The scheme proposes a ground floor layout consisting of 114m<sup>2</sup> of commercial/retail floor space providing active street frontage with concealed storage for bins and cycling located internally to the rear and out of the street scene. A communal resident's lobby is provided, accessible from the main entrance.
- 4.4 The proposal contains a double storey glazed and recessed atrium containing the proposed commercial floorspace and residential building entrance to the corner of the site as a positive feature. A living green wall is proposed at ground level.
- 4.5 The proposed building would have three distinctive height difference. The central glazed feature would measure up to 28m at its peak. The uppermost floor would measure a maximum of 25m in height and the 7th recessed floor would measure a maximum of 22m in height above ordnance datum.
- 4.6 This building would provide twenty five apartments (2 x one bed flats; 21 x 2 bed flats and 2 x 3bed flats).
- 4.7 The proposal includes full height glazing and powder coated steel elements that form part of the design. All elevations are articulated with the use of projecting balconies and full-height windows. The uppermost floor utilises glazed cladding panels to reduce the visual impact of the building.
- 4.8 On the upper storey's (levels 2 to 8) the main façade will consist of dynamic glazing and opaque glass faced panelling/vertical solar panel, glass balconies with copper coloured balustrading and red Epsom multi brickwork. The peak edges, windows and balconies will be detailed/edged in Greencoat: PLX Pro BT metallic copper banding to accentuate horizontal emphasis creating a landmark in both design quality and materiality.
- 4.9 The development is to be car-free. Pedestrian access is provided to the commercial unit and residential block is from the entrance on the corner of West Street and Station Approach.
- 4.10 A vehicle loading bay is proposed within Station Approach for commercial and service vehicles. Access to bin and cycle stores for residents can be made internally from the communal lobby or from the street. Access to the waste bin area for the commercial use is from the street, to the side of the building.

## **5 Revisions**

- 5.1 Improvements have been secured during the course of the application following negotiations between officers and the applicant. The scheme has been amended as follows:
- Reduction in height of the scheme from 13 to 8 storeys. Replacement of the use of fibre cement cladding and full height curtain wall glazing with mainly brick elevations.
  - The ground floor layout and access have also been amended.

- 5.2 Overall, these amendments are considered to be an improvement, as they materially reduce the perceived mass of the building in all views. The “stepped” floorplate and reduced roof profile would allow the proposal to relate more comfortably in relation to the neighbouring properties.
- 5.3 As a consequence of these changes Historic England have revised their assessment of the proposed development to one of less than substantial harm. The Council’s Design and Conservation Officer now supports the proposal.

## **6 Comments from third parties**

6.1 The original application was advertised by means of a site and press notice, and letters of notification to 59 neighbouring properties. By the closing date (10.09.2019) 396 letters of objection had been received and the issues raised are summarised as follows:

- Height out of context with the town centre
- Loss of existing building
- Out of character with historic environment
- Does not conform to the architecture of the town.
- Overbearing
- Materials should be brick
- Transport impacts creating a bottleneck
- The type of housing is inappropriate
- Overlooking gardens of nearby residential properties
- Lack of parking
- The existing building should be restored
- Disruption during construction
- Lack of possible retail tenants
- Impacts on ecology
- Loss of Green Space
- Need for social space
- Crime
- Stress on amenities such as schools, doctors etc.
- Wind impacts
- Against Council Policy
- Adverse Visual Impact
- Generation of Noise and Disruption
- Impact on Character
- Impact on Neighbour Amenities
- Contrary to local plan policies
- Traffic/ parking implications
- Loss of Light/Overbearing
- Loss of outlook
- Impact on Drainage, Flooding

6.2 Following the submission of an amended scheme, on 26.11.2020, a second consultation period began on 09.12.2020 and expired on 30.12.2020. At the time of completing this report, 184 letters of objection had been received, and the issues raised are summarised as follows:

- Impact on Character/Design
- Stress on amenities such as schools, doctors
- Impact on Neighbour Amenities
- Contrary to local plan policies
- Generation of Noise and Disruption
- Impact on Drainage, Flooding
- Loss of Outlook
- Traffic/Parking and highway safety Implications
- Out of scale
- Risk damage adjacent railway bridge
- lack of access
- Against Council policies
- Overlooking/loss of privacy
- loss of businesses/ commercial units
- Adverse Visual Impact
- Contrary to Local Plan Policies
- Generation of Noise and Disruption
- Impact on Drainage, Flooding
- Impact on Ecology/Wildlife
- Inappropriate height/mass
- Loss of Light/Overbearing
- Traffic/Parking Implications
- Contrary to Local Plan Policies
- Harmful to Listed Buildings and Historic Townscape
- Level of amendment should not be accepted under this current application
- Loss of bakery

6.3 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 objections subject to imposition of conditions and S278 legal agreement.

7.2 **Environment Agency:** No objections subject to imposition of conditions.

7.3 **Crime Reduction Officer:** No objections, would welcome consideration being given to the applicant applying for a Secured By Design accreditation.

7.4 **Ecology Officer:** No objections, little potential for impacting biodiversity. Recommend a condition for the bat survey to be updated and for the inclusion of biodiversity enhancements such as bird and bat boxes.

- 7.5 **Historic England:** Objection, although welcome the reduction in height from the previous proposal which lessens the impact of the proposals when viewed from various locations within the Conservation Area. However the proposals cause 'less than substantial harm' to the significance of the Epsom Town Centre Conservation Area.
- 7.6 **Environmental and Health Officer:** No objections: a condition is necessary to ensure the development is constructed so as to achieve the outcomes of this Entran report which calls for mitigating measures to be put in place so as to make the development acceptable from a noise and vibration standpoint. The potential noise from future commercial unit extraction and air handling operation is also proposed to be controlled via condition.
- 7.7 **Building Control Officer:** No objections.
- 7.8 **Planning Policy Officer:** No objections.
- 7.9 **SCC Fire Safety:** No objections.
- 7.10 **Network Rail:** No objections, recommend the inclusion of an informative.
- 7.11 **Crossrail 2:** No objections, recommend the inclusion of an informative.
- 7.12 **Thames Water:** No objections, a buildover agreement will be required if the work is within three metres of a public sewer or one metre of a lateral drain.
- 7.13 **Lead Local Flood Authority (SuDS):** No objections, subject to imposition of conditions.
- 7.14 **Surrey County Council Archaeology:** No objections, subject to imposition of conditions (response to original application only).
- 7.15 **Contaminated land Officer:** No objections, subject to imposition of conditions (response to original application only).
- 7.16 **Design and Conservation Officer:** Recommend approval subject to imposition of conditions stating that the proposal has the potential for making a positive contribution to build quality, skyline and distinctiveness of Epsom and the design is well considered and beneficial to the site being well located in the townscape. The building will become a major marker to Epsom, especially when approached from the west, a building will identify the town and its location in the local topography. Providing palette of material use can be agreed then this building merits such prominence.
- 7.17 **Tree Officer:** Comment made, conditions should be imposed on grant of any approval for enhanced tree protection and investigating potential for landscaping off-site.
- 7.18 **National Grid:** No responses received.

- 7.19 **Epsom Civic Society:** Objection: Bulk, scale, design and height cause harm to Epsom Town Centre Conservation Area and adjacent Stamford Green Conservation Area. Overshadowing of the residential units to the west of the site during the early part of the day. No parking spaces would lead to resident parking over nearby residential street. No mention of charging points for electrical cycles. The current scheme does not demonstrate how it will meet the Council's Climate Change Action Plan, Theme 1, Year one Item 5 "Actively seek opportunities to develop the borough's carbon neutral homes". Also, the Developer does not demonstrate how this building will meet Surrey's Climate Change strategy objectives. The Developer does not adequately address the Council's Sustainable Design and Planning Document CS6. Concern over construction process. Design layout of the angled roof would not offer shading during summer. Do not consider that a Sustainable Design has been achieved. There is minimal evidence that BREEAM targets have been met. This proposal damages the nature of Epsom's character, heritage and conservation areas.
- 7.20 **Epsom Town Residents Association:** Substantial harm to the Stamford Green Conservation Area; Its height, mass, scale and design would adversely impact and harm the character and appearance of the area (including the built environment and landscape size, modernist design and materials are not in keeping with the prevailing styles of the two conservation areas. No adequate amenity space and absence of parking with a car club which is unenforceable. Loss of privacy to 4-6 West Street Properties. Lack of social housing provision. Lack of on-site provision for deliveries and waste collections, and the loss of pavement and road width for the proposed layby. The contra-flow cycleway on the western side of Station Approach must be protected during and after development on this site. Construction Management Plan and protection of remaining trees must be conditioned.

## 8 Relevant planning history

Application number	Decision date	Application detail	Decision
18/00940/OUT	PENDING	Outline planning permission for the demolition of the existing building and construction of a new 5 storey building containing ground floor commercial/retail (A1, A2 and B1 uses) and 14 residential units (C3 Use) on upper levels with all matters reserved apart from Access and Layout"	PENDING
14/01920/PDCOU	22.05.2015	Prior Approval for change of use from Class B1 (Office) to Class C3 (Residential)	Prior Approval not required.

## 9 Planning Policy

### National Policy Planning Framework (NPPF) 2019 (as amended)

Paras 8 – 12 and 14 (Achieving sustainable development); Paras 59- 61, 68 (Delivering a sufficient supply of home); Paras 118, 122, 123 (Making effective use of land); Paras 105-106, 108-111 (Promoting sustainable transport); Paras 127, 130 and 131 (Achieving well-designed places); Paragraphs 170,174, 175, 177, 178, 180, 182, 183, 193, 194, 196, 197, 200 and 201 (Conserving and enhancing the historic environment).

