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Democratic Services



PLANNING COMMITTEE

Thursday 8 June 2023 at 7.30 pm

**Place: Council Chamber - Epsom Town Hall,
<https://www.youtube.com/@epsomandewellBC/playlists>**

Online access to this meeting is available on YouTube: [Link to online broadcast](#)

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 Humphrey Reynolds
(Chair)
Councillor Steven McCormick (Vice-
Chair)
Councillor Kate Chinn
Councillor Neil Dallen
Councillor Julian Freeman

Councillor Jan Mason
Councillor Bernie Muir
Councillor Phil Neale
Councillor Peter O'Donovan
Councillor Clive Woodbridge

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ding', is written over a faint circular stamp.

Chief Executive

For further information, please contact Democratic Services, email:
democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

EMERGENCY EVACUATION PROCEDURE

No emergency drill is planned to take place during the meeting. If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions.

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move to the assembly point at Dullshot Green and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Public information

Please note that this meeting will be held at the Town Hall, Epsom and will be available to observe live using free YouTube software.

A link to the online address for this meeting is provided on the first page of this agenda. A limited number of seats will be available in the public gallery at the Town Hall. If you wish to observe the meeting from public gallery, please arrive at the Town Hall reception before the start of the meeting. A member of staff will show you to the seating area. For further information please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, telephone: 01372 732000.

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 this 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.

Public speaking

Public speaking in support or against planning applications is permitted at meetings of the Planning Committee. Two speakers can register to speak in support (including the applicant/agent) and two can register to speak against any single application. Registration will be on a first come first served basis. An individual can waive this right in favour of an individual who attempted to register at a later time, or alternatively, several members of the public may appoint one person to speak on their behalf, provided agreement to this arrangement can be reached amongst themselves.

Speakers shall have a maximum of 3 minutes to address the Committee and remarks must be confined to the application upon which the speaker registered.

For more information on public speaking protocol at Planning Committee meetings, please see [Annex 4.8](#) of the Epsom & Ewell Borough Council Operating Framework.

If you wish to register to speak on an application at a meeting of the Planning Committee, please contact Democratic Services by email at democraticservices@epsom-ewell.gov.uk, or by telephone on 01372 732000 in advance of the deadline for registration. Please state the application(s) on which you wish to speak, and whether you wish to speak in support or against the application.

The deadline for registration to speak on an application at a meeting of the Planning Committee is Noon on the day of the meeting.

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 Chair agree to discuss any other such matters on the grounds of urgency, the Committee may wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Filming and recording of meetings

The Council allows filming, recording and photography at its public meetings. By entering the Council Chamber and using the public gallery, you are consenting to being filmed and to the possible use of those images and sound recordings.

Members of the Press who wish to film, record or photograph a public meeting should contact the Council's Communications team prior to the meeting by email at: communications@epsom-ewell.gov.uk

Filming or recording must be overt and persons filming should not move around the room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non-handheld devices, including tripods, will not be allowed.

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. MINUTES OF PREVIOUS MEETINGS (Pages 7 - 34)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on 9 March 2023 and the Minutes of the Special Meeting of the Committee held on 23 March 2023, and to authorise the Chair to sign them.

3. 23/00110/FUL 107-111 EAST STREET, EPSOM, SURREY, KT17 1EJ (Pages 35 - 74)

Demolition of the existing buildings and construction of a two-storey building with part basement/lower ground floor, with roof accommodation, comprising 16 self-contained dwellings (Use Class C3), together with associated car and cycle parking, refuse storage, hard and soft landscaping and associated works

4. 23/00079/FUL PENEYCROFT, 19 DOWNS AVENUE, EPSOM, SURREY, KT18 5HQ (Pages 75 - 98)

Erection of a two storey dwelling following demolition of existing bungalow.

5. 22/01294/FUL DEVELOPMENT SITE AT 24-28 WEST STREET, EPSOM (Pages 99 - 164)

Demolition of existing building and construction of a new part 5 and part 6 storey building containing 20 residential units and associated development

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Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber, Epsom Town Hall on 9 March 2023

PRESENT -

Councillor Humphrey Reynolds (Chair); Councillor Phil Neale (Vice-Chair); Councillors Kate Chinn, Nigel Collin, Neil Dallen, David Gulland, Jan Mason, Steven McCormick, Lucie McIntyre, Peter O'Donovan, Liz Frost (as nominated substitute for Councillor Alex Coley) and Steve Bridger (as nominated substitute for Councillor Monica Coleman)

Absent: Councillor Monica Coleman and Councillor Alex Coley

Officers present: Justin Turvey (Interim Head of Place Development), Virginia Johnson (Principal Planning Officer), Jason Ofosu (Principal Solicitor) and Dan Clackson (Democratic Services Officer)

29 DECLARATIONS OF INTEREST

Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT (Items 3, 4, 5, 6 and 7)

Councillor Lucie McIntyre, Other Interest: Councillor Lucie McIntyre declared that she and her family were annual members of Hobbledown. She confirmed that she had come to the meeting with an open mind and held no bias.

22/00011/REM - Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT

Councillor Neil Dallen, Other Interest: Councillor Neil Dallen declared, as a non-prejudicial interest, that he is involved as one of the directors in the Epsom fireworks display and that the Hobbledown car park is used for park-and-ride for the display.

30 MINUTES OF THE PREVIOUS MEETING

The Committee confirmed as a true record the Minutes of the Meeting of the Planning Committee held on the 8 December 2022 and authorised the Chair to sign them.

31 21/02021/FUL - HOBLEDOWN, HORTON LANE, EPSOM, SURREY, KT19 8PT

The Committee received a presentation from the Principal Planning Officer.

An Objector spoke in opposition of the application.

The Agent spoke in support of the application.

Description:

Installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective).

Officer Recommendation:

To approve the application, subject to conditions.

Decision:

Following consideration, the Committee resolved (9 in favour, 2 against, and the Chair not voting) to **APPROVE** the application subject to the following conditions:

Conditions:

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

188/0/001 Rev 03 – Location Plan – dated November 2021

188/3.101 Rev 03 – Proposed Site Plan – dated 25.11.21

Document relating to play equipment (Crystalite Mine, Bounce Pillows, Play Huts)

Lorikeet Enclosure document

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)

2.The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the planning application form and submitted details within the Cover Letter and documents (Document relating to play equipment, Crystalite Mine, Bounce Pillows, Play Huts and Lorikeet Enclosure document)

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.

3.The development shall accord with the Flood Risk and Drainage Technical Note (RPS) (HLEF83289, 1, 14 April 2022) and mitigation measures.

Reason: In the interests of flood prevention in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

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

32 22/00009/FUL HOBLEDOWN, HORTON LANE, EPSOM, SURREY, KT19 8PT

The Committee received a presentation from the Principal Planning Officer.

An Objector spoke in opposition of the application.

The Agent spoke in support of the application.

Description:

Siting and installation of restroom facilities.

Officer Recommendation:

To approve the application, subject to conditions.

The following matters were considered by the Committee:

a) In the interest of clarity, condition 4 be amended to read:

Prior to first use, details of the drainage system, including its location, shall be submitted to the Local Planning Authority for approval. The development shall accord with the approved details

b) A condition was requested for the installation of handrails at the entrance of the restroom facility.

Decision:

Following consideration, the Committee resolved (9 in favour, 1 against, 1 abstaining, and the Chair not voting) to **APPROVE** the application subject to the following conditions:

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

P200/3.001 Rev 01 – Location Plan – dated 27.09.21

P200/3.2001 Rev 02 – Proposed Restroom Facility – dated 26.08.21

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 constructed entirely of the materials as detailed on the schedule of materials on the Application Form.

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

4. Prior to first use, details of the drainage system, including its location, shall be submitted to the Local Planning Authority for approval. The development shall accord with the approved details

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

5. Prior to first use, details of safety and accessibility, including handrail details, shall be submitted to and approved by the Local Planning Authority. The development shall accord with the approved details

Reason: For the avoidance of doubt, to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the 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

33 22/00010/FUL - HOBLEDOWN, HORTON LANE, EPSOM, SURREY, KT19 8PT

The Committee received a presentation from the Principal Planning Officer.

An Objector spoke in opposition of the application.

The Agent spoke in support of the application.

Description:

Erection of perimeter boundary timber fencing, relocation of entrance gates and installation of gas tank holder (Retrospective).

Officer Recommendation:

To approve the application, subject to conditions.

The following matters were considered by the Committee:

- a) A condition was requested for the planting of shrubbery on the perimeter boundary timber fencing.
- b) A condition was requested that access to the entrance gate be limited to rigid vehicles up to 3 tonnes.

Decision:

The Committee voted on this item, but no valid decision was made.

Subsequently, it was agreed that a special meeting of the Planning Committee would be held on 23 March 2023 for the Committee to determine the item.

34 22/00011/REM - HOBLEDOWN, HORTON LANE, EPSOM, SURREY, KT19 8PT

The Committee received a presentation from the Principal Planning Officer.

An Objector spoke in opposition of the application.

The Agent spoke in support of the application.

Description:

Variation of condition 20 of planning permission 11/00511/FUL to allow for Zones 9 and Zone 10 to be accessed by the public for the purposes of over-flow car parking at times of peak demand

Officer Recommendation:

To approve the application, subject to conditions.

The following matters were considered by the Committee:

- a) That use of the overflow car park be limited to a specified number of days in the calendar year.

Decision:

Following consideration, the Committee resolved (7 in favour, 3 against, 1 abstaining, and the Chair not voting) to **APPROVE** the application subject to the following conditions:

Conditions:

1. The development hereby permitted was required to begin before the expiration of three years from the date of the original planning permission (11/00511/FUL) This Condition has been complied with.

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. The premises shall not be open to the public outside the hours of 09:00 and 19:00 except on a Friday and Saturday when the internal areas and external areas marked Zone E.4, Zone H, Zone I and Zone K on approved plan 6773/50 Rev H shall additionally be permitted to open until 20:00.

Reason: To safeguard the amenities of neighbouring occupiers as required by Policy DM10 of the Development Management Policies 2015.