### Core Strategy 2007

Policy CS1 - General Policy  
Policy CS3 - Biodiversity  
Policy CS5 - The Built Environment  
Policy CS6 - Sustainability in New Developments  
Policy CS7 - Housing Need  
Policy CS8 - Housing Delivery  
Policy CS9 - Affordable Housing  
Policy CS12 - Infrastructure  
Policy CS16 - Managing Transport and Travel

### Development Management Policies 2015

Policy DM4 - Biodiversity and New Development  
Policy DM5 - Trees and Landscape  
Policy DM7 - Footpath, Cycle and Bridleway Network  
Policy DM8 - Heritage Assets  
Policy DM9 - Townscape Character and Local Distinctiveness  
Policy DM10 - Design Requirements for New Developments  
Policy DM11 - Housing Density  
Policy DM12 - Housing Standards  
Policy DM13 - Building Heights  
Policy DM14 - Shopfront design  
Policy DM17 - Land Contamination  
Policy DM19 - Development & Flood Risk  
Policy DM21 - Meeting Local Housing Needs  
Policy DM22 - Housing Mix  
Policy DM31 - Safeguarding retail  
Policy DM34 - New Social Infrastructure  
Policy DM35 - Transport and New Development  
Policy DM36 - Sustainable Transport for New Development  
Policy DM37 - Parking Standards

### Supplementary Planning Document 2015

Parking Standards for Residential Development

### Shopfront design Guide (May 2012)

### Technical Housing Standards – Nationally Described Space Standards (2015)

Parking Standards for Residential Development SPD (2015)

Surrey County Council Vehicular and Cycle Parking Guidance (2018)

Revised Sustainable Design SPD (2016)

Epsom Town Centre Conservation Area Appraisal (2009)

Making the Efficient Use of Land – Optimising Housing Delivery (May 2018).

## **10 Planning considerations**

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

- Principle of Development
- Impact upon Character and Appearance
- Impact upon Neighbouring Residential Amenity
- Affordable Housing
- Quality of Accommodation
- Housing Mix
- Highways, Parking and Cycle Parking
- Refuse and Recycling Facilities
- Landscaping
- Biodiversity and Ecology
- Sustainability
- Flood Risk and Surface Water Drainage
- Land Contamination
- Community Infrastructure Levy (CIL)

### Presumption in Favour of Sustainable Development

10.2 The National Planning Policy Framework 2019 (“NPPF”) was updated in February 2019 and 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.

10.3 Paragraph 12 of the NPPF (2019), 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.

10.4 Policy CS7 of the Core Strategy is considered out of date under the terms of the NPPF. The housing target of 188 dwellings per annum was taken from the South East Plan. The South East Plan was revoked in 2012, with housing requirements then to be determined by local need.



- 10.5 The Epsom & Ewell Core Strategy pre-dates the NPPF and in accordance with paragraph 213 of the NPPF, the policies of the Core Strategy should be given due weight according to their degree of consistency with the NPPF, In the case of old housing targets within CS7, no weight should be given to it.
- 10.6 The standard method for calculating the Borough's assessed housing need identifies a housing requirement of 579 new homes each year. In the absence of a five year housing land supply, this increases to 695 under the housing delivery test, published 13 February. Epsom & Ewell Borough Council is presently falling significantly short of this requirement and cannot presently demonstrate five years housing land supply.
- 10.7 Paragraph 11d of the NPPF (2019) is engaged via Footnote 7 in circumstances, for applications involving the provision of housing, where Local Planning Authorities cannot demonstrate a five year supply of deliverable housing sites. 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 impact would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 10.8 The site is located within a built up area and does not affect assets of particular importance such as SSSI, AONB, European or National Ecological Designations, Green Belt or any other given additional weight by the NPPF (2019). When considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.

#### Housing Need

- 10.9 Paragraph 59 of the NPPF (2019) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 10.10 Paragraph 68 of the NPPF (2019) states [inter alia] that small and medium sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.
- 10.11 Policy CS7 (Housing Provision) of the LDF Core Strategy (2007) (Core Strategy) states that the Council will seek to ensure sufficient housing is provided to meet the Borough's housing requirement. The Council's annual housing target has increased significantly since the adoption of the Core Strategy and Epsom and Ewell Borough Council currently has an annual housing target of 695 new residential dwellings per year under the Housing Delivery Test as published on 13<sup>th</sup> February 2020.

- 10.12 Meeting the increased annual housing target is challenging. The Borough is constrained by its significant areas of designated strategic open spaces or Green Belt. In addition the quality of its existing built-up areas is generally high. As a consequence, the supply of available development sites is limited. As a result, it is important that available sites are optimised for housing delivery but without compromising the quality of the built environment.
- 10.13 The Council has previously determined the best solution to address the constraint of land availability in the Borough and the pressing need to address a substantial deficit in its housing land supply at the 8<sup>th</sup> May Licensing and Planning Policy Committee by passing the approval of the policy document entitled 'Making the Efficient Use of Land – Optimising Housing Delivery' (2018) as a material consideration in the determination of planning applications.
- 10.14 This document highlights the Council's acknowledgement that the significant housing need, housing land supply shortfall results in the need to optimise previously developed land within the town centre to accord with the guidance of the NPPF to maintain a deliverable supply of housing land to meet local housing needs and to make effective use of previously developed (brownfield) land pursuant to this aim. This is an imperative national and local material consideration.
- 10.15 Accordingly, and in accordance with the 'Making the Efficient Use of Land – Optimising Housing Delivery' (May 2018) document the Borough Council has agreed that sites considered available, deliverable, and developable, such as the application site, should be 'fully optimised to positively respond to our objectively assessed housing need'. The document identifies that this may require developing to a higher density and building height than policy currently permits or has previously been considered acceptable. The document also identifies that 'in order to reach a balanced decision, the Borough Council's Planning Committee may attribute greater weight towards the need to deliver new additional homes.'(paragraph 3.3) in decision making.
- 10.16 Therefore it is imperative that optimal use of the application site is made to assist the Borough with aiming towards meeting its local housing needs and any conflict with existing historic policy approaches to density should be given limited weight and greater weight should be given to the need to deliver homes to meet the local housing need, the significant five year land supply shortfall and the desire to preserve the Green Belt.
- 10.17 The surrounding area is mixed commercial, retail and residential in character and appearance given its town centre location, therefore current planning policy would not preclude the mixed use development proposed. As such, given the significant housing need within the Borough, it is considered that the redevelopment of this site at a higher density creating additional residential units within a sustainable location is acceptable in principle, subject to the below other material planning considerations.

Impact on Heritage Assets

- 10.18 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 impose a statutory upon local planning authorities to consider the impact of proposals upon Listed Buildings and Conservation Areas.
- 10.19 Additionally, the NPPF (2019) (as amended) attaches great importance to the conservation and enhancement of the historic environment. Paragraph 193 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.
- 10.20 Paragraph 194 of the NPPF (2019) states [inter alia] that any harm to the significance of a designated heritage asset requires clear and convincing justification. It should also pass certain tests depending on the magnitude of harm caused. Where less than substantial harm would be caused, Local Planning Authorities must weigh the public benefits delivered by the proposals against the harm caused (paragraph 196).
- 10.21 Paragraph 200 of the NPPF (2019) states [inter alia] that local planning authorities should look for opportunities for new development within Conservation Areas 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 better reveal its significance) should be treated favourably.
- 10.22 Paragraph 201 of the NPPF (2019) states [inter alia] that *'Loss of a building which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 195 or less than substantial harm under 196 as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole'*.
- 10.23 Policy DM8 (Heritage Assets) of the LDF Development Management Policies Document (2015), set outs 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 taken into account (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.

- 10.24 The site is located within Epsom Town Centre Conservation area and to the south and east of the site there are multiple listed buildings with a direct view of the site. The Epsom Town Centre Conservation Area is described within the conservation areas appraisal as:

*“currently very compact and consists principally of the historic High Street. This broad open space, lined with shops, reflects the origins of Epsom as an agricultural community with farmhouses grouped around a large pond. Feeding into the High Street to the west and east are narrower roads, some of which date from the Roman occupation of Britain, while others developed as cattle droves and tracks linking Epsom to neighbouring villages. Some of these are sufficiently different in character from the High Street as to deserve being treated as separate character areas;*

*Area 2: West Street - This character area lies immediately to the west of the High Street, and marks the physical transition from the wide open High Street to the narrower edge of town streets, with a corresponding change of function from the large retail buildings to the small scale shops, public houses and residential buildings, some of which have been greatly extended to form offices.”*

- 10.25 The historic core of Epsom contains many of the town's oldest buildings, many of which are Listed Grade II and Grade II\* although it is the mid C19 clock tower, Listed Grade II that is its centrepiece. Despite the construction of large buildings including a shopping centre and car park, the town has maintained a legible historic market character of fine brick buildings with stone dressings and richly varied and characterful rooflines.
- 10.26 Historic England have been consulted and have commented that while the 8 storey building would continue to be one of the tallest in Epsom, the visibility of the top of the block would still be apparent in submitted views 1 (A24 close to Clock Tower, looking west) and, 2 (near junction High St. and Waterloo Road, looking west), appearing incongruous in terms of its height, form and materiality when experienced in its small scale, historic setting.
- 10.27 Further comments made emphasise that the existing building is of good quality conservation area building, and this is recognised in the Conservation Area Appraisal by Epsom and Ewell Borough Council through it being highlighted as a ‘positive contributor’ and a non-designated heritage asset.
- 10.28 Historic England considers its demolition regrettable, and should the test for its demolition be met as required by paragraph 201 of the NPPF, the bar is set high for a replacement building that should provide a contextual response to the historic townscape and character.

- 10.29 Having regard to Paragraph 200 of the NPPF which encourages opportunities to be taken to enhance or better reveal the significance of conservation areas and the setting of listed buildings, Historic England consider that the proposed building provides a poor detailed contextual response of its immediate built environment due in part to its double height entrance space, angled roof and disjointed arrangement of windows which they consider as disregarding the prevailing low scale, arrangement of fenestration and fine detailing of Epsom Town Centre Conservation Area.
- 10.30 On the basis of the information provided by Historic England, the consultee considered the proposal to be harmful to designated assets, including the Town Centre Conservation Area. Since receiving revisions, Historic England have commented that the reduction in height from the previous proposal would lessen the impact of the proposal when viewed from various locations within the Conservation Area and that this would be 'less than substantial' under the terms of the NPPF. Historic England maintained their objection over the current revised scheme on basis of it failing to accord with national guidance including S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which protects the setting of Listed Buildings and Conservation Areas.

*Officers Assessment*

- 10.31 24-28 West Street are a group of unlisted buildings in the Epsom Town Centre Conservation Area. The existing building is a terrace of commercial and retail units with residential above. They are all two storeys plus dormered mansards.
- 10.32 The architecture of the terrace is plain and of no special architectural interest except at the corner on the end elevation which hosts an eccentric stucco detailing in a Italian gothic style with quoins, roundels, one with head in it and a Dutch gable with rectangular bosses in parapet cornice.
- 10.33 This is a prominent location in the townscape on the corner of West Street, Station Approach and the railway. A substantial and distinctive contemporary building which strongly articulates its location on the site could be justified, but it must be of an exemplary design to justify its development.
- 10.34 The revised proposal is for a reduced height of building but with some of the earlier characteristics of the earlier much taller 13 storey building that Officers worked hard to achieve a high standard of design. This gabled end is a landmark elevation and gives this view of the building some townscape interest when viewed from the east and gives it a relatively positive, if idiosyncratic, contribution to the character of the conservation area. Demolition should be avoided unless a distinctive and architectural proposal is developed in its place.

- 10.35 Importantly it marks the corner site at both ground and roof level. There is a double height ground floor and the roof line rises at the corner. This creates landmark for the junction against the background of the railway viaduct and replaces the landmark provided by the existing corner building with its Dutch gable end.
- 10.36 The scale of the building will notably be prominent in the Epsom Town Centre Conservation Area. However, developing at a greater scale is inevitable if the Borough is to support optimising sites in accordance with the NPPF (paragraph 117) and the Council's Making Efficient Use of Land policy guidance in the pursuit of providing housing to meet local need. Further, any resulting impact is mainly on the railway viaduct behind it and the other buildings on the North side of West Street on the East side of Station Approach. The largest nearest building being Oak's House which is outside the conservation area and of no historic or architectural merit.
- 10.37 As well as being located on the western end of the Epsom Town Centre Conservation Area, the development site is located on a junction that overlooks a number of listed buildings south of the junction which include most of the building numbering from 1 to 21 (odd). The ground on that side of the road rises up to the west. These are mainly 2 storey render buildings from the C18 and C19 and they already contrast strongly with the building directly in Station Approach on the opposite corner to the application site, which is a building that has a long heavy repetitive façade of 3 storeys plus a mansard and in an incongruous 1970's red brick.
- 10.38 Though the proposed building will not mimic historic character of existing buildings it will provide more architectural interest, character and articulation than other unlisted C20 buildings do and because the site is between 1970s block and the railway viaduct it would not be possible to relate it to an existing C18 and C19 century High Street vernacular. A pastiche architectural approach would not be appropriate in this location, such a pastiche language failed to respond appropriately to the setting when Oak's House was built.
- 10.39 On the South side West Street there is greater contrast in scale and character. However, West Street widens as it approaches this site eventually bifurcating at the junction where some of the most historically significant building are on a part of the road separated by wooded area that will make much of the development invisible. Further East the historic buildings already visually detached by both scale and character from the buildings on the Northern side and though scale of 28-28 will be significantly greater it will be architecturally distinctive, well considered and appropriate for this town centre location.

- 10.40 When viewed from the west in Stamford Green Conservation Area the West elevation the proposed development will result in a greater contrast with this environment, where there are smaller, mainly 2 storey houses and a lot of open green space so that is a much more suburban environment which the proposal is not characteristic of. However, this character ends quite definitely and with the viaduct which acts visually as a sort of city wall boundary to the town and a dramatic change from the suburban to the city centre characters of the conservation areas. As West Street enters this change the development would be an appropriate marker to this change in townscape.
- 10.41 The proposed building would be visible from further within the Epsom Town Centre Conservation Area on many locations along the length of the street when viewed from the East. How the design justifies this juxtaposition is central to its acceptability to the determining its design response to the historic environment and the local townscape.
- 10.42 It is considered that the proposal will not cause substantial harm to the significance of the Conservation Area and has the potential for making a positive contribution to build quality, skyline and distinctiveness of Epsom.
- 10.43 The design is well considered and beneficial to the site being well located in the townscape. The building will become a major marker to Epsom, especially when approached from the west, a building will identify the town and its location in the local topography. Providing the details of the design can be guaranteed then this building merits such prominence.
- 10.44 In light of the above considerations, the loss of the non-designated heritage asset, in accordance with Paragraph 197 of the NPPF, must be weighed as a whole with a balanced judgement made by the decision maker. Any potential harm is therefore weighed as part of the 'Planning Balance' to the end of the committee report.
- 10.45 Officers concur with submitted Heritage Statement's and Historic England conclusion stating that the proposal would cause "less than substantial harm to the Conservation Area. In accordance with the requirements of Paragraph 196 of the NPPF the weight identified should be weighed against the public benefit of the scheme.

#### Design and Visual Impact

- 10.46 The NPPF (2019) attaches great importance to the design of the built environment. In particular, paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and 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.

- 10.47 Paragraph 127 of the document then 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.
- 10.48 Paragraph 130 of the document states that permission should be refused for development of poor design that fails to take the opportunities available from improving the character and quality of an area.
- 10.49 Paragraph 3.7.5 of the LDF Core Strategy (2007) sets out that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 states that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.
- 10.50 Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015) states [inter alia] that development proposals will be required to incorporate good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced include, but are not limited, to the following:
- Prevailing development typology, including house type, sizes, and occupancy;
  - Prevailing density of the surrounding area;
  - Scale, layout, height, form, massing;
  - Plot width and format which includes spaces between buildings;
  - Building line build up, set back, and front boundary; and
  - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
- 10.51 Policy DM11 (Housing Density) of the LDF Development Management Policies Document (2015) states [inter alia] that in principle, the Council will support proposals for new housing that make the most efficient use of development sites located within the Borough's existing urban area. The density of new housing development will in most cases not exceed 40 dwellings per hectare, however, exceptions will be considered if it can be demonstrated that the site enjoys good access to services, facilities and amenities via existing public transport, walking and cycling networks; and the surrounding townscape has sufficient capacity to accommodate developments of higher density.
- 10.52 It is acknowledged that the proposed 25 residential units would substantially exceed the 40 dwellings per hectare, however, this is given less weight in the planning assessment as there is a need to optimise available sites and any inconsistencies with the objectives of the NPPF (2019).



*Height and Massing*

- 10.53 Policy DM13 (Building Heights) of the LDF 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.
- 10.54 However, as set out in this report, in May 2018, the Licensing and Planning Policy Committee took a decision to set aside Policy DM11 (Housing Density) and Policy DM13 (Building Heights). This was on the basis of the aforementioned policies restricting opportunities for growth in the Borough. It should be noted that these policies still remain part of the development plan, however they are afforded limited weight in the decision making process and have regard to the presumption of sustainable development.
- 10.55 The properties surrounding the site are of a mixed composition varying between apartments blocks of 4 storey immediately adjacent and up to a maximum of 5 storeys in height towards the station. Within the town centre the majority of buildings feature ground floor retail. To the north of the site is a railway embankment and the properties is approximately 200 metres from Epsom Railway Station.
- 10.56 The site is located within Epsom Town Centre Conservation Area and to the south and east of the site there are multiple listed buildings with a direct view of the site. Accordingly, the applicant supported this application with a Townscape Assessment picking up key views across the town so that a robust judgement of the proposals impacts could be ascertained.
- 10.57 The new building would have a greater presence than the existing dwellings by virtue of greater bulk, height and massing but is not considered to give rise to cause harmful appearance in longer views. To the contrary it has the potential to become a positive marker.
- 10.58 The proposed building to its southern elevation on West Street would have three distinctive height difference. The central glazed feature would measure up to approx. 28m at its peak. The uppermost floor would measure a maximum of 25 m in height and the 7th recessed floor would measure a maximum of 22 m in height. The Central feature with its peak would serve to articulate the junction and provide a distinctive and dominant element on the corner. The stepped 'elevations' would have interested windows and balconies detailed features which would visually reduce the bulky appearance. The top floors to the blocks at the edges of the site would be stepped back to further reduce mass at the extremities of the building.
- 10.59 In order to address the variations in height, the proposal includes a series of steps and set-backs which would create visual relief and a transition between the highest peak and the lowest ridge levels.

- 10.60 The highest part of the building would be 28m to the highest point of the peaked roof and this would be in excess of the 12m identified as appropriate in Policy DM13. However, as mentioned above, officers consider that this would be a positive design intervention as it would provide further punctuation by raising the height of the corner above the prevailing height, to reinforce the importance of this highway junction and to provide a focal point in views along West Street.
- 10.61 It is considered that the proposal has the potential for making a positive contribution to build quality, skyline and distinctiveness of Epsom.
- 10.62 The design is well considered and beneficial to the site being well located in the townscape. The building will become a major marker to Epsom, especially when approached from the west, a building will identify the town and its location in the local topography. It is considered that the innovative design and architecture creates a landmark focal point marking the gateway to the transport hub within the Town Centre and proposes a link between the Conservation Area and the transport hub where there is already significant scale and density of development.
- 10.63 The conflict with Policy DM13 is therefore weighted minor negatively in the planning balance.