3. No permanent public address systems, sirens, horns or klaxons shall be operated on the site at any time. Amplified sound without the use of permanent Public Address Systems is permitted outdoors for entertainment only to audiences of a maximum size of 50 people from 09:00 hours until 19:00 hours Sunday to Thursday, 09:00 hours until 20:00 hours Friday and Saturday. Amplified music is not permitted outdoors. In all cases noise levels relating to amplified sound shall not exceed 65 decibels LAeq (15 minute) at the boundary of the site at any time. For the avoidance of doubt entertainment with the use of amplified sound shall be confined to puppet shows, birds of prey displays and other similar events directly related to the permitted use as a children's farm and shall only be undertaken within the designated areas shown on Drawing No 0013-03 Rev A dated 17/06/14. Granted under 14/00145/REM, dated 28 July 2014

Reason: In the interests of the amenities of adjacent residential properties in accordance with Policy DM10 of the Development Management Policies 2015.

4. With the exception of the tractor tour to be retained on site, no mechanical or fairground rides shall be installed or operated on the site at any time unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the locality in accordance with Policy DM10 of the Development Management Policies 2015

5. The materials to be used on the external faces of the play equipment shall be timber and natural rope and netting with the exception of three stainless steel

slides and the steel framework for the spiral climbing net in Play Zone A as shown on drawings 6773/40 Rev D, 6773/41 Rev D and 6773/42 Rev D

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

6. No part of the timber play structures shall exceed a height of 7 metres above the existing ground level with the exception of the turret housing the zip wire launch platform, which shall not exceed a height of 9.5 metres above existing ground level

Reason: To ensure that the proposed development is of an appropriate height having regard to the height of screening landscaping as required by Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015

7. Detailed drawings of a hard and soft landscaping scheme for the planting of trees and shrubs (showing areas to be grass-seeded or turfed and detailing the means of marking out the parking bays within the car park and any new means of enclosure) shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping shall include additional screen planting within the car park, along Horton Lane and adjacent to Play Zone A and the planting of field trees within the grazing fields and animal enclosures. All landscaping, in accordance with the approved landscaping scheme, shall be carried out within the first planting and seeding season following completion of the development and shall be maintained to the satisfaction of the Local Planning Authority for a period of five years, such maintenance to include the replacement of any plants which die or become damaged during this period

Reason: To ensure the provision and maintenance of landscaping, in the interests of visual amenity as required by Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

8. Other than those trees detailed for removal in the Arboricultural Report (dated 28 July 2011), no trees shall be lopped, topped or felled without the prior written consent of the Local Planning Authority.

Reason: The existing trees represent an important visual amenity which should be substantially maintained as required by Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

9. Tree protection measures shall be carried out in strict accordance with the Arboricultural Report and Tree Protection Plan dated 28 July 2011.

Reason: To enable the Local Planning Authority to ensure the retention of trees on the site, protected from damage in the interests of visual amenity as required by Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

10. The measures to improve the biodiversity of the site as set out in the Ecological Appraisal (dated August 2011) shall be carried out within a period of twelve months from the date on which the development of the site is commenced or within an alternative timescale to be agreed in writing by the Local Planning Authority in accordance with the Ecological Appraisal recommendations and thereafter shall be managed and maintained in accordance with the Ecological Appraisal. These works shall include, but are not limited to, the installation of bat and bird boxes, the provision of habitat piles, creation of permanent wetland habitats and grassland field management.

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

11. Development shall not commence on site until full details of the sustainable drainage have been submitted to and approved in writing by the Local Planning Authority. The details shall include infiltrations rates into the underlying clay strata and climate change allowance as requested by the Environment Agency in their letter dated 20 September 2011. Thereafter, the sustainable drainage shall be carried out in accordance with the approved details and shall be so maintained.

Reason: To reduce surface water run-off from the site in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

12. No new development shall be brought in to use until space has been laid out within the site in accordance with the approved plans for a maximum of 350 cars to be parked and for the loading and unloading of delivery vehicles and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking and turning areas shall be used and retained exclusively for their designated purpose

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM36 and DM37 of the Development Management Policies 2015

13. The Development shall be carried out in accordance with the Travel Plan, approved under 11/01328/COND, dated 28 June 2012, and thereafter maintained

Reason: In accordance with Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM36 and DM37 of the Development Management Policies 2015

14. The vehicular access from McKenzie Way shall not at any time be used by customers of the site and shall be solely used for deliveries and staff movements associated with the safe and efficient operation of the site

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users as required by Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM36 and DM37 of the Development Management Policies 2015

15. All external fascias, materials, treatments and finishes of the proposed barn extension shall match those of the existing building to the satisfaction of the Local Planning Authority and the treatment and/or finishes of the external surfaces shall be carried out within a period of three months from the date of occupation of the development.

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

16. The development shall be carried out in accordance with the documentation relating to building/engineering operations, approved under 11/01328/COND, dated 28 June 2012

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users as required by Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM36 and DM37 of the Development Management Policies 2015

17. The development hereby permitted shall accord with the sustainability measures approved under 11/01328/COND, dated 28 June 2012. The development shall be carried out in strict accordance with the approved details.

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 and to comply with Policy CS6 of the Core Strategy (2007)

18. No construction work shall be carried out in such a manner as to be audible at the site boundary before 07:30 hours on Monday to Friday or after 18:30 hours on Monday to Friday, no construction work shall be audible at the site boundary before 08:00 and after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank Holidays or Public Holidays.

Reason: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties as required by Policy DM10 of the Development Management Policies 2015.

19. Play activities and equipment shall only be sited on or take place in the areas marked Zone A, Zone B, Zone C, Zone D, Zone E.4, Zone H, Zone I and Zone K with play activities and grazing only to take place in Zone F.5 on approved plan 6773/50 Rev H

Reason: In the interests of the visual amenity of the Green Belt and the amenity of neighbouring residential properties as required by Policy CS2 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015

20. The fields marked F. 1 to 4 inclusive, F. 6 and F. 8 on approved plan 6773/50 Rev H shall be solely for the keeping of animals and shall not, at any time, be accessible to the public, other than that part of Zone F.7 shown as a car park extension on drawing no 0017-02 accompanying planning permission Ref 14/00144/FUL (Appeal Ref: APP/P3610/W/14/3000847)

Reason: In the interests of the visual amenity of the Green Belt and the amenity of neighbouring residential properties as required by Policy CS2 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015

21. The animal shelters shown in Zones F. 1 to 10 inclusive on approved plan 6773/50 Rev H shall be used solely for the keeping of animals and shall be removed when no longer required for that purpose

Reason: In the interests of the visual amenity of the Green Belt and the amenity of neighbouring residential properties as required by Policy CS2 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015

22. Details of the siting and design of cycle parking are approved under 11/01328/COND, dated 28 June 2012.

Reason: To encourage travel to and from the site by bicycle in accordance with Policy CS16 of the Core Strategy (2007)

23. A Visitor Management Plan is approved under 11/01328/COND, dated 28 June 2012. The Visitor Management Plan shall be updated, to control visitor numbers within the approved car park and overflow car parks. The overflow car park, approved under ref: 22/00011/REM, shall be used once car parking is at capacity, during the following periods only:

- February half term, maximum 9 days
- Easter holidays, maximum 16 days
- October half term, maximum 9 days.

The Visitor Management Plan shall be submitted to and approved by the Local Planning Authority prior to use of the relevant area.

Reason: In the interests of the amenities of neighbouring residential properties and to ensure the development does not prejudice the free and safe flow of traffic, in accordance with Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM10, DM36 and DM37 of the Development Management Policies (2015)

24. The development hereby permitted shall be carried out in accordance with the following approved documents: 6773/40 Rev D, 6773/41 Rev D, 6773/2 Rev D, 6773/43 Rev C, 6773/48 Rev C, 6773/49 Rev D, 6773/50 Rev H, 6773/51 Rev D, 6773/71 Rev D, 6773/72 Rev F, 6773/73 Rev E, 6773/75 Rev D, 6773/76 Rev B, 6773/77 Rev B, 6773/78 Rev F, 6773/79 Rev A, Design and Access Statement (July 2011), Planning Statement (August 2011), Surface Water Drainage and Flood Risk Assessment (July 2011), Highway Statement (July 2011), Ecological Appraisal (August 2011), Landscape and Visual Assessment (August 2011) and Arboricultural Report (28 July 2011) 11 47/ 101L (07/01/12)

11 47/ 102F (18/01/12), approved under 11/01394/NMA, dated 1 June 2012 188/3.021 Rev. 03, under 22/00013/REM

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)

25. The proposed parking restrictions and the associated Traffic Regulation Order shall be designed and implemented on McKenzie Way in the vicinity of the Site, including in between the proposed access and egress points, at the Applicant's expense, in accordance with a scheme to be submitted to and approved in writing by the County Highway Authority

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

26. Full details, of both hard and soft landscape proposals relating to the overspill car park, including a schedule of landscape maintenance for a minimum period of 5 years, shall be submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented and thereafter retained

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

27. Notwithstanding the submitted plans, the development hereby approved shall not be utilised unless and until a detailed Car parking management plan has been submitted to and approved in writing by the Local Planning Authority. Details of the car parking management plan should include as a minimum:

- Details on the number of proposed overflow car parking spaces
- Formalised car parking bays (minimum dimension to be 2.4m by 4.8m)
- Surface material for overflow car parking area, noting that the fields are unlikely to be usable during wet weather.
- Use of marshals to direct traffic

- Cut off point for when the overflow car parking area will be used
- Anticipated use of the overflow car parking area
- Layout and use of the parking spaces to prevent queuing (resulting in blockages on highway network) and conflict between vehicles
- The maximum number of days that the overflow car park can be used

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, to meet the objectives of the NPPF (2021) and to satisfy Policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

28. The existing access onto McKenzie Way shall be modified in accordance with drawing ref: 188-3.011 Rev. 02 of planning application ref: 22/00010/FUL and shall be modified within six months of planning application ref: 22/00010/FUL and 22/00013/REM being granted planning permission *

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, to meet the objectives of the NPPF (2021) and to satisfy Policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

** Following the Committee's refusal of the application ref: 22/00010/FUL at the meeting held on 23 March 2023, condition 28 was amended, with agreement of the applicant, to read:*

28. No part of the development shall be first utilised unless and until the existing access onto McKenzie Way has been modified in accordance with a scheme to be submitted to and approved in writing by the County Highway Authority

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, to meet the objectives of the NPPF (2021) and to satisfy Policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

Appeal A – Ref: Ref: APP/P3610/W/14/3000847

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawing no 0017-02.
3. The car park hereby permitted shall be surfaced in accordance with the details shown on drawing no 0017-02 and shall be grassed or shall be surfaced in accordance with details submitted to and approved in writing by the local

planning authority prior to installation. The surfacing shall be retained as approved.

4. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. This shall include a schedule of the species and sizes of trees to be planted, a ground preparation specification and details of aftercare maintenance. The approved landscaping shall be implemented before the use of the car park hereby permitted commences and shall be maintained in accordance with the approved details. Any trees that are removed, uprooted, destroyed or die or become seriously damaged or defective within 5 years of planting shall be replaced at the same place by another tree of the same species and size as that originally planted unless the local planning authority gives its written approval to any variation

Appeal B - Ref: APP/P3610/W/14/3000633

20. The fields marked Zone F.1 to 4 inclusive and Zone F.6 to 10 inclusive on approved plan 6773/50 Rev H shall be used solely for the keeping of animals and shall not, at any time, be accessible to the public other than that part of Zone F.7 shown as a car park extension on drawing no 0017-02 accompanying planning permission Ref 14/00144/FUL (Appeal Ref: APP/P3610/W/14/3000847)

Informative(s):

1. Details of the highway requirements necessary for the inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Control Division of Surrey County Council

2. A standard fee may be charged for input to and future monitoring of any travel plan

3. Any unilateral undertaking shall be in accordance with Surrey County Council's standard format

4. The developer would be expected to instruct an independent transportation data collection company to undertake the monitoring survey. This survey must conform to a TRICS Multi-Modal Survey format consistent with the UK Standard for Measuring Travel Plan Impacts as approved by the Highway Authority. To ensure that the survey represents typical travel patterns, the organisation taking ownership of the travel plan will need to agree to being surveyed only within a specified annual quarter period but with no further notice of the precise survey dates. The developer would be expected to fund survey validation and data entry costs.

5. Animal displays should be solely for educational purposes.

6. 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)

7. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage

35 22/00013/REM - HOBLEDOWN, HORTON LANE, EPSOM, SURREY, KT19 8PT

The Committee received a presentation from the Principal Planning Officer.

The Agent spoke in support of the application.

Description:

Variation of Condition 14 (vehicular access) of planning application 11/00511/FUL to allow deliveries to the farm shop and cafe via McKenzie Way access.

Officer Recommendation:

To approve the application, subject to conditions.

The following matters were considered by the Committee:

- a) A condition was requested for a Delivery Management Plan to be submitted to and approved by the Local Planning Authority, detailing:
 - That vehicles entering and exiting the McKenzie Way entrance shall do so in forward gear only
 - That signage be erected to control vehicular movement
 - That Hobbledown staff are to open and close the gate for deliveries only
 - That the size of a vehicle to use the McKenzie Way entrance shall not exceed the size of a rigid lorry
 - That no deliveries shall take place at the McKenzie Way entrance within hours:
08:00 - 09:00 and 15:00 - 16:00 Monday to Friday

Decision:

Following consideration, the Committee resolved (8 in favour, 1 against, 2 abstaining, and the Chair not voting) to **APPROVE** the application subject to the following conditions:

Conditions:

1. The development hereby permitted was required to begin before the expiration of three years from the date of the original planning permission (11/00511/FUL) This Condition has been complied with.

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. The premises shall not be open to the public outside the hours of 09:00 and 19:00 except on a Friday and Saturday when the internal areas and external areas marked Zone E.4, Zone H, Zone I and Zone K on approved plan 6773/50 Rev H shall additionally be permitted to open until 20:00.

Reason: To safeguard the amenities of neighbouring occupiers as required by Policy DM10 of the Development Management Policies 2015.

3. No permanent public address systems, sirens, horns or klaxons shall be operated on the site at any time. Amplified sound without the use of permanent Public Address Systems is permitted outdoors for entertainment only to audiences of a maximum size of 50 people from 09:00 hours until 19:00 hours Sunday to Thursday, 09:00 hours until 20:00 hours Friday and Saturday. Amplified music is not permitted outdoors. In all cases noise levels relating to amplified sound shall not exceed 65 decibels LAeq (15 minute) at the boundary of the site at any time. For the avoidance of doubt entertainment with the use of amplified sound shall be confined to puppet shows, birds of prey displays and other similar events directly related to the permitted use as a children's farm and shall only be undertaken within the designated areas shown on Drawing No 0013-03 Rev A dated 17/06/14. Granted under 14/00145/REM, dated 28 July 2014

Reason: In the interests of the amenities of adjacent residential properties in accordance with Policy DM10 of the Development Management Policies 2015.

4. With the exception of the tractor tour to be retained on site, no mechanical or fairground rides shall be installed or operated on the site at any time unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the locality in accordance with Policy DM10 of the Development Management Policies 2015

5. The materials to be used on the external faces of the play equipment shall be timber and natural rope and netting with the exception of three stainless steel

slides and the steel framework for the spiral climbing net in Play Zone A as shown on drawings 6773/40 Rev D, 6773/41 Rev D and 6773/42 Rev D

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

6. No part of the timber play structures shall exceed a height of 7 metres above the existing ground level with the exception of the turret housing the zip wire launch platform, which shall not exceed a height of 9.5 metres above existing ground level

Reason: To ensure that the proposed development is of an appropriate height having regard to the height of screening landscaping as required by Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015

7. Detailed drawings of a hard and soft landscaping scheme for the planting of trees and shrubs (showing areas to be grass-seeded or turfed and detailing the means of marking out the parking bays within the car park and any new means of enclosure) shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping shall include additional screen planting within the car park, along Horton Lane and adjacent to Play Zone A and the planting of field trees within the grazing fields and animal enclosures. All landscaping, in accordance with the approved landscaping scheme, shall be carried out within the first planting and seeding season following completion of the development and shall be maintained to the satisfaction of the Local Planning Authority for a period of five years, such maintenance to include the replacement of any plants which die or become damaged during this period

Reason: To ensure the provision and maintenance of landscaping, in the interests of visual amenity as required by Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

8. Other than those trees detailed for removal in the Arboricultural Report (dated 28 July 2011), no trees shall be lopped, topped or felled without the prior written consent of the Local Planning Authority.

Reason: The existing trees represent an important visual amenity which should be substantially maintained as required by Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

9. Tree protection measures shall be carried out in strict accordance with the Arboricultural Report and Tree Protection Plan dated 28 July 2011.

Reason: To enable the Local Planning Authority to ensure the retention of trees on the site, protected from damage in the interests of visual amenity as required

by Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

10. The measures to improve the biodiversity of the site as set out in the Ecological Appraisal (dated August 2011) shall be carried out within a period of twelve months from the date on which the development of the site is commenced or within an alternative timescale to be agreed in writing by the Local Planning Authority in accordance with the Ecological Appraisal recommendations and thereafter shall be managed and maintained in accordance with the Ecological Appraisal. These works shall include, but are not limited to, the installation of bat and bird boxes, the provision of habitat piles, creation of permanent wetland habitats and grassland field management.

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

11. Development shall not commence on site until full details of the sustainable drainage have been submitted to and approved in writing by the Local Planning Authority. The details shall include infiltrations rates into the underlying clay strata and climate change allowance as requested by the Environment Agency in their letter dated 20 September 2011. Thereafter, the sustainable drainage shall be carried out in accordance with the approved details and shall be so maintained.

Reason: To reduce surface water run-off from the site in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

12. No new development shall be brought in to use until space has been laid out within the site in accordance with the approved plans for a maximum of 350 cars to be parked and for the loading and unloading of delivery vehicles and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking and turning areas shall be used and retained exclusively for their designated purpose

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM36 and DM37 of the Development Management Policies 2015

13. The Development shall be carried out in accordance with the Travel Plan, approved under 11/01328/COND, dated 28 June 2012, and thereafter maintained

Reason: In accordance with Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM36 and DM37 of the Development Management Policies 2015

14. The vehicular access from McKenzie Way shall not at any time be used by customers of the site and shall be solely used for deliveries and staff movements associated with the safe and efficient operation of the site

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users as required by Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM36 and DM37 of the Development Management Policies 2015

15. All external fascias, materials, treatments and finishes of the proposed barn extension shall match those of the existing building to the satisfaction of the Local Planning Authority and the treatment and/or finishes of the external surfaces shall be carried out within a period of three months from the date of occupation of the development.

Reason: To secure a satisfactory external appearance in the interests of the visual amenities of the locality as required by Policy CS5 of the Core Strategy 2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

16. The development shall be carried out in accordance with the documentation relating to building/engineering operations, approved under 11/01328/COND, dated 28 June 2012

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users as required by Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM36 and DM37 of the Development Management Policies 2015

17. The development hereby permitted shall accord with the sustainability measures approved under 11/01328/COND, dated 28 June 2012. The development shall be carried out in strict accordance with the approved details.

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 and to comply with Policy CS6 of the Core Strategy (2007)

18. No construction work shall be carried out in such a manner as to be audible at the site boundary before 07:30 hours on Monday to Friday or after 18:30 hours on Monday to Friday, no construction work shall be audible at the site boundary before 08:00 and after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank Holidays or Public Holidays.

Reason: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties as required by Policy DM10 of the Development Management Policies 2015.

19. Play activities and equipment shall only be sited on or take place in the areas marked Zone A, Zone B, Zone C, Zone D, Zone E.4, Zone H, Zone I and Zone K with play activities and grazing only to take place in Zone F.5 on approved plan 6773/50 Rev H

Reason: In the interests of the visual amenity of the Green Belt and the amenity of neighbouring residential properties as required by Policy CS2 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015

20. The fields marked F. 1 to 4 inclusive, F. 6 and F. 8 on approved plan 6773/50 Rev H shall be solely for the keeping of animals and shall not, at any time, be accessible to the public, other than that part of Zone F.7 shown as a car park extension on drawing no 0017-02 accompanying planning permission Ref 14/00144/FUL (Appeal Ref: APP/P3610/W/14/3000847)

Reason: In the interests of the visual amenity of the Green Belt and the amenity of neighbouring residential properties as required by Policy CS2 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015

21. The animal shelters shown in Zones F. 1 to 10 inclusive on approved plan 6773/50 Rev H shall be used solely for the keeping of animals and shall be removed when no longer required for that purpose

Reason: In the interests of the visual amenity of the Green Belt and the amenity of neighbouring residential properties as required by Policy CS2 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015

22. Details of the siting and design of cycle parking are approved under 11/01328/COND, dated 28 June 2012.

Reason: To encourage travel to and from the site by bicycle in accordance with Policy CS16 of the Core Strategy (2007)

23. A Visitor Management Plan is approved under 11/01328/COND, dated 28 June 2012. The Visitor Management Plan shall be updated, to control visitor numbers within the approved car park and overflow car parks. The overflow car park, approved under ref: 22/00011/REM, shall be used once car parking is at capacity, during the following periods only:

- February half term, maximum 9 days
- Easter holidays, maximum 16 days
- October half term, maximum 9 days.