#### *Materials*

- 10.64 The development has been staggered to appear as a cluster of built forms. The sites triangular shape provided an opportunity to present 3 prominent corner aspects. At levels 1 to 7, this part of the building has been solidified by material treatment, anchoring it to its surroundings and reflecting the scale of the adjoining buildings. While above at level 8, the building steps back and the use of reflective glazing reduces its visual impact. The design has been split into 3 slimline more elegant towers with significant glazing on all levels to the south and east corner elevations, as opposed to one single building, which could have a greater bulk and mass.
- 10.65 A double storey glazed and recessed atrium containing the proposed commercial floorspace marks and turns the corner with dual site frontage. The slimline peaked facade will consist of a living green wall at ground level. On the upper storey's 2 to 8 the main façade it will consist of dynamic glazing and opaque glass faced panelling/vertical solar panel, glass balconies with copper coloured balustrading and red Epsom multi brickwork. The peak edges windows and balconies will be detailed/edged in Greencoat: PLX Pro BT metallic copper banding to accentuate horizontal emphasis creating a landmark in both design quality and materiality.

- 10.66 The materials and detailing selected by the applicant are an acceptable approach, which will bring about a high quality of finish to the development. However, to realise the architectural aspiration these will require crisp detailing and high quality finishes to be successful. The indicative examples of cladding, windows, doors and their recesses, as shown are credible, but to ensure the high quality of finish required will need to be secured by planning conditions. This high quality material treatment is significant in the context of this proposals suitability.

Impact upon Neighbouring Residential Amenity

- 10.67 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.
- 10.68 Given the proposed height and form of the building, it is key to consider the impact upon surrounding residents from the physical building in terms of outlook, daylight/sun lighting and privacy.
- 10.69 The proposed development is not located in close proximity to residential properties. It is an island site and would be separated from all other building by the railway embankment, West Street and Station Approach. It would not be located in a location that would result in the loss of outlook nor would it create a 'sense of enclosure' to any neighbouring properties.
- 10.70 The proposed development would be greater than 23 metres separation distance from the nearest neighbouring dwelling house which is the front/side elevation of No. 2 West Hill and separated by the railway embankment. This meets council guidance that states that rear facing window to rear facing window should be a minimum of 21 metres distance from each other. Notwithstanding the above, due to the location of the railway embankment and the staggered height of the scheme the majority of the gardens will be screened from properties within these separation distances. Floors 5 and above of the proposed development would be a minimum of 25 metres from the neighbouring property.
- 10.71 In addition, the applicant supported the application with a Daylight and Sunlight Assessment which concludes that the proposed residential accommodation will provide occupants with acceptable levels of daylight and sunlight in-line with the BRE's guidelines. For sunlight analysis, all of the proposed rooms would satisfy the BRE annual sunlight guidelines and all rooms apart one would adhere to the winter guidelines.

- 10.72 The eastern elevation would be sited approximately 11.5m away from western elevation at Oaks House separated by the Station approach which is considered to be acceptable in this urban context.
- 10.73 The roof terrace on the 8<sup>th</sup> floor block would be set back from the buildings edge and retained behind raised balustrades to prevent overlooking to the rear garden of No.2 and 4 West Street. Further, the roof terrace would be located at least 36m away from the rear gardens that would also be in part screened by the existing dwellings. Despite the additional height and presence, the distances between elevations are considered acceptable and would not result in a harmful loss of privacy.
- 10.74 The rear gardens of the properties in West Street would experience and feel a greater presence given the height of the building to the western elevation at approx. 21m in height. However, given the acceptable distance of the proposal from the dwellinghouses at West Street that are separated with the railway tracks, the impact is held to be insufficient to warrant refusal in this case.

#### Privacy/Overlooking

- 10.75 The proposed separation distance between the proposed rear balconies and windows and the front windows on No's. 2 and 4 West Street would be in excess of 28 metres. It is considered, by reason of this separation distance, and the imposition of balustrades to the balconies at a height to be agreed by condition that would reduce the ability to directly overlook that there would not be any undue overlooking or significant loss of privacy to the properties located on West Street.
- 10.76 It is concluded that officers accept the findings of the Daylight and Sunlight Report. The proposal is not considered to diminish the living conditions of any neighbouring occupiers to an extent that would be material or warrant grounds for refusal. As such, it is considered that the proposal would comply with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

#### Daylight and Sunlight

- 10.77 The application has been supplemented with a Daylight & Sunlight report *RC/ROL00282 (Oct 2020) from Anstey Horne* which assesses the overshadowing impacts of the proposal on neighbouring properties and its impacts in terms of daylight/sunlight provision to the nearby neighbouring properties.
- 10.78 The methodology and criteria used for the assessment is provided by the Building Research Establishments guidance 'Site layout planning for daylight and sunlight: A guide to good practice' (BRE, 2011) and the British Standard document BS8206 part 2. This is held to be the current industry standard in the UK.

- 10.79 This report assessed the impacts regarding the loss of light to nearby residential properties following BRE's 25 degree line test which identified 7 residential properties for assessment (Nos. 4a, 5, 6, 7 and 8 Langlands Rise and Nos. 2 and 4 West Hill). Each of the seven properties tested adhere to the BRE guidelines for both annual and winter sunlight, retaining high levels of sunlight in the proposed condition.
- 10.80 The report also assesses the impact upon neighbouring gardens. A test was undertaken by plotting the light level of all nearby properties on a two hour contour on the 21<sup>st</sup> of March for the existing and proposed arrangement as suggested by BRE Guidelines. The result of the two hour sun contour test confirm that all amenity areas tested exceed the BRE guideline targets, adhering to the test.
- 10.81 The proposed development would not result in any significant losses of light to any nearby properties and would result in a very minor loss of light to gardens which would be considered to be negligible impacts. The separation distances from the windows to nearby residential properties would not result in any unacceptable impacts in terms of overlooking and the location of the proposal would not result in any unacceptable impacts in terms of loss of outlook or overbearing.
- 10.82 In conclusion, given the height of the building and separation distances involved, the proposal is not considered to give rise to unacceptable impacts on the amenity of these properties in terms of overshadowing, overbearing, overlooking or loss of privacy.

#### Affordable Housing

- 10.83 Paragraph 62 of the NPPF (2019) states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:
- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
  - b) the agreed approach contributes to the objective of creating mixed and balanced communities.
- 10.84 Paragraph 64 of the NPPF (2019) states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.
- 10.85 Policy CS9 (Affordable Housing) of the LDF Core Strategy (2007) states that the Council has a target that overall, 35% of new dwelling should be affordable. Residential development of 15 or more dwellings gross (or on sites of 0.5ha or above) should include at least 40% of dwellings as affordable.

- 10.86 In this regard, to be fully compliant, the proposal would be required to provide 10 affordable units.
- 10.87 Paragraph 3.12.11 of the LDF Core Strategy (2007) states that where there are specific and overriding site constraints, or where development-specific issues inhibit the provision of affordable housing, off site provision or financial contributions may be acceptable.
- 10.88 The applicant has submitted an Addendum Viability Study prepared by Turner Morum, dated January 2021 which details amendments made to the original planning application.
- 10.89 The applicant has proposed 12% provision of affordable housing. All affordable units are proposed as Discounted Market Sale units for the 12% affordable scheme in accordance with the definition of affordable housing contained within the more recent NPPF.
- 10.90 An Economic Viability Appraisal Report, dated February 2020, was submitted with the application, which was independently reviewed by Viability Consultants BPC, on behalf of the Local Planning Authority.
- 10.91 Turner Morum concluded that the scheme shows a deficit when tested with an affordable housing contribution of 40%. They have also tested the current offer of 12% affordable housing. This too generates a deficit. However, they advise that despite this, the applicant is willing to proceed with a 12% provision.
- 10.92 The applicant has stated that the provision of the 3 affordable homes would not be viable or attractive to a Housing Association, it would not be possible to deliver the Council's preferred form of affordable housing from this proposal. However, the applicant still proposes to provide 3 affordable homes in accordance with definition contained within the NPPF.
- 10.93 The NPPF (2019) sets out the Governments view of affordable housing and identified that this includes 'Discounted Market Sales Homes' which are homes that are sold at a discount of at least 20% below market value and eligibility is determined having regard to local incomes and local house prices. Provisions will be in place to ensure that housing remains at a discount for future eligible households. This form of recognised affordable housing will be secured by a Section 106 agreement.
- 10.94 This would meet the requirement of paragraph 64 of the NPPF to provided 10% of units to be affordable.
- 10.95 Notwithstanding the above provision, officers recommend the implementation of a review mechanism, which would allow the Council to benefit from any improvements in the scheme's viability over the development period i.e. capture additional affordable housing benefit if the situation improves.

- 10.96 The viability review mechanism to be included in the S106 agreement would require the submission of a revised Viability Statement.
- 10.97 The net provision of 25 units of accommodation, although without a policy compliant level of affordable housing is a significant benefit, which weighs in favour of the proposal in the planning balance.

Quality of Accommodation

- 10.98 Policy DM12 (Housing Standards) of the LDF Development Management Policies Document (2015) states that all new housing developments, including conversions, are required to comply with external and internal space standards.
- 10.99 The Nationally Described Space Standards (2015) sets out internal space standards for new dwellings at a defined level of occupancy. It further states that in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m<sup>2</sup> and in order to provide two bed spaces, a double (or twin bedroom) has a floor area of at least 11.5m<sup>2</sup>.
- 10.100 Paragraph 3.36 of the LDF Development Management Policies Document (2015) states that to provide adequate private amenity space for development of flats, a minimum of 5m<sup>2</sup> of private amenity space for 1-2 person units should be provided and an extra 1m<sup>2</sup> should be provided for each additional occupant e.g. a 4 person unit would be required to provide a minimum of 7m<sup>2</sup> of private amenity space.
- 10.101 The application is proposing 25 units, comprising 21 two-bed flats, 2 one-bed flats and 2 three-bed flats.
- 10.102 The proposed 1 bed (2 persons) flats would have a Gross Internal Area of between 52m<sup>2</sup> and 57m<sup>2</sup>, the 2 bed (3 persons) flats an area between 67m<sup>2</sup> and 73m<sup>2</sup>, the 2 bed (4 persons) flats an area between 70m<sup>2</sup> and 86m<sup>2</sup> and the 3bed (5 persons) flats an area of 85-102m<sup>2</sup>.
- 10.103 All 25 units would meet the minimum internal GIA standards and minimum bedroom sizes as required by the National Space Standards below:
- 3 bed (5 persons): 85m<sup>2</sup>
  - 2 bed (4 persons): 70m<sup>2</sup>
  - 2 bed (3 persons): 61m<sup>2</sup>
  - 1 bed (2 persons): 50m<sup>2</sup>
- 10.104 It is therefore considered that the proposed units will have an acceptable level of internal amenity.

Amenity Space

- 10.105 Paragraph 3.36 of the supporting text for Policy DM12 (Housing Standards) states that to provide adequate private amenity space for development of flats, a minimum of 5m<sup>2</sup> of private amenity space for 1-2 person dwellings should be provided and an extra 1 m<sup>2</sup> should be provided for each additional occupant. A 3 person flat should have a 6m<sup>2</sup> balcony, and a 4 person flat should have a 7m<sup>2</sup> balcony.
- 10.106 Balconies/terraces have been provided to all 25 units.
- 10.107 Twelve balconies would not meet the area requirements (Figures in ( ) denote the required standard):
- Flat 2bed -4 persons: out of the 7 proposed 6 of them would have an area of 6.9m<sup>2</sup> instead of the required 7sqm.
  - Flat 2bed -3 persons: out of the 14 proposed 5 balconies would have an area of 4.5m<sup>2</sup> instead the required 6sqm.
  - Flat 2bed – 2persons: out of the two proposed one would have an area of 4.5 sqm instead of the required 5 sqm.
- 10.108 While twelve balconies would not meet the area requirement, 6 would only miss the target by 0.1m<sup>2</sup> which is considered to be marginal.
- 10.109 On balance, the quality of amenity space provided by these balconies is not considered to justify refusal in their own right by reason of their minor shortfall and the availability of communal facilities and is acceptable, given the site, building and design constraints, and the need to optimise the site.
- 10.110 The shortfall in meeting the size requirement is therefore weighted as a very minor negative in the planning balance, and especially as the NDSS document is for guidance purposes only.

Housing density

- 10.111 The NPPF (2019) paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 10.112 Meeting any increase in the annual housing building target will be challenging. With the Borough being mostly comprised of existing built up areas, strategic open spaces or Green Belt, the supply of available development sites is now extremely limited. It is therefore important that available sites are optimised for housing delivery.



- 10.113 Paragraph 123 of the NPPF (2019) highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- 10.114 Policy DM11 (Housing Density) of the LDF Development Management Policies Document (2015) states [inter alia] that in principle, proposals for new housing that make the most efficient use of sites within the boroughs urban area will be supported in principle.
- 10.115 The proposed housing density per hectare of the site is approximately 216 units per hectare. Policy DM11 further states [inter alia] that site density should not usually exceed 40 units per hectare however, exceptions to this approach are considered where the following can be demonstrated:
- the site enjoys good access to services, facilities and amenities via existing public transport, walking and cycling networks; and
  - The surrounding townscape has sufficient capacity to accommodate developments of higher density.
- 10.116 The site is considered to be in a highly sustainable location. It has excellent access to facilities and transport as set out below:
- It is approximately 200 metres from the boroughs main train station with links into central London in roughly 35 minutes
  - Less than 5 minutes' walk into Epsom Town Centre is a hub for local bus routes.
  - Epsom Town Centre has over 100 shops and services with major retailers, including a major supermarket within a short walking distance.
  - Cycle and walking routes can be found throughout the area and there is a taxi rank located outside the station and Epsom market square.
  - Epsom hospital is approximately 15 minutes' walk or 8 minutes on a bus and there are a further 8 NHS medical practices within 20 minutes' walk of the site, with regular buses also available to shorten journey times.
  - There are a minimum of 19 schools, preschools and nursery's and 1 University within a 20 minute walk from the site.
  - The site has good access to greenspace and is less than 10 minutes' walk to Court Recreation ground to the north and Mounthil Gardens and Rosebery Park to the South.

- 10.117 Furthermore, at Planning and Licencing Committee in May 2018 it was agreed that given the borough's objectively assessed housing need of 697 units it is important to improve the optimisation of housing delivery for development sites in the borough. It states within the report that the optimisation of development sites '*may result in development that exceeds the density and / or height parameters of Policy DM11, Policy DM13 and Plan E Policy E7*'. As such, the purpose of this committee was to reduce the weight given to these policies during decision making and as such, the weight afforded to these policies is not significant enough to warrant the refusal of a planning application on this basis.
- 10.118 Given the sustainability of the location and that the review into council policies relating to height and density has reduced their weight in decision making, it is considered that in this case the density of the proposal would be acceptable.

#### Housing Mix

- 10.119 Paragraph 122 of the NPPF (2019) states that planning policies and decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
- 10.120 Policy DM22 (Housing Mix) of the LDF Development Management Policies Document (2015) states [inter alia] that the Council require all residential development proposals for four or more units be comprised of a minimum of 25% 3+ bedroom units, unless it can be demonstrated that the mix would be inappropriate for the location or endanger the viability of the proposal.
- 10.121 Chapter 3 (Housing Need Assessment) of the Council's Strategic Housing Market Assessment Update (2019) recommends that the breakdown of dwellings by size should be 10% for 1 bedroom units, 50% for 2 bedroom units, 30% for 3 bedroom units and 10% for 4 bedroom units.
- 10.122 The proposed housing mix would be 2 (8%) x 1 bedroom units, 21 (84%) x 2 bedroom units and 2 (8%) x 3 bedroom units. It is acknowledged that the housing mix for 1 bedroom and 3+ bedroom units would be short of that set out above, however by reason that the proposal is located within a sustainable town centre location and that the proposal is flatted development, it is considered that the housing mix is appropriate within this location. Furthermore, the mix of units includes a majority of 2 bedroom units suitable for small families.
- 10.123 However, 7 of the two-bed flats, would be for 4 person occupancy, which officers have accepted as being for family accommodation. (A two bed 4 person flat would be able to accommodate a double bed or two single beds in each bedroom)

- 10.124 The mix whilst not policy compliant must also be considered against the high demand for smaller units and the requirement to make effective and efficient use of land and the site. On this basis, it is considered that the proposed housing mix reflects the optimum use of the site and provides for an identified housing need. The housing mix is therefore assigned minor negative weight in the planning balance.

#### Highways, Parking and Cycle Parking

- 10.125 Paragraph 109 of the NPPF (2019) 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.
- 10.126 Policy CS16 (Managing Transport and Travel) of the LDF 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.
- 10.127 The 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.
- 10.128 Furthermore, the 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.
- 10.129 Policy DM37 (Parking Standards) of the LDF Development Management Policies Document (2015) seeks to ensure that new schemes provide an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. It further states that the Council will consider exceptions to this approach if an applicant can robustly demonstrate that the level of on-site parking associated with the proposal would have no harmful impact on the surrounding area in terms of streetscene or availability of on-street parking.

#### *Access and traffic*

- 10.130 The SCC Highways Officer has no objection to the proposed access arrangement as indicated on SK01 Rev G

#### *Parking*

- 10.131 The Council's adopted Parking Standards requirements for car parking provision within residential developments are a minimum of 1 space for one and two bed flat units, and 1.5 spaces for three bed flats. The scheme would be required to provide 26 spaces.

- 10.132 The applicant has proposed that the proposal would be car-free, however providing a car club space.
- 10.133 The application is supported by a Transport Statement which sets out that the site has excellent accessibility to non-car modes of transport. Given its location within close proximity of bus stops and with good pedestrian routes/facilities, the site is ideally located to take advantage of sustainable travel opportunities and limit car usage and that a car-free proposal this is considered to be an acceptable provision.
- 10.134 There is a negligible change in traffic flows on the local highway network as a result of the proposed redevelopment of the site. Due to the limited traffic flows predicted to be generated by the proposed development, there are not expected to be any highway or safety implications caused by the proposed redevelopment.
- 10.135 Refuse is to be collected from Station Approach, with a refuse vehicle able to get within acceptable collection distances of the commercial and residential bin stores (within 10m).
- 10.136 A new lay-by will be provided along the site frontage on Station Approach to facilitate servicing and deliveries for the site. This facility is half-on, half-off facility utilising part of the existing Station Approach carriageway and part of the shared footway/cycleway. The shared footway/cycleway retains adequate width throughout and is above the minimum widths required in Surrey County Council areas.

#### *Car Club*

- 10.137 The provision of the car club bay would provide residents without a parking space a means of utilising access to a car club, reducing the need for local residents to own a car.

#### *SCC Highways response*

- 10.138 SCC Highways provided a response on 29<sup>th</sup> March 2021. This required obligations, conditions and informatives. The response also included a comprehensive “notes to planner”. The main points are summarised as follows:
- The applicant proposes a car free development, providing no on-site vehicle parking. The site is in a highly sustainable area, within 300m of Epsom Train Station and within 300 metres of bus stops. Customers, visitors and residents of the proposed development have suitable options to travel by non-car modes of transport.
  - The applicant is proposing to provide an on street car club vehicle on Station Approach, providing both occupants of the proposed development, and the wider public with access to a car club vehicle. The site is surrounded by on street parking restrictions that would prevent inappropriate parking on the highway.

- The applicant proposes to provide a loading bay on street, which will provide suitable space for deliveries and refuse collection. The proposed loading bay does not prevent the movement of other vehicles along Station Approach as demonstrated by the swept path analysis submitted. A width of 3m for the shared cycle way footway is retained alongside the loading bay.
- A condition is recommended that cycle parking for visitors be provided in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. Current plans demonstrate 5 Sheffield stands for cycle parking for visitors.
- The County Highway Authority considers this may not be an appropriate location for cycle parking and therefore recommends a revised location for visitor cycle parking be agreed.