The Visitor Management Plan shall be submitted to and approved by the Local Planning Authority prior to use of the relevant area.

Reason: In the interests of the amenities of neighbouring residential properties and to ensure the development does not prejudice the free and safe flow of traffic, in accordance with Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM10, DM36 and DM37 of the Development Management Policies (2015)

24. The development hereby permitted shall be carried out in accordance with the following approved documents: 6773/40 Rev D, 6773/41 Rev D, 6773/2 Rev D, 6773/43 Rev C, 6773/48 Rev C, 6773/49 Rev D, 6773/50 Rev H, 6773/51 Rev D, 6773/71 Rev D, 6773/72 Rev F, 6773/73 Rev E, 6773/75 Rev D, 6773/76 Rev B, 6773/77 Rev B, 6773/78 Rev F, 6773/79 Rev A, Design and Access Statement (July 2011), Planning Statement (August 2011), Surface Water Drainage and Flood Risk Assessment (July 2011), Highway Statement (July 2011), Ecological Appraisal (August 2011), Landscape and Visual Assessment (August 2011) and Arboricultural Report (28 July 2011)

11 47/ 101L (07/01/12) and 11 47/ 102F (18/01/12), approved under 11/01394/NMA, dated 1 June 2012

188/3.021 Rev. 03, under 22/00013/REM

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).

25. The proposed parking restrictions and the associated Traffic Regulation Order shall be designed and implemented on McKenzie Way in the vicinity of the Site, including in between the proposed access and egress points, at the Applicant's expense, in accordance with a scheme to be submitted to and approved in writing by the County Highway Authority

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in order to meet the objectives of the NPPF (2021) and to satisfy policies DM 35, DM 36 and DM 37 of the Epsom and Ewell Borough Council Development Management Policies.

26. Full details, of both hard and soft landscape proposals relating to the overspill car park, including a schedule of landscape maintenance for a minimum period of 5 years, shall be submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented and thereafter retained

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

27. Notwithstanding the submitted plans, the development hereby approved shall not be utilised unless and until a detailed Car parking management plan has been submitted to and approved in writing by the Local Planning Authority. Details of the car parking management plan should include as a minimum:

- Details on the number of proposed overflow car parking spaces
- Formalised car parking bays (minimum dimension to be 2.4m by 4.8m)
- Surface material for overflow car parking area, noting that the fields are unlikely to be usable during wet weather.
- Use of marshals to direct traffic
- Cut off point for when the overflow car parking area will be used
- Anticipated use of the overflow car parking area
- Layout and use of the parking spaces to prevent queuing (resulting in blockages on highway network) and conflict between vehicles
- The maximum number of days that the overflow car park can be used

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, to meet the objectives of the NPPF (2021) and to satisfy Policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

28. The existing access onto McKenzie Way shall be modified in accordance with drawing ref: 188-3.011 Rev. 02 of planning application ref: 22/00010/FUL and shall be modified within six months of planning application ref: 22/00010/FUL and 22/00013/REM being granted planning permission *

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, to meet the objectives of the NPPF (2021) and to satisfy Policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

** Following the Committee's refusal of the application ref: 22/00010/FUL at the meeting held on 23 March 2023, condition 28 was amended, with agreement of the applicant, to read:*

28. No part of the development shall be first utilised unless and until the existing access onto McKenzie Way has been modified in accordance with a scheme to be submitted to and approved in writing by the County Highway Authority

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, to meet the objectives of the NPPF (2021) and to satisfy Policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

29. A Delivery Management Plan shall be submitted to and approved by the Local Planning Authority, which details:

- That vehicles entering and exiting the McKenzie Way entrance shall do so in forward gear only. Signage to control this shall be erected
- Signage to control vehicular movement
- Hobbledown staff to open and close the gate for deliveries only
- The size of a vehicle to use the McKenzie Way entrance shall not exceed the size of a rigid lorry
- That no deliveries shall take place at the McKenzie Way entrance within the following hours:

08:00 - 09:00 and 15:00 - 16:00 Monday to Friday

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, to meet the objectives of the NPPF (2021) and to satisfy Policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

Appeal A – Ref: Ref: APP/P3610/W/14/3000847

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawing no 0017-02.
3. The car park hereby permitted shall be surfaced in accordance with the details shown on drawing no 0017-02 and shall be grassed or shall be surfaced in accordance with details submitted to and approved in writing by the local planning authority prior to installation. The surfacing shall be retained as approved.
4. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. This shall include a schedule of the species and sizes of trees to be planted, a ground preparation specification and details of aftercare maintenance. The approved landscaping shall be implemented before the use of the car park hereby permitted commences and shall be maintained in accordance with the approved details. Any trees that are removed, uprooted, destroyed or die or become seriously damaged or defective within 5 years of planting shall be replaced at the same place by another tree of the same species and size as that originally planted unless the local planning authority gives its written approval to any variation

Appeal B - Ref: APP/P3610/W/14/3000633

20. The fields marked Zone F.1 to 4 inclusive and Zone F.6 to 10 inclusive on approved plan 6773/50 Rev H shall be used solely for the keeping of animals and shall not, at any time, be accessible to the public other than that part of Zone F.7 shown as a car park extension on drawing no 0017-02 accompanying planning permission Ref 14/00144/FUL (Appeal Ref: APP/P3610/W/14/3000847).

Informative(s):

1. Details of the highway requirements necessary for the inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Control Division of Surrey County Council
2. A standard fee may be charged for input to and future monitoring of any travel plan
3. Any unilateral undertaking shall be in accordance with Surrey County Council's standard format
4. The developer would be expected to instruct an independent transportation data collection company to undertake the monitoring survey. This survey must conform to a TRICS Multi-Modal Survey format consistent with the UK Standard for Measuring Travel Plan Impacts as approved by the Highway Authority. To ensure that the survey represents typical travel patterns, the organisation taking ownership of the travel plan will need to agree to being surveyed only within a specified annual quarter period but with no further notice of the precise survey dates. The developer would be expected to fund survey validation and data entry costs.
5. Animal displays should be solely for educational purposes.
6. 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)
7. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage

36 PLANNING APPEALS REPORT

The Committee received and noted a report setting out the planning appeal decisions which relate to non-householder developments received by the Planning Service.

The meeting began at 7.30 pm and ended at 10.08 pm

COUNCILLOR HUMPHREY REYNOLDS (CHAIR)

Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber, Epsom Town Hall on 23 March 2023

PRESENT -

Councillor Humphrey Reynolds (Chair); Councillor Phil Neale (Vice-Chair); Councillors Steve Bridger (as nominated substitute for Councillor Monica Coleman), Kate Chinn, Nigel Collin, Neil Dallen, Liz Frost (as nominated substitute for Councillor Alex Coley), David Gulland, Jan Mason, Steven McCormick, Lucie McIntyre and Peter O'Donovan

Officers present: Andrew Bircher (Interim Director of Corporate Services), Justin Turvey (Interim Head of Place Development), Virginia Johnson (Principal Planning Officer), Jason Ofosu (Principal Solicitor) and Dan Clackson (Democratic Services Officer)

37 22/00010/FUL - HOBLEDOWN, HORTON LANE, EPSOM, SURREY, KT19 8PT

The Committee received a report asking the Committee to determine agenda item 5 of the previous meeting (held on 9 March 2023).

The Principal Solicitor explained that a vote was taken on the item at the previous meeting. However, owing to a confusion with respect to the number of Members voting for, against and abstaining, and the effect of the Chair's casting vote, an outcome was declared different from that upheld. Therefore, the decision made to approve the application at the previous meeting had been deemed ineffective.

The Principal Solicitor informed the Committee that the purpose of the meeting was solely to determine item 5 of the previous meeting. He explained the meeting was a continuation of the previous meeting and Members at the meeting were required to attend and vote only. There was to be no further debate, presentation, or speaking from members of the public.

Following a question from a Member, the Principal Solicitor confirmed that declarations of interest with respect to item 5 of the agenda made by Members at the previous meeting were carried over to the present meeting and did require redeclaration.

The Chair reminded the Committee that, should they be minded to approve the application, the following conditions were agreed at the previous meeting:

- (1) That shrubbery be planted on the perimeter boundary timber fencing.
- (2) That access to the entrance gate be restricted to rigid vehicles up to 3 tonnes only.

Description:

Erection of perimeter boundary timber fencing, relocation of entrance gates and installation of gas tank holder (Retrospective)

Officer Recommendation:

To approve, subject to conditions.

Decision:

The Committee voted (2 for, 4 against, 5 abstaining, and the Chair not voting) against approval of the application.

Councillor Steven McCormick proposed that the application be refused. Councillor Jan Mason seconded the proposal.

The Chair resolved to adjourn the meeting to allow for a brief discussion for Officers to understand the intentions and reasons for the proposed refusal.

The meeting was adjourned at 19:38 and resumed at 19:43.

The Interim Head of Place Development relayed to the Committee the reasons for refusal as put forward by Councillor Steven McCormick. The reasons were as follows:

- (1) Due to its design and siting, the fencing would harm visual quality, openness and character of the Green Belt, failing to comply with NPPF paragraph 149, policy CS2 of the Core Strategy (2007) and policy DM10 of the Development Management Policies Document (2015).
- (2) The fencing represents poor design with inadequate visual screening. It would adversely affect the character and appearance of this part of the site and area, failing to accord with policies CS5 of the Core Strategy (2007) and DM10 of the Development Management Policies Document (2015).
- (3) The application fails to provide satisfactory space for the safe manoeuvring of vehicles within the site, resulting in an unacceptable hazard to highway users, to the detriment of highway safety. This fails to accord with Policy CS16 of the Core Strategy (2007) and policies DM10 and DM36 of the Development Management Policies Document (2015).