*Officer Comments*

- 10.139 Any potential impact on amenity arising from the lack of on-site parking is therefore a matter for the Council to consider in this instance in light of its own parking policy and the level of perceived impact.
- 10.140 In this case, the amenity impact of a potential 26 displaced vehicles in the surrounding highway network, is identified by officers as adverse to the amenities of nearby residents. It should be considered together with the need to optimise the site, the evidence of likely car ownership provided by the applicant, the sustainable location of the site, with access to a range of non-car modes of transport and measures, which are to be put in place to encourage sustainable modes.
- 10.141 The site is surrounded by on street parking restrictions that would prevent inappropriate parking on the highway. The negative impact is not considered by officers to be a sufficient reason to refuse permission in its own right and should be weighed against the proposal in the final planning balance.
- 10.142 Provision for the storage of 30 cycles is included within the proposal, a condition is recommended to secure the provision of this prior to occupation
- 10.143 It is concluded that the car-free proposal would be acceptable due to the presence of sustainable modes of transport and would be acceptable in respect of its impact on the highway. The non-compliant level of parking is therefore given minor negative weight in the planning balance
- 10.144 As such, it is considered that the proposal would comply with the NPPF, Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007).

Refuse and Recycling Facilities

- 10.145 Policy CS6 (Sustainability in New Developments) of the LDF 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.
- 10.146 Annex 2 of the Council's Revised Sustainable Design SPD (2016) sets out the refuse and recycling requirements for flatted development. It states [inter alia] that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers to be stored and manoeuvred and be within 6 metres of the public highway. It further states that if more than four 240 litre bins are to be emptied, then the collection vehicle should be able to enter the development to avoid the risk of obstructing traffic.
- 10.147 The proposed refuse and recycling stores (one for each core) have been designed so that they are integral to the building. These would be accessed from the car park. It is proposed that 516 litres/flat has been allocated for refuse and recycling materials as follows:
- 3 x 1100 litre Eurobins for refuse
  - 5 x 1100 litre mixed recycling bins
  - 1 x 1100 litre glass recycling bin
  - 7 x 1100 litre refuse/recycle Eurobins for the Commercial units.

Landscaping

- 10.148 Policy DM5 (Trees and Landscape) of the LDF 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.
- 10.149 The application is accompanied by an Arboricultural Impact Assessment Report prepared by Sharon Hosegood Associates. The report confirms that there are no trees existing on the site, however, there are very low-quality small trees and large stumps at the top of the boundary wall adjacent to the train line at the rear of the site. There are also several mature trees along West Street.

10.150 The tree Officer had been consulted and his initial comments were that he objected to this application because of the lack of new tree planting that is provided. The site used to have several trees on the railway embankment that overhung the site although it is since acknowledged that these had since been removed to stump level. The trees were removed just prior to our 2019 national tree map data so that the tree officer has been unable to calculate the three dimensional canopy volume that was lost.

10.151 The tree Officer had further commented that new building line occupies in some of the space the tree crowns occupied which means that this direct tree loss that has not been mitigated. The tree officer has quoted that:

*“some new tree planted could be identified in the verges of West Street and/or in the pavement of Station Approach. This proposal generates significant hardscape infrastructure but very little green infrastructure to improve the townscape environment in the immediate vicinity.*

*There are some concerns that the demolition of the existing building could damage the roots of the Lime T7 located on the West Street frontage. While it is noted that the new development has stilts in the section closest the tree, presumably avoiding the need for deep new excavation close to the tree but I am unclear whether the stilts will need substantial foundation pads. The current method statement appears inadequate in terms of its appraisal of the potential extent of construction activity next to the Lime. I recommend that a comprehensive arboricultural method statement is submitted with the application that provide satisfactory details of protection for the Lime tree”*

10.152 After further deliberation, the tree officer has concluded that further details of hard and soft landscaping and the protection of existing trees along West Street should be secured via a planning condition to address the above concerns in addition to an Arboricultural Method Statement. As such, it is considered that subject to satisfactory provision, protection and acceptance, the proposal could comply with Policy DM5 (Trees and Landscape) of the LDF Development Management Policies Document (2015).

#### Biodiversity and Ecology

10.153 Policy CS3 (Biodiversity and Nature Conservation Areas) of the LDF 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.

- 10.154 Policy DM4 (Biodiversity and New Development) of the LDF 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.
- 10.155 The applicant has submitted a Bat Survey Report dated July 2019 and prepared by Ethos. The Council's Ecology Officer has advised that generally this development has little potential for impacting biodiversity. The Ecology Officer further stated that the main issues are that the bat survey needs to be updated, the previous survey found nesting birds so a condition relating to the issue of nesting birds is required, also in line with all applications biodiversity enhancements such as birds boxes and bat boxes should be included in the new build and included in a condition.
- 10.156 It is considered that further details should be secured via a planning condition to enhance the biodiversity of the site in accordance with Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015).

#### Sustainability

- 10.157 Policy CS6 (Sustainability in New Developments) of the LDF Core Strategy (2007) states [inter alia] that development should result in a sustainable environment and ensure that new development minimises the use of energy in the scheme, minimises the emission of pollutants into the wider environment, minimises the energy requirements of construction and incorporates waste management processes.
- 10.158 The applicant has detailed within its submitted Design and Access Statement (p64 -67) an Energy and Sustainability section that demonstrates how the development will incorporate a number of sustainability and energy efficiency measures. The proposal would include innovative vertical photovoltaic solar panels within the curtain wall system of the proposed building.
- 10.159 As such, it is considered that the proposal would be able to secure a sustainable development outcome and would comply with the NPPF (2019) and Policy CS6 of the LDF Core Strategy (2007).

#### Flood Risk and Surface Water Drainage

- 10.160 Paragraph 163 of the NPPF (2019) 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.



- 10.161 Paragraph 165 of the NPPF (2019) 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.
- 10.162 Policy CS6 (Sustainability in New Developments) of the LDF 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.
- 10.163 Policy DM19 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.
- 10.164 The site is located within Flood Risk Zone 1 (Low Probability of Flooding) and the rear of the site falls partly within a Critical Drainage Area. The site is 0.124 hectares in size.
- 10.165 The applicant has submitted a Flood Risk Assessment and Drainage Strategy [prepared by Waterman Infrastructure & Environment Limited].
- 10.166 The applicant has submitted a Flood Risk and Surface Water Management Statement (Including Drainage Strategy), submitted by Ardent Consulting Engineers, July 2019.
- 10.167 Surrey County Council Lead Local Flood Authority (LLFA) has reviewed the proposal and recommended conditions. Subject the implementation of these conditions the LLFA has no objections.
- 10.168 The applicant has submitted a Desk Study/Preliminary Risk Assessment Report' (PRA) by Jomas (reference P1481J1366/TE v1.0 dated 27 April 2018). The document indicates a Moderate risk to Controlled Waters from potential ground contamination and recommends an intrusive investigation to assess this. The Environment Agency has recommended conditions.
- 10.169 The site is located in a flood risk zone 1 (Low probability – NPPF Flood Zone Classifications). Therefore neither the sequential test nor the exceptions test need to be applied.

- 10.170 The applicant has provided a details of the Sustainable Urban Drainage System (SUDS). These are considered to be acceptable and an implementation strategy would be required by condition.
- 10.171 As such, it is considered that the proposal would comply with the NPPF (2019), Policy CS6 (Sustainability in New Developments) of the LDF Core Strategy (2007) and Policy DM19 (Development and Flood Risk) of the LDF Development Management Policies Document (2015).

#### Land Contamination

- 10.172 Paragraph 180 of the NPPF (2019) states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely 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.
- 10.173 Policy DM17 (Contaminated Land) of the LDF 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.
- 10.174 The applicant has submitted a Desk Study/Preliminary Risk Assessment Report' (PRA) by Jomas (reference P1481J1366/TE v1.0 dated 27 April 2018). Preliminary Investigation Report (Ref. 18318/PIR\_R26/V1.0). The Council's Contaminated Land Officer has reviewed this and agrees that an intrusive investigation is required. This aspect will be secured via a planning condition.

#### Archaeology

- 10.175 Paragraph 189 of the NPPF (2019) 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.
- 10.176 Policy CS5 (Conserving and Enhancing the Quality of the Built Environment) of the Core Strategy (2007) sets out that the Council will protect and seek to enhance the Borough's heritage assets including (inter alia) archaeological remains. The settings of these assets will be protected and enhanced.

- 10.177 Policy DM8 (Heritage Assets) of the LDF 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.
- 10.178 The County Archaeological Officer has reviewed the scheme and has recommended conditions as mitigation measures.

#### Impacts Upon Railway Network

- 10.179 The network rail officer has reviewed the proposal and has recommended the addition of informative.

#### Fire Safety

- 10.180 The Surrey Fire Safety Inspecting Officer and has reviewed this proposal and has commented that The above application (including any schedule) has been examined and appears to demonstrate compliance with the Fire Safety Order in respect of means of warning and escape in case of fire. It should be ensured that if any material amendments to the proposal as contained within the application are intended, a further consultation is carried out.

#### Community Infrastructure Levy (CIL)

- 10.181 The proposal will be CIL liable.

#### Legal Agreements

- 10.182 The following site specific and/or financial and infrastructure contributions are required to mitigate the adverse impact of the development:
- The provision of three on-site affordable housing is now proposed (12% affordable housing). All affordable units are proposed as Discounted Market Sale units for the 12% affordable scheme.
  - S278 agreement for car-club and management; Within six months of the Occupation of the first dwelling the provision of a car club vehicle for a minimum of one year, with all costs associated with the provision of the vehicle including provision of parking space on the public highway and pump priming being met by the developer.
  - Review mechanism which is triggered if works on-site have not reached construction of the first-floor slab within 2 years of planning permission being granted
  - No part of the development shall be first occupied unless and until the proposed loading bay has been constructed on Station Approach in general accordance with drawing 182191-001 A.

- monitoring fee (drafting of Section 106 agreement) of £1,200.

## 11 Conclusion

- 11.1 Paragraph 11(d)(ii) of the NPPF (2019) states that for decision-making the Council should approve planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 11.2 The Council are unable to demonstrate a 5 year supply of land for the delivery of housing. As such, the presumption in favour of sustainable development and Paragraph 11(d) of the NPPF (2019) is a material planning consideration.
- 11.3 The provision of 25 residential units each with private amenity space would provide a significant public benefit, which weighs in favour of the scheme. Paragraph 59 of the NPPF (2019) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is development without unnecessary delay. The provision of additional housing comprises a substantial social benefit.
- 11.4 The provision of affordable housing in developments is afforded significant weight in the planning balance. The provision of three affordable units when balanced against the lack of a policy compliant affordable housing provision, is given a minor positive weight in the planning balance.
- 11.5 The conflict with Policy DM22 Housing Mix is given minor negative weight as it is considered that the proposed housing mix reflects the optimum use of the site and provides for an identified housing need.
- 11.6 The conflict with Policy DM11, DM12 and DM13 is given minor negative weight given the Council's position set out in the report entitled "Making the Efficient Use of Land – Optimising Housing Delivery".
- 11.7 The shortfall in on-site car parking spaces is given minor negative weight, by reason that the applicant has justified the shortfall and that the site is located within a highly sustainable location with very good public transport accessibility. Providing on-site parking provision would not optimise the residential use of the site, an important objective in view of housing need.

- 11.8 The Council concedes that it is unable to demonstrate a 5 year supply of deliverable housing sites in line with paragraph 73 of the National Planning Policy Framework (the Framework). In such circumstances, Framework paragraph 11(d) indicates that permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Framework Footnote 6 confirms that policies relating to designated heritage assets are relevant to the first limb of paragraph 11(d).
- 11.9 Paragraph 196 of the Framework explains that where, as in this case, 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. Furthermore, the loss of the non-designated heritage asset should also be weighed against the public benefits of the proposal, in accordance with Paragraph 197 of the NPPF., The proposal for 25 new homes in a highly sustainable location near to services and facilities within Epsom town centre would help to address the Council's housing shortfall and it would also generate employment during the construction phase and after throughout the life of the development from the provision of commercial/retail Class E floorspace.
- 11.10 The proposal will also direct investment into the town centre adding to its vibrancy and vitality. The proposal also uses previously developed (brownfield) land which the NPPF states should be given 'substantial weight'. The proposal will include public realm improvements in the vicinity of the site and proposes biodiversity net gain through design. Finally, the provision of an car club space introduces sustainable transport choice to existing residents and users of the town also. Against these public benefits Officers must balance the harm to the character and appearance of the Epsom Town Centre Conservation Area. Framework paragraph 193 states that great weight should be given to the asset's conservation, irrespective of the scale of the impact. Any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification.
- 11.11 Furthermore, the loss of the non-designated heritage asset should also be weighed against the public benefits of the proposal, in accordance with Paragraph 197 of the NPPF, The proposal for 25 new homes in a highly sustainable location near to services and facilities within Epsom town centre would help to address the Council's housing shortfall and it would also generate employment during the construction phase.
- 11.12 While the proposal will cause less than substantial harm to the significance of the conservation area, the proposal has the potential for making a positive contribution to build quality, skyline and distinctiveness of Epsom. The proposal is also beneficial in that it provides a car free scheme, being so near to the station.

- 11.13 The design is well considered and beneficial to the site being well located in the townscape. Any harm caused by the loss of the existing building is justified under the terms of the NPPF by the public benefits of the provision of housing in a sustainable location as well as the architectural merit of the development of the design.
- 11.14 Against the above public benefits officers must balance the harm to the character and appearance of the Epsom Town Centre Conservation Area. Framework paragraph 193 states that great weight should be given to the asset's conservation, irrespective of the scale of the impact. Any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification.
- 11.15 While the proposal will cause less than substantial harm to the significance of the conservation area, the proposal has the potential for making a positive contribution to build quality, skyline and distinctiveness of Epsom.
- 11.16 The building will become a major marker to Epsom, especially when approached from the west, a building will identify the town and its location in the local topography. Providing the details of the design can be guaranteed then this building merits such prominence. It is therefore considered that the public benefits of the scheme outweigh the harm and therefore the less than substantial harm would not result in a clear reason for refusal and therefore the proposal does benefit from the presumption in favour of sustainable development. The second limb of Framework paragraph 11(d)ii is engaged. Paragraph 11(d)(ii) of the NPPF (2019) states that for decision-making the Council should approve planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 11.17 It is therefore considered that the public benefits of the scheme outweigh the harm and therefore the balance tips in favour of the proposal. The proposal does benefit from the presumption in favour of sustainable development and the second limb of Framework paragraph 11(d) is engaged.
- 11.18 The provision of affordable housing in developments is afforded significant weight in the planning balance. The provision of three affordable units when balanced against the lack of a policy compliant affordable housing provision, is given a minor positive weight in the planning balance.
- 11.19 It would also generate employment during the construction phase and after throughout the life of the development from the provision of commercial/retail Class E floorspace. The proposal will also direct investment into the town centre adding to its vibrancy and vitality. The proposal also uses previously developed (brownfield) land which the NPPF states should be given 'substantial weight'. The proposal will include public realm improvements in the vicinity of the site and proposes biodiversity net gain through design. Finally, the provision of a car club space introduces sustainable transport choice to existing residents and users of the town also.

11.20 Taking all these matters into account, including all other material planning considerations, it is found that the benefits would significantly and demonstrably outweigh the negative impacts when assessed against the policies of the NPPF as a whole. The proposal would represent sustainable development.

## 12 Recommendation

### Part A

12.1 Subject to a Section 106 Agreement being completed and signed by 22<sup>nd</sup> July 2021 under the following heads of terms:

- The provision of three on-site affordable housing proposed as Discounted Market Sale units.
- Review mechanism which is triggered if works on-site have not reached construction of the first-floor slab within 2 years of planning permission being granted
- S278 agreement for car-club and management; Within six months of the Occupation of the first dwelling the provision of a car club vehicle for a minimum of one year, with all costs associated with the provision of the vehicle including provision of parking space on the public highway and pump priming being met by the developer.
- No part of the development shall be first occupied unless and until the proposed loading bay has been constructed on Station Approach in general accordance with drawing 182191-001 A.
- Monitoring fee (drafting of Section 106 agreement) of £1,200

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

### Part B

12.2 In the event that the Section 106 Legal Agreement referred to in Part A is not completed by 12<sup>th</sup> August 2021, the Head of Planning is authorised to refuse the application for the following reason:

In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy CS9 (Affordable Housing) of the LDF Core Strategy (2007) in relation to the provision of housing or a commuted sum in-lieu of the on-site provision of affordable housing.

#### **Condition(s):**

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

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

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

- EXISTING SITE LOCATION PLAN – 100.00
- EXISTING SITE BLOCK PLAN – 101.00
- EXISTING FLOOR PLANS – 102.00
- PROPOSED WEST ELEVATION – 312.00
- PROPOSED THIRD FLOOR PLAN – 304.00
- PROPOSED STREET SCENE – 314.00
- PROPOSED SOUTH ELEVATION 310.00
- PROPOSED SIXTH FLOOR PLAN 307.00
- PROPOSED SITE SECTION 315.00
- PROPOSED SITE + ROOF PLAN 309.00
- PROPOSED SITE + GROUND FLOOR PLAN 301.00
- PROPOSED SEVENTH FLOOR PLAN 308.00
- PROPOSED SECOND FLOOR PLAN 303.00
- PROPOSED NORTH ELEVATION 313.00
- PROPOSED FOURTH FLOOR PLAN 305.00
- PROPOSED FIRST FLOOR PLAN 302.00
- PROPOSED FIFTH FLOOR PLAN 306.00
- PROPOSED EAST ELEVATION 311.00
- Fire Risk Assessment entitled '622466-MLM-ZZ-XX-CO-YF-0001-REV01' (Nov 2020) –
- Arboricultural Impact Assessment entitled SHA 691 REV D (Oct 2020)
- Daylight/Sunlight Assessment entitled 'RC/ROL00282 (14 Oct 2020)
- Preliminary Risk Assessment entitled 'P1481J1366/TE' (APRIL 2018)
- Flood Risk Assessment entitled 'NO. 182191-02' (July 2019)
- Transport Assessment entitled 'NO. 182191-01B' (Nov 2020)
- Noise and Vibration Assessment E2660 (August 2019) -

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

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

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

(4) Prior to the commencement of development, section drawings through parapets, eaves, reveals, lintel, sills and supporting columns on ground



floor corner at a scale of 1:5 shall be submitted to the local planning authority. No works shall commence until these specifications are approved and shall be carried out in accordance with the approved specifications.

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

- (5) Prior to the commencement of works a mock-up shall be prepared on site which shall include example of all external surfaces and materials as well as examples of junctions, cladding fixings, reveals, soffits, parapets as well as junctions or junctures around these surfaces especially on balcony surfaces. This mock-up shall be approved by the local planning authority and shall be retained on site. No work shall be carried out otherwise than as to conform to this approved mock-up.

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

- (6) No development, above ground floor slab level, shall commence until a scheme of hard and soft landscaping has been submitted to the Local Planning Authority for approval, which shall include details of all existing trees on the land, and details of any to be retained, together with measures for their protection, in the course of development. This must include:
- 1) Details of adequate impact resistant and braced tree protection barriers required for T7 including any integrated walkways.
  - 2) Details of any retaining structure and changes of level required within the RPA of T7 and how these can be implemented without tree damage
  - 3) Schedule of proposed arboricultural monitoring of demolition/construction activity within the RPA of adjoining trees.
  - 4) Details of the reporting of arboricultural monitoring of the above to the LPA.
  - 5) Foundation details of the stilts.
  - 6) Details of tree protection from underground utility connections

The scheme shall indicate the location and species of plants and trees to be planted on the site. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the final occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees of planted removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies (2015).