The Chair required prior to voting for refusal of the application, that the Committee approve each reason for refusal by majority vote.

With respect to reason 1, the Committee voted (5 for, 5 against, 1 abstention, and the Chair not voting) against the reason for refusal.

With respect to reason 2, the Committee voted (4 for, 6 against, 1 abstention, and the Chair not voting) against the reason for refusal.

With respect to reason 3, the Committee voted (7 for, 2 against, 2 abstentions, and the Chair not voting) to approve the reason for refusal.

Accordingly, the Committee resolved (6 for, 5 against, and the Chair not voting) to REFUSE the application for the following reason:

- (1) The application fails to provide satisfactory space for the safe manoeuvring of vehicles within the site, resulting in an unacceptable hazard to highway users, to the detriment of highway safety. This fails to accord with Policy CS16 of the Core Strategy (2007) and policies DM10 and DM36 of the Development Management Policies Document (2015).**

The meeting began at 7.30 pm and ended at 7.53 pm

COUNCILLOR HUMPHREY REYNOLDS (CHAIR)

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

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

1 Plans and Representations

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

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RPESNXGYINU00>

2 Summary

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

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

3 Site description

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

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

4 Proposal

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

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

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

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

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

5 Designations

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

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

5.2 The Site does not comprise any Tree Preservation Orders.

6 Comments from third parties

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

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

7 Consultations

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

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

8 Relevant planning history (within 5 years)

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

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

9 Planning Policy

Key policy documents

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

Key policies

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

10 Planning considerations

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

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

The presumption in favour of sustainable development

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

Principle of development

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

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

10.9 The proposal accords with Policy CS8.

Design and visual amenity

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

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

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

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

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

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

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

10.14 The main issues relevant to the Appeal are:

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

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

Design features of this proposal

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

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

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

EEBC Design and Conservation Officer

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

Officer comment

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

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

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

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

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

10.31 The proposal complies with Policies DM9 and DM10.

Quality of Accommodation

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

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

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

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

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

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

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

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

Housing Mix and Density

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

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

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

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

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

10.40 The proposed mix is as follows:

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

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

Affordable housing

- 10.43 Paragraph 63 of the NPPF states that where a need for housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless:
- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - b) the agreed approach contributes to the objectives of creating mixed and balanced communities.
- 10.44 Paragraph 65 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.
- 10.45 In accordance with Policy CS9 of the Core Strategy, residential development of 15 or more dwellings gross (or on sites of 0.5ha or above) should include at least 40% of dwellings as affordable.

Applicant's Viability Appraisal

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

EEBC Independent Viability Review

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

Officer comments

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

Neighbouring amenity

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

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

Transport, parking, and refuse

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

10.62 Policy CS16 of the Core Strategy encourages development proposals to foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should (inter alia) provide safe, convenient and attractive accesses for all, be appropriate for the highways network, provide appropriate and effective parking provision, both on and off-site and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.

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

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

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

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

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

10.67 The main issues relevant to the Appeal are:

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

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

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

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

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

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

Transport Statement

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

Car parking provision

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

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

Vehicle access

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

Pedestrian footpath

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

Cycle spaces

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

SCC Highways

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

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

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

Officer comment

10.86 Officers recognise that the number of residential flats proposed are less than that previously proposed and that this scheme has been designed to respond to the Planning Inspector's concerns. Specifically, this proposal seeks policy compliant car parking provision, an access that is of a sufficient width for two vehicles to pass (being of a nationally recognised width), with suitable junction radii, the continuation of the access road being used as a shared surface and a separate, fully external footway.

10.87 SCC Highways does not object to the proposal and Officers recognise that the scheme addresses the Inspector's concerns by providing policy compliant car parking on Site, policy compliant cycle parking spaces on Site, vehicular access that allows for two-way traffic and an external pedestrian footpath.

10.88 The proposal complies with Policies CS6, CS16, DM35, DM36 and DM37.

Refuse

10.89 A bin store is located at lower ground floor level.

10.90 The DAS submitted with this application sets out that a private management company would move all bins via a dedicated bin lift to a holding pen at ground floor level, ready for Council collection on that day via East Street kerbside. All bin movements would be via level access.

10.91 EEBC's Transport and Waste Services Management formally commented on this application, with no objection.

10.92 The proposal complies with Policy CS6.

Archaeology

10.93 Policy DM8 of the DMPD sets out that within Areas of High Archaeological Potential, as identified on the Proposals Map, or outside of these areas on any major development site of 0.4ha or greater, applicants are required to undertake prior assessment of the possible archaeological significance of the site and the implications of their proposals, and may be required to submit, as a minimum, a desk-based assessment to accompany any application. Where desk-based assessment suggests the likelihood of archaeological remains, the Planning Authority will require the results of an archaeological evaluation in order to inform the determination of the application.

10.94 SCC Archaeology formally commented on this application on 21.02.2023, raising no archaeological concerns as a result of the proposal.

10.95 The proposal accords with Policy DM8.

Flood Risk

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

Ecology

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

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

Trees and landscaping

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

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

Sustainability

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

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

Contamination

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

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

Community Infrastructure Levy (CIL)

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

Legal Agreements

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

11 Planning Balance and Conclusion

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

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

12 Recommendation

Part A

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

- A Viability Review Mechanism
- Monitoring fee
- Legal costs

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

Part B

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

Conditions

1. Timescale

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

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

2. Approved plans

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

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

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

3.External materials

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

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

4.Boundary treatments

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

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

5.Hard and soft landscaping

Prior to above ground works (excluding works of demolition) details of a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include details of the materials used for the widened access road, footpath and car park entrance/exit crossover, with consideration given to the principles of shared space that ensures a safe environment for all, particularly pedestrians. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or shrubs which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that purpose only, unless otherwise agreed in writing by the Local Planning Authority

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

6. Ground contamination investigation and risk assessment

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

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

7. Unexpected contamination

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

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

8. Site investigation and risk assessment

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

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

(ii) if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority

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

9.Sustainable drainage

The development hereby permitted shall not commence until details of the design of a surface water drainage scheme has been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) Evidence that the proposed final solution will effectively manage the 1 in 30(+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 1 l/s.
- b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system
- e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site in accordance with Section 15 of the National Planning Policy Framework 2021 and Policy DM19 of the Development Management Policies 2015

10.Sustainable drainage verification

Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system

has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified

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

11. Construction Transport Management Plan

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

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) provision of boundary hoarding behind any visibility zones
- (e) measures to prevent the deposit of materials on the highway
- (f) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (g) no HGV movements to or from the site shall take place between the hours of 7.30 and 9.30 am and 3.00 and 5.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Kiln Lane or East Street (A24) during these times
- (h) on-site turning for construction vehicles (or measures for traffic management) has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development

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

12. Pedestrian splays

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

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

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

13.EV charging

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

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

14.Cycle storage

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

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

15. Travel measures

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

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

16.Access operation

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

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

17. Access widening

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

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

18. Existing access

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

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

19. Car parking and turning

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

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

20. Hours of work

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

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

21. Compliance with Ecology Report

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

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

22. Compliance with Energy and Sustainability Report

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

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

23. Obscure glazing

Before any occupation of the development hereby permitted, the bathroom window of Unit 2-02 (ref: (GA)04-PL3 - Proposed Floor Plans Sh2 – dated January 2023) shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing to a minimum of level 3 on the standard scale for the life of the development. Any film used to achieve the requisite obscurity level shall be non-perishable and tamper-proof, and must be replaced in the event that it ceases in obscurity level 3

Reason: To protect the amenities and privacy of the proposed new residential property in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions) of the LDF Development Management Policies Document (2015)

Informatives

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

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

4. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on SCC LLFA website
5. If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface

water treatment to achieve water quality standards. Sub ground structures should be designed so they do not have an adverse effect on groundwater

6. If there are any further queries please contact the Flood Risk, Planning, and Consenting Team via SUDS@surreycc.gov.uk. Please use our reference number in any future correspondence
7. The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see: www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see: www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice
8. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment
9. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage
10. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149)
11. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle->

[infrastructure.html](#) for guidance and further information on charging modes and connector types

12. Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway
13. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service

23/00079/FUL Penecroft, 19 Downs Avenue, Epsom, Surrey, KT18 5HQ

Ward:	College Ward;
Site:	Penecroft 19 Downs Avenue Epsom Surrey KT18 5HQ
Application for:	Erection of a two storey dwelling following demolition of existing bungalow
Contact Officer:	Gemma Paterson

1 Plans and Representations

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

Link: [Penecroft](#)

2 Summary

- 2.1 **The application is recommended for APPROVAL subject to appropriate planning conditions and informatives as laid out in the report.**
- 2.2 This application was called in to the Planning Committee by a Ward Member on 15 March 2023 in accordance with Epsom and Ewell Borough Council's Scheme of Delegation.
- 2.3 The application seeks planning permission for the demolition of the existing single storey bungalow and the erection of a two storey dwelling.

- 2.4 The proposal would result in less than substantial harm to designated and non-designated heritage assets. Where a development will lead to less than substantial harm to the significance of a designated heritage, this harm is weighted against the public benefits of the proposal. In this case the public benefits arising from the proposal have been weighed against the less than substantial harm to the heritage assets (giving great weight to the preservation of the heritage asset) and been found to outweigh that harm.
- 2.5 Although the proposal would result in the loss of an existing tree from the site, this tree does not contribute to the amenity of the area and will be replaced by a new tree planted within the site, of a suitable species and at suitable distance from the proposed development.
- 2.6 The proposal would provide good quality living accommodation by exceeding national and local policies for internal and external private amenity areas.
- 2.7 The proposal would meet the Council's Parking Standards on site and would not result in the displacement of vehicles into the surrounding highway network.
- 2.8 The architectural design of the development is considered to respond sympathetically to the site's surroundings.
- 2.9 It has been satisfactorily demonstrated that, subject to recommended conditions in the event that permission is granted, a development of this scale could be provided on the site without having a significantly detrimental harmful impact on neighbouring residential amenity.
- 2.10 The proposal would accord with the Council's policies in relation to ecology, flood risk and sustainable measures.
- 2.11 Overall, there are no adverse effects of the proposed development that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. The application is therefore recommended for approval.

3 Site description

Application Site

- 3.1 The site comprises a residential plot, with the topography sloping down to the east, resulting in a 4.0 metre levels difference between the far eastern rear boundary to the western boundary within the main highway.

- 3.2 The plot contains a single storey bungalow with a detached garage. The boundary treatment surrounding the site comprises 1.8 metres high close board fencing and 2.0 metre high boundary wall.

Surroundings

- 3.3 The built form surrounding the site is diverse, but comprises mainly large, detached family homes. Downs Avenue benefits from open and green frontages, providing a verdant character to the area.
- 3.4 The site is located within the built up area and the Burgh Heath Road Conservation Area. The frontage of the site lies within a Critical Drainage Area.

4 Proposal

- 4.1 The proposed development involves the demolition of the existing single storey bungalow, measuring 14.6 metres in width, 13.6 metres in depth, with an overall height of 5.3 metres and the erection of a two storey, five bedroom dwelling with integral garage, measuring 18 metres in width (5.0 metres of which is the integral garage), 15.0 metres in depth, with an overall height of 8.0 metres.
- 4.2 The design of the proposed development would be fairly traditional, with a gable roof and front protruding gable element. The proposed materials include hanging tiling to the first floor gable end, antique brick, clay tiles and oak styled windows and doors.
- 4.3 The proposed development would provide 3 no vehicle parking spaces within the site.

5 Comments from third parties

- 5.1 The application was advertised by means of a site notice displayed from 08.03.2023 and a press notice, and letters of notification were sent to 8 neighbouring properties. Two letters of objection had been received and the issues raised are summarised as follows:

- The proposal is out of keeping with the Burgh Heath Road Conservation Area
- The proposal is too large for the plot
- No plans to provide sufficient parking for a house designed for six people
- Parking and turning issues during construction phase that would obstruct emergency vehicles on Downs Avenue.
- Loss of a view to Millwood

- Loss of privacy to Millwood and 17 Downs Avenue
- Loss of light and overshadowing to 17 Downs Avenue
- No acoustics report for proposed heating pump

5.2 The comments material to the planning merits of this proposal (character, neighbour amenity, parking) are addressed within the contents of this report.

6 Consultations

6.1 **Council's Tree Officer:** No objection

6.2 **Conservation Officer:** Assigns less than significant harm to the designated heritage assets from the proposed development

7 Relevant Planning History

7.1 None

8 Planning Policy

National Planning Policy Framework 2021

Chapter 2	Achieving Sustainable Development
Chapter 9	Promoting sustainable transport
Chapter 12	Achieving Well-Designed Places
Chapter 15	Conserving and Enhancing the Natural Environment
Chapter 16	Conserving and enhancing the historic environment

Core Strategy 2007

Policy CS1	General Policy
Policy CS3	Biodiversity and Designated Nature Conservation Areas
Policy CS5	The Built Environment
Policy CS6	Sustainability in New Development

Development Management Policies 2015

Policy DM4	Biodiversity and New Development
Policy DM5	Trees and Landscape
Policy DM9	Townscape Character/Distinctiveness
Policy DM8	Heritage Assets
Policy DM10	Design for New Developments
Policy DM12	Housing Standards
Policy DM19	Development and Flood Risk

Policy DM35 Transport and New Development
Policy DM37 Parking Standards

Other Material Documents

Planning Practice Guidance 2021
Technical Housing Standards – Nationally Described Space Standards 2015
Parking Standards for Residential Development SPD 2015
Surrey County Council Vehicular and Cycle Parking Guidance 2021
Burgh Heath Conservation Area Character Appraisal and Management Proposals
2009The Epsom and Ewell Borough Council Householder Applications SPG 2004

9 Planning Considerations

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

- Presumption in Favour of Sustainable Development
- Principle of Development
- Impact on Heritage Assets
- Trees and Landscaping
- Quality of Accommodation
- Proposed Amenity Space
- Design and Visual Impact
- Impact upon Neighbouring Residential Amenity
- Highways, Parking and Cycle Parking
- Refuse and Recycling Facilities
- Planning Balance

10 Presumption in Favour of Sustainable Development

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

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

10.3 Policy CS7 of the Core Strategy 2007 is considered out of date under the terms of the NPPF 2021. The South East Plan was revoked in 2012, with housing requirements then to be determined by local need.

- 10.4 As such, paragraph 11d of the NPPF 2021 is engaged via Footnote 8 for planning 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 impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF 2021 as a whole.
- 10.5 The site is located within a built up area and although the proposal requires the application of policies in the NPPF2021 that protect assets of particular importance, in this case designated heritage assets, following the tests of paragraph 202 of the NPPF, there are no policies within the Framework which provide a clear reason for refusal. The proposal therefore falls to be considered within paragraph 11 d (ii) of the NPPF 2021 and when considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.

11 Principle of Development

- 11.1 Paragraph 122 of the NPPF 2021 states that planning policies and decisions should support development that makes sufficient use of land taking into account: (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change.
- 11.2 The proposal would result in the retention of a residential unit within a sustainable location. The replacement of the existing dwelling is therefore acceptable in principle, subject to the below other material planning considerations.

12 Impact on Heritage Asset

- 12.1 Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 impose a statutory duty upon local planning authorities to consider the impact of proposals upon Conservation Areas.
- 12.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering applications within a Conservation Area, Local Planning Authorities must 'pay special attention to the desirability of preserving or enhancing the character or appearance of that area'.

- 12.3 Additionally, the NPPF 2021 attaches great importance to the conservation and enhancement of the historic environment. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 12.4 Paragraph 200 of the NPPF 2021 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional
- 12.5 Paragraph 201 of the NPPF 2021 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 12.6 Paragraph 202 of the NPPF 2021 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 12.7 The application of the statutory duties within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 combined with the guidance contained in the NPPF 2021 means that when harm is identified, whether that be less than substantial or substantial harm, it must be given considerable importance and great weight.
- 12.8 Policy DM8 of the 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.
- 12.9 The site is located within Burgh Heath Road Conservation Area. The significance of this heritage asset lies in the survival of the historic alleyways, the use of Surrey Vernacular Revival or Arts and Crafts details and the spacious plots, mature trees, areas of woodland, and former chalk pits.
- 12.10 The Conservation Officer is of the opinion that the existing building does not contribute anything to the character and appearance of the local area.
- 12.11 The Council's Conservation Officer has recognised that the site lies next to a modern house and towards the end of Downs Avenue where the properties are not as characteristic, or of age, as the predominant built form.
- 12.12 The Conservation Officer has not raised any objection to the overall scale and form of the building, although some recommendations were made in respect of materials, which have since been incorporated by the proposed design as minor amendments. As the proposal would have a greater presence within the street scene, this would be causing less than substantial harm to the significance of the Conservation Area.
- 12.13 As less than substantial harm to the significance of designated heritage asset has been identified, in accordance with paragraph 202 of the NPPF 2021, this harm must be weighed against any public benefits of the proposal. Great weight should be given to the asset's conservation irrespective of the scale of harm identified.
- 12.14 Furthermore, in accordance with paragraph 207 of the NPPF 2021, the loss of the existing unlisted, non-designated heritage asset should be treated under paragraph 202 of the NPPF 2021.

12.15 The NPPF 2021 identifies that public benefits could be anything that delivers economic, social or environmental progress, as described in paragraph 8. The NPPG 2021 further states that public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits (020 Reference ID: 18a-020-2019072).

12.16 The public benefits of the proposed development are considered to be:

- Increase in choice and types of homes
- The generation of employment during the construction phase of the proposed development.
- A more energy efficient scheme
- Biodiversity enhancements as conditioned.

12.17 Officers have carefully weighed the public benefits of the proposed development against the less than substantial harm caused to the designated heritage assets and the buildings that make a positive contribution in a Conservation Area. Whilst great weight has been attributed to the conservation of the identified heritage asset, it is considered that the public benefits of the scheme would be sufficient to outweigh the less than substantial harm caused by the proposed development on the significance of these identified assets.

13 Trees and Landscaping

13.1 Paragraph 131 of the NPPF 2021 notes the important contribution that trees make to the character and quality of urban environments, as well as helping to mitigate climate change. Planning decisions should take opportunities to incorporate trees elsewhere in development, that appropriate measures are in place to secure the long term maintenance of newly planted trees and that existing trees are retained wherever possible.

13.2 Policy DM5 of the Development Management Policies Document 2015 sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by [inter alia]:

- continuing to maintain trees in streets and public open spaces and selectively removing, where absolutely necessary, and replacing and replanting trees; and

- requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature trees and other planting.
- 13.3 The proposal would result in the removal of a conifer tree from the front curtilage of the site. The Council's Tree Officer has reviewed the details submitted in support of this application and raises no objection to the loss of this tree. It is noted that this particular tree does not contribute to the verdant amenity of the area.
- 13.4 The details supporting this application identify that a replacement tree would be planted on the site in a similar position to that removed, albeit at a suitable distance from the proposed development. In order to ensure that the replacement tree is of a suitable species and is planted in a location that would allow it to grow and thrive in the future, it is reasonable to secure a landscaping condition prior to the commencement of development, in the event permission is granted. Subject to such a condition, Officers are satisfied that the proposal accords with paragraph 131 of the NPPF 2021 and Policy DM5 of the Development Management Policies Document 2015.

14 Quality of Accommodation/ Proposed Amenity Space

- 14.1 Paragraph 130 of the NPPF 2021 states that planning decision should ensure that developments (inter alia) create places that are accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 14.2 Policy DM12 of the Development Management Policies Document 2015 states that all new housing developments including conversions, are required to comply with external and internal space standards and must provide appropriate external private and/or communal amenity space to meet the needs generated by the development.
- 14.3 Paragraph 3.36 of the supporting text for Policy DM12 of the Development Management Policies Document 2015 states that to provide adequate private amenity space, a minimum of outdoor space of 70m² shall be provided for 3 or more bedrooms, and a minimum depth of 10 metres will be sought.
- 14.4 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 two bed spaces, a double (or twin bedroom) must have a floor area of at least 11.5m².

- 14.5 A two storey, five bedroom property accommodation up to 8 people would be expected to provide 128m² of floor area to meet the Technical Housing Standards. The proposed dwelling would have a floor area of 374m². All bedrooms would meet the standards for double/twin bedrooms and provide sufficient storage to meet the standards.
- 14.6 The replacement dwelling would therefore exceed the technical housing standards. Furthermore, all internal primary accommodation would be served by unrestricted windows, allowing for light and air to enter and circulate the rooms they serve.
- 14.7 The proposed development would be served by private amenity space that would significantly exceed the requirements of Policy DM12 of the Development Management Policies Document 2015. It is therefore considered that the proposed units and would therefore provide sufficiently good, private amenity space to future occupiers of the development, in compliance with policy
- 14.8 Officers are satisfied that the proposed dwelling would have an acceptable level of internal and external amenity, complying with Policy DM12 of the Development Management Policies Document 2015 and the Nationally Described Space Standards 2015.

15 Design and Visual Impact

- 15.1 The NPPF 2021 attaches great importance to the design of the built environment. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 15.2 Paragraph 130 of the NPPF 2021 states [inter alia] that developments should function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history.
- 15.3 Paragraph 3.7.5 of the Core Strategy 2007 sets out that new development should enhance and complement local character and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 states that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm, and which positively contributes to the townscape.

- 15.4 Policy DM9 of the Development Management Policies Document 2015 states the Council supports development that would make a positive contribution to the Borough's visual character and appearance.
- 15.5 Policy DM10 of the Development Management Policies Document 2015 states [inter alia] that development proposals will be required to incorporate good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced include, but are not limited, to the following:
- Prevailing 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.
- 15.6 The Burgh Heath Road Conservation Area Character Appraisal and Management Proposals 2009 identifies Downs Avenue as having a sylvan character that contains mainly high quality late 19th or early 20th century detached houses of Surrey Vernacular Revival or Arts and Crafts styles and details, set in large plots. The area is quiet, as a result of it being a no through route and the planting is tall, to provide privacy to the houses from the street.
- 15.7 Downs Avenue is a private residential no through route, comprising of a main spine road with three spur roads leading to three culs-de-sac. Although Downs Avenue does have an established building line, it is not uniform and is sporadically encroached by built form. Nevertheless, the built form is orientated towards and set back from the main highway, to provide front curtilage parking.
- 15.8 Plots sizes are generous and there are significant spacious gaps between the built form. Whilst there is diversity in house design, the style is very much traditional Surrey Vernacular Revival or Arts and Crafts, with hipped roofs, gable features, prominent chimneys and use of traditional materials.
- 15.9 The proposal would result in the loss of the character and appearance of the existing building. However, it is acknowledged that the existing single storey dwelling is not of any great architectural merit that warrants its retention and therefore there is no objection to its loss.

- 15.10 The existing dwelling is clearly modest in scale and of a simple design in comparison to the surrounding dwellings, which are larger and complex. Therefore, the principle of a larger dwelling on this plot is considered to be acceptable.
- 15.11 Although the proposed replacement dwelling would extend the width of the built form within the plot, it would sit comfortably, retaining space between the adjacent built form to prevent a cramped appearance. Whilst it would extend further forward within the plot than the existing dwelling, it would not further erode or adversely interrupt the established building line.
- 15.12 Whilst the overall height of the proposed development would exceed that of the existing dwelling, it would be of a height consistent with the ridge heights of the surrounding two storey neighbouring properties and the predominant two storey form of development in Downs Avenue.
- 15.13 Whilst the proposed development appears to be more Edwardian eclectic inspired than the predominant Arts and Crafts of the locale, it is noted that there are examples of architectural diversity from the predominant character in the immediate vicinity of the site, an example of which being neighbouring property 17 Downs Avenue, a modern infill development which has since been extended to the side and rear and finished with contemporary slate grey/timber cladding. The height and massing of the proposed development would not be dissimilar to the neighbour development and whilst the design may also be diverse, it would sit comfortably within the surrounding context of built form.
- 15.14 High quality materials are key to the proposed development fully integrating within the established character and appearance of the area, and the proposed development seeks to utilise red brick and clay tiles.
- 15.15 Should permission be granted, Officers would recommend a condition to seek samples of the proposed material prior to the commencement of development. This would ensure that the materials proposed harmonise successfully with surrounding development and environment.
- 15.16 In light of the above, it is considered that the proposal would accord with Policy CS5 Core Strategy 2007, Policies DM9 and DM10 of the Development Management Policies Document 2015 and the Council's Character Appraisal and Management Proposals 2010.

16 Impact upon Neighbouring Residential Amenity

- 16.1 Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policy Document 2015 sets out that development proposals will be required to incorporate principles of good design. Development proposals should also have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.
- 16.2 As a result of the height and form of the proposed development, it is key to consider the impact upon surrounding residents from the built form in terms of outlook, daylight/sun lighting and privacy.
- 16.3 The proposed development would extend to within 1.7 metres of the boundary shared with 21 Downs Avenue and 4.8 metres from its north (side) elevation.
- 16.4 Whilst there are no windows located on the north side elevation of 21 Downs Avenue, the west elevation contains a number of windows, the closest to the shared boundary serving primary accommodation at ground floor and a bathroom at first floor. The application of the 45° test on the window serving primary accommodation demonstrates that the proposed development would minimally breach this rule, but not to the extent that it would cause a significant loss to the levels of light currently received by these windows. Notwithstanding this, the living accommodation to which this window serves is also served by a window to the rear. The levels of light loss would not cause significant harm to the occupiers of this neighbouring property.
- 16.5 The proposed development would extend further beyond the rear elevation of 21 Downs Avenue than the existing built form and would be two storey in scale. However, due to the orientation of 21 Downs Avenue, this rear protrusion would not cause any loss of light to the rear facing windows nor would result in a significant loss of light to the rear curtilage.
- 16.6 Whilst it is acknowledged that the resulting built form would therefore have a greater presence upon the occupiers of 21 Downs Avenue than the existing situation, Officers are satisfied that it would not cause any overbearing issues upon the private amenity area of this neighbouring property.
- 16.7 The proposed development would retain its distance to the boundary with 17 Downs Avenue. Due to the topography of the site, the front of the site would be 0.6 metres higher than the front of 17 Downs Avenue, although the land levels to the rear.

- 16.8 Whilst the proposed development would not extend beyond the rear elevation of 17 Downs Avenue, it would create a two storey uplift along a significant proportion of the shared boundary. This neighbouring property also features a significant single storey element that features full length glazed walling and sliding doors and whilst the site benefits from 2.0 metre high boundary treatment, the additional two storey of the proposal would have a greater presence upon the occupiers of this neighbouring property than the existing situation.
- 16.9 Notwithstanding that a distance of 3.5 metres would be retained between this glazed element and the proposed development, it is likely that the proposed development would create some overbearing/loss of light impacts to the glazed element alongside the south elevation. However, as the primary accommodation to which this glazed element is served is dual aspect and can gain light from the substantial glazing along the east rear elevation, Officers are satisfied that the proposed development would not create a gloomy or enclosed living accommodation to the detriment of the amenities of the occupiers within 17 Downs Avenue.
- 16.10 The proposed development would extend 4.5 metres to the front, to lie flush with the front elevation of 17 Downs Avenue. Notwithstanding the single storey glazed rear element, the remaining openings on the south elevation of 17 Downs Avenue are a ground floor door and a first floor bathroom window. Notwithstanding that this first floor south window does not serve primary accommodation, it would be located 8.0 metres from the north elevation of the proposed development, which would prevent any loss of daylight to this window.
- 16.11 Whilst the proposal would have a much greater presence when viewed from the front curtilage of 17 Downs Avenue as a result of the scale and height of the proposal in combination with the differing land levels, it would not be overbearing upon or cause loss of light to the existing front windows associated with this neighbouring property.
- 16.12 The proposal would feature six windows along the north elevation at ground floor level and one window at first floor level. The ground floor windows would be high level secondary windows to rooms that would be served by primary windows on the east and west elevations and therefore to ensure no direct overlooking into the private internal amenity areas of 17 Downs Road, it is considered reasonable to recommend a condition, in the event permission is granted, to ensure that these windows are obscure glazed and non-opening to a height of 1.7 metres from finished floor level from the room they serve.

- 16.13 The proposed development would introduce first floor rear windows, therefore creating new opportunities for overlooking into the rear curtilages associated with 17 and 19 Downs Avenue, as well as Yorktown and Downs Lea, which lies to the far rear of the site, beyond a public footpath. However, such overlooking opportunities from the new windows would be focused towards the far rear curtilage of these neighbouring properties, rather than the more private patio areas, which is a level of indirect overlooking considered to be typical in dense residential areas such as this. There is also 18m separation to the rear boundary, which is adequate for privacy purposes. To protect the private amenities of 17 and 19 Downs Avenue in the future, in the event planning permission was granted, it would be reasonable to recommend a condition to prevent any new openings at first floor level or above in the north and south side elevations of the proposed development.
- 16.14 The proposed development would be located 23 metres from the boundary of the property beyond the highway, Millwood, and over 30 metres from the windows associated with this property, which would prevent any issues of overlooking and loss of privacy from the development. The loss of a view is not a material planning consideration.
- 16.15 In terms of general amenity, the construction phase of the development has the potential to cause disruption and inconvenience to nearby occupiers and users of the local highway network. However, these issues are transient and could be minimised through the requirements of planning conditions if permission were to be granted.
- 16.16 In light of the above, Officers are satisfied that the proposed development would not cause harm to the amenities of the occupiers of neighbouring properties, in accordance with Policy DM10 of the Development Management Policy Document 2015 and the guidance set out in the Council's Residential Infill Development SPG 2003.

17 Highways, Parking and Cycle Parking

- 17.1 Paragraph 111 of the NPPF 2021 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 17.2 Policy CS16 of the Core Strategy 2007 encourages development proposals that foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities.

- 17.3 Policy DM37 of the Development Management Policies Document 2015 seeks to ensure that new schemes provide an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. 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 street scene or availability of on-street parking.
- 17.4 The proposal would provide parking for 3.0 vehicles. 1.0 vehicle parking space could be accommodated within the garage, the internal measurements of 3.0m x 7.0m would meet the Council's Parking Standards and 2.0 vehicle parking spaces can be provided tandem within the front curtilage of the site.
- 17.5 In light of the above, the proposal would meet the requirements of Policy DM37 of the Development Management Policies Document 2015 and the Council's Residential Parking SPD.

18 Biodiversity and Ecology

- 18.1 The Local Planning Authority have a duty of care under Section 41 of the Natural Environment and Rural Communities Act 2006 to ensure that planning permission is not granted for any development that has potential to unlawfully impact on protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 18.2 Paragraph 180 of the NPPF 2021 states (inter alia) that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
- 18.3 Policy CS3 of the Core Strategy 2007 sets out that development that is detrimental to the Borough's biodiversity will be minimised, and where it does take place, adequate mitigating measures should be provided. Wherever possible, new development should contribute positively towards the Borough's biodiversity.
- 18.4 Policy DM4 of the Development Management Policies Document 2015 seeks to ensure that new development takes every opportunity to enhance the nature conservation potential of a site and secure a net benefit to biodiversity. It sets out that development affecting any site or building that supports species protected by Law including their habitats, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the identified species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity.

- 18.5 The site does not fall within and European or National Ecological Designations and is in an area identified as low for newt habitations. As a result of its location in a built up urban area, the site is considered to have low ecological value.
- 18.6 The application is not supported by any ecological information that would demonstrate that the proposal would secure a net benefit to biodiversity on site.
- 18.7 In order to secure some biodiversity enhancements at the site, in accordance with the requirements set out in Policy DM4 of the Development Management Policies Document 2015 and paragraph 180 of the NPPF 2021, in the event permission was granted, Officers would recommend a condition to secure bird, insect and bat boxes, hedgehog permeability, log piles and native planting at the site.
- 18.8 Subject to the abovementioned conditions should permission be granted; the Local Planning Authority are satisfied that they have carried out their duty of care under Section 41 of the Natural Environment and Rural Communities Act to protect the species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 18.9 The proposal would not prejudice the existing ecological value of the site and would enhance the conservation potential of a site in accordance with Policy CS3 of the Core Strategy 2007, Policy DM4 of the Development Management Policies Document 2015 and the requirements of the NPPF 2021.

19 Flood Risk

- 19.1 The site lies within a Critical Drainage Area. For areas at risk for a source of flooding, Policy CS6 of the Core Strategy 2007 requires, inter alia, new development to avoid increasing the risk of, or from, flooding.
- 19.2 Policy DM19 of the Development Management Policies Document 2015 seeks demonstration, by way of a site Flood Risk Assessment that the proposal would, where practicable, reduce risk both to and from the development or at least be risk neutral.

- 19.3 Whilst part of the front curtilage of the site falls within a Critical Drainage Area, the application not supported by a site Flood Risk Assessment. As the proposal would increase the impermeability of the site through the additional built form, in the event that permission is granted, a pre-commencement condition is recommended to secure a strategy of surface water drainage for the site using a proportional Sustainable Drainage System, in order to ensure that the proposal would have a neutral risk on the source of flooding, in accordance with Policy CS6 of the Core Strategy 2007 and Policy DM19 of the Development Management Policies Document 2015.

20 Sustainability

- 20.1 The National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7). It sets out that sustainable development has overarching economic, social and environmental objectives - the environmental objectives include mitigating and adapting to climate change. Paragraph 9 of the Framework states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account. requirements of construction and incorporates waste management processes.
- 20.2 Consideration of sustainability and climate change are embedded within the Council's current adopted Core Strategy and Development Management Policies Document. Specifically, Policy CS1 sets out that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development - both in Epsom and Ewell, and more widely. Changes should protect and enhance the natural and built environments of the Borough and should achieve high quality sustainable environments for the present, and protect the quality of life of future, generations. Policy CS6 sets out that development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change
- 20.3 The application is supported by a Design and Access Statement, revision 2 dated 20 May 2022, which (at section 4.4.3.4) demonstrates how the proposed development would incorporate an air source heat pump that would meet the noise regulations mandated by Building Control regulations.
- 20.4 As such, it is considered that the proposal would be able to secure a sustainable development outcome and would there accord with Policies CS1 and CS6 of the Core Strategy.

21 Community Infrastructure Levy (CIL)

21.1 The proposal will be CIL liable.

22 Planning Balance

22.1 The presumption is to grant permission for sustainable development unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.

22.2 The proposal would replace a three bedroom bungalow in need of significant improvement with the large family dwelling, thereby providing a choice of suitable family homes for the community. This benefit is given minor weight in the planning balance.

22.3 The proposal would create short term economic benefits during the construction period. However, given the domestic nature of the proposal, the construction employment would be very modest. This benefit is given minor weight in the planning balance.

22.4 The proposal would result in less than substantial harm to designated and non-designated heritage assets. However, when public benefits arising from the proposal are weighed in the balance (giving great weight to the preservation of the heritage asset), they are considered to outweigh the low level harm to the designated heritage assets and the proposed development is considered acceptable in this respect.

22.5 The proposal would accord with the Council's policies in relation to design, highways, ecology and critical drainage. It has also been satisfactorily demonstrated that a development of this scale could be provided on the site that does not have a harmful impact on neighbouring residential amenity. These are not considered to be benefits of the scheme, as new development is expected to be policy compliant.

22.6 Officers consider that there are no adverse effects of the proposed development that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.

23 Recommendation

To grant planning permission subject to the following conditions:

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:

Site Location Plan at 1:1250
Drawing Number 19DA-PE-001/Rev 1
Drawing Number 19DA-SP-001/Rev 1
Drawing Number 19DA-ss-001/Rev 1
Drawing Number DA-FP-001/Rev 0

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 hereby approved, 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 Policy DM10 of the Development Management Policies (2015).

4. Prior to the commencement of development hereby approved, full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

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.

5. The development hereby approved shall not be first occupied until details of the siting and scale of bird boxes and bat boxes, log piles, hedgehog permeability and other enhancements are submitted to and approved by the Local Planning Authority. The bird boxes and bat boxes shall be installed in accordance with the agreed details prior to the first occupation of the proposed development.

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

6. No development shall take place until a strategy of surface water drainage for the site using a Sustainable Drainage System (SuDS) has been submitted to and approved in writing by the local planning authority. The approved development shall be implemented in accordance with the approved strategy prior to the first use/or occupation of the cemetery and thereafter retained in that condition.

Reason: To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

7. The development shall be carried out in strict accordance with the sustainable design measures contained in the Design and Access Statement, Revision 2 dated 20 May 2023, 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

8. The windows on the north elevation of the development hereby permitted shall be non-opening to a height of 1.7m from the internal finished floor level and glazed with obscure glazing to the extent that intervisibility is excluded and shall be retained.

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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows shall be constructed in the north or south elevations of the development hereby approved without the written permission of the Local Planning Authority.

Reason: To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the Development Management Policies Document 2015.

10. 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.

Informatives

1. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
2. It is an offence to cause harm to protect species. Should the presence of bats be discovered during any tree removal or demolition works, works must immediately cease on site and Natural England contacted on 0300 060 3900 for further advice.
3. 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.

4. Please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.
5. 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".

22/01294/FUL Development Site At 24-28, West Street, Epsom, Surrey

Ward:	Town Ward
Site:	Development Site At 24-28 West Street Epsom Surrey
Application for:	Demolition of existing building and construction of a new part 5 and part 6 storey building containing 20 residential units and associated development
Contact Officer:	Gemma Paterson

1 Plans and Representations

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

Link: [22/01294/FUL 24-28 West Street Epsom](#)

2 Summary

- 2.1 **Part A: The application is recommended for APPROVAL subject to a S106 agreement being completed within six months of the date of the decision and the imposition of appropriate planning conditions and informatives as laid out in the report.**

Part B: In the event that the Section 106 Legal Agreement referred to in Part A is not completed within six months of the date of the resolution by the Planning Committee, the Head of Place is authorised to REFUSE the application.

- 2.2 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.

- 2.3 The application seeks planning permission for the demolition of the existing building and the construction of a new part new part 5 and part 6 storey building containing 20 residential units and associated development.
- 2.4 The site is located within a main settlement, town centre location that is in close proximity to public transport, which offers a mode of transport other than the private car. The site is therefore in a highly suitable location in sustainable transport terms for new residential uses.
- 2.5 The proposal would result in less than substantial harm to designated and non-designated heritage assets. Where a development will lead to less than substantial harm to the significance of a designated heritage, this harm is weighted against the public benefits of the proposal. In this case the public benefits arising from the proposal have been weighed against the less than substantial harm to the heritage assets (giving great weight to the preservation of the heritage asset) and been found to outweigh that harm.
- 2.6 Although the proposal would not meet the Council's parking standards, the site is in a highly sustainable location with access to a number of public transport modes and the displaced parking can be accommodated in adjacent public car parks and via on street parking (which are identified in the relevant section of the report) without conflicting with the operation of the existing highway network, without causing inconvenience to existing residents and would not cause harm to the overall character and appearance of the surrounding area
- 2.7 The County Highway Authority have objected to the proposed scheme for reasons relating to the provision of an off road loading bay. The proposed loading bay would result in the reduction of the width of the existing footpath/cycleway, a situation previously supported by the County Highway Authority under the previous application. However, since that time a stronger adopted policy outlook to improve travel methods for pedestrians and cyclists has resulted in the County Highway Authority objection to the scheme. Officers have weighted the public benefits of the scheme against this adverse impact and consider the benefits to outweigh the inconvenience and perceived harm to pedestrians and cyclists through the reduced width footpath.
- 2.8 The application has demonstrated, by way of a Viability Assessment, that the proposed scheme is unable to viably provide a policy compliant provision of 8 affordable units, corresponding to 40% provision of affordable housing. However, the proposed scheme would provide two on-site affordable units as one affordable rent and one shared ownership which would be the equivalent of 10% affordable housing, which would meet the expectations of Paragraph 65 of the NPPF 2021.

- 2.9 The proposal would not be compliant with the Council's Housing Density policy. However, in May 2018, the Licensing and Planning Policy Committee took a decision to afford less weight to these policies in the light of the then newly published NPPF, as they were considered to restrict opportunities for growth in the Borough. It should be noted that these policies remain part of the statutory Local Development Framework, and therefore continue to be the starting point for assessing this planning application. They are however, afforded limited weight in the decision-making process and having regard to the current presumption in favour of sustainable development.
- 2.10 The architectural design of the development is considered to respond sympathetically to the site's surroundings, but with a more contemporary and sustainable context.
- 2.11 The provision of amenity provided within this scheme is regarded to be sufficient to meet the recreation needs of future occupiers.
- 2.12 It has also been satisfactorily demonstrated that a development of this scale could be provided on the site that does not have a harmful impact on neighbouring residential amenity.
- 