(7) No demolition or development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority. For clarity, the following is required:

- A plan showing the position and specification of heavy duty tree protection barriers as fencing to protect retained trees on and adjacent to the site
- Details on all underground service within the root protection area (RPA) of the Lime tree and measures for construction methods to prevent root damage
- Details of all level changes within RPA of the Lime tree and measures of construction methods to prevent root damage
- Details of all construction activity (including foundations and any sheet piling) both above and below ground within RPA of the Lime and measures of construction methods to prevent root damage
- Details of all hard surface treatments both above and below ground within RPA of the Lime and measures of construction methods to prevent root damage
- A programme of arboricultural supervision and reporting of tree protection measures to the LPA

The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of demolition/development until tree protection barriers have been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The tree protection barriers shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

**Reason:** To ensure the provision, establishment and protection of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies (2015).

- (8) No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

**Reason:** In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies (2015).

- (9) The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles within the development site for residents have been provided in accordance with the approved plans, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

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

- (10) The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles within the development site for visitors has been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

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

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

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) HGV deliveries and hours of operation
- (g) vehicle routing
- (h) measures to prevent the deposit of materials on the highway
- (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (k) on-site turning for construction vehicles
- (i) measures to ensure the footway/ cycleway are not obstructed during construction has been submitted to and approved in writing by the Local

Planning Authority. Only the approved details shall be implemented during the construction of the development.

**Reasons:** in order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF (2019), and to satisfy policies DM35 and DM36 of the Epsom and Ewell Development Management Policies (2015) and Policy CS16 of the Core Strategy (2007).

- (12) The development hereby approved shall not be first occupied unless and until the existing access from the site to Station Approach has been permanently closed and any kerbs, verge, footway, fully reinstated.

**Reasons:** in order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF (2019), and to satisfy policies DM35 and DM36 of the Epsom and Ewell Development Management Policies (2015).

- (13) The development hereby approved shall not be first occupied unless and until the required Traffic Regulation Order for the proposed loading bay has been designed and implemented, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

**Reasons:** in order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF (2019), and to satisfy policies DM35 and DM36 of the Epsom and Ewell Development Management Policies (2015).

- (14) Within six months of first occupation the required Traffic Regulation Order for the proposed car club bay shall be designed and implemented, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

**Reasons:** in order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF (2019), and to satisfy policies DM35 and DM36 of the Epsom and Ewell Development Management Policies (2015).

- (15) The occupant of each residential unit shall be provided with a travel information pack regarding the availability of and whereabouts of local public transport / walking / cycling / car sharing clubs / car clubs, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy Framework 2019

- (16) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory

Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS.  
The required drainage details shall include:

- a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development (Pre, Post and during), associated discharge.
- b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc).
- c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

**Reason:** To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies (2015).

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

**Reason:** To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies (2015).

- (18) No piling shall take place until a piling method statement has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. This method statement will include – A. The methods to be used B. The depths of the various structures involved C. The density of piling if used D. Details of materials to be removed or imported to site. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

**Reason** – to better assess the risk to water resources from the construction of the foundations.

- (19) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A site investigation scheme, based on the PRA, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

**Reason:** For the protection of Controlled Waters. The site is located over a Secondary Aquifer & within SPZ1 and it is understood that the site may be affected by historic contamination.

- (20) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

**Reason:** There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

- (21) Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved

verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

**Reason:** Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

- (22) Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

**Reason:** To protect the underlying groundwater from the risk of pollution. Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

- (23) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reason:** The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwater. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

- (24) The development hereby permitted shall be constructed in accordance with the identified mitigation outlined in the submitted noise and vibration assessment. Prior to occupation of the site, the applicant shall submit evidence to the local planning authority that this mitigation has been installed and/or commissioned as necessary.

**Reason:** To ensure the occupiers of the development are not unduly affected by noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015.

- (25) No development shall take place until a scheme for the suitable treatment of all plant and machinery/air handling equipment against the transition of sound and/or vibration has been submitted to and approved in writing by the local planning authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and thereafter retained as such.

**Reason:** To protect the occupants of nearby residential properties from noise disturbance in accordance with Policy DM10 of the Development Management Policies (2015).

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

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

- (27) No development shall take place until the applicant has secured the implementation of a programme of archaeological work to be conducted in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

**Reason:** to ensure archaeological investigation recording in accordance with Policy DM10 of the Development Management Policies Document adopted October 2015 and that National Planning Policy Framework.

- (28) Unless otherwise agreed by the Local Planning Authority, the following must be undertaken prior to occupation of the new development, in accordance with current best practice guidance:

A site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including volatile hydrocarbons) and contaminants (including asbestos) with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the local planning authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority. If ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. The site shall be remediated in accordance with the approved measures



and a verification report shall be submitted to and approved by the Local Planning Authority. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site and verification report shall incorporate the approved additional measures.

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

- (29) An updated bat survey needs to be provided and biodiversity enhancements such as birds' boxes and bat boxes shall be included in the new build.

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

- (30) The development shall be carried out in strict accordance with the sustainable design measures contained in the Design and Access Statement, dated October 2020, prior to the first occupation of the building, and shall be maintained as such thereafter and no change shall take place without the prior written consent of the local planning authority.

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

- (31) All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

**Reason:** In order to comply with Policy CS6 (Sustainability in New development) of the LDF Core Strategy (2007).

- (32) All non-CHP space and hot water fossil fuel (or equivalent hydrocarbon based fuel) boilers installed as part of the development must achieve dry NOx emission levels equivalent to or less than 30 mg/kWh.

**Reason:** To protect air quality and people's health by ensuring that the production of air pollutants, such as nitrogen dioxide and particulate matter, are kept to a minimum during the course of building works and during the lifetime of the development. To contribute towards the maintenance or to prevent further exceedances of National Air Quality Objectives.

- (33) Prior to occupation, all dwellings hereby approved shall comply with Regulation 38 of the Building Regulations – Fire Safety.

**Reason:** In order to comply with Policy CS6 (Sustainability in New development) of the LDF Core Strategy (2007).

INFORMATIVE(S)

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
- (2) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.
- (3) The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
  - carry out work to an existing party wall;
  - build on the boundary with a neighbouring property;
  - in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

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

- (4) The scheme to implement waiting restrictions or other relevant works to regulate or restrict the operation of the highway shall first require a Traffic Regulation Order or Notice prior to use. The alteration of the Traffic Regulation Order or creation of a new Order or Notice is a separate statutory procedure which must be processed at the applicant's expense prior to any alterations being made. In the event that the implementation of waiting restrictions or other works requiring an Order or Notice is not successful due to unresolved objections the applicant shall submit an alternative scheme to the Local Planning Authority for its approval prior to

first occupation of the development. Any alternative scheme or works shall be implemented prior to the occupation of any dwellings to the satisfaction of the Local Planning Authority.

- (5) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway
- (6) The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice).
- (7) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
- (8) The developer is advised that as part of the detailed design of the highway works required by the above condition, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
- (9) A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be

directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk)

- (10) Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
- (11) The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

- (12) Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)
- (13) If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website. If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.
- (14) If there are any further queries please contact the Flood Risk Asset, Planning, and Programming team via [SUDS@surreycc.gov.uk](mailto:SUDS@surreycc.gov.uk). Please use our reference number in any future correspondence.
- (15) Future maintenance - The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/or encroaching upon Network Rail's adjacent land and air-space. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary.
- (16) Plant & Materials: All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.
- (17) Drainage: Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer.

Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

- (18) Scaffolding: Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.
- (19) Piling: Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.
- (20) Fencing: In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point during or post construction should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation within Network Rail's land boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment
- (21) Lighting: Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.
- (22) Noise and Vibration: The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

- (23) Vehicle Incursion: Where a proposal calls for hard standing area/parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.
- (24) Landscaping: Any trees/shrubs to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. Network Rail wish to be involved in the approval of any landscaping scheme adjacent to the railway. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. If required, Network Rail's Asset Protection team are able to provide more details on which trees/shrubs are permitted within close proximity to the railway.
- (25) Existing Rights: The applicant must identify and comply with all existing rights on the land. Network Rail request all existing rights, covenants and easements are retained unless agreed otherwise with Network Rail.
- (26) The application site is adjacent to Network Rail land required for the future delivery of Crossrail 2 which would mean a higher frequency of trains operating out of Epsom Station than at present.
- (27) Your attention is drawn to the series of publications produced by the Department for Communities and Local Government (CLG), which provides information for the responsible person about the Fire Safety Order
- (28) Responsibility for ensuring that a building is provided with appropriate fire safety arrangements rests with the responsible person, once the building is occupied. The responsible person should, therefore, ensure that the fire safety arrangements in place are adequate and comply fully with the requirements of the Fire Safety Order.
- (29) Fire safety information in accordance Regulation 38 of the Building Regulations should be provided to the responsible person at the completion of the project or when the building or extension is first occupied. This information should take the form of a fire safety manual and form part of the information package that contributes to the fire risk assessment that will need to be carried out under the Regulatory Reform (Fire Safety) Order 2005.
- (30) Passive fire protection measures, particularly fire stopping, fire barriers and fire resisting compartmentation, restricts the spread of smoke and fire through a building through hidden areas such as voids. It is recommended that careful attention is given to this detail during construction. Certification

of this work can be beneficial to confirm the suitability of the structure to meet its performance requirement lay out in this design application.

- (31) Surrey Fire and Rescue Service (SFRS) would strongly recommend that consideration is given to the installation of AWSS (ie; Sprinklers, Water Mist etc) as part of a total fire protection package to: protect life; protect property, heritage, the environment and our climate; help promote and sustain business continuity; and permit design freedoms and encourage innovative, inclusive and sustainable architecture.
- (32) The use of AWSS can add significant benefit to the structural protection of buildings in the event of a fire. Other benefits include supporting business recovery and continuity if a fire happens. SFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises.

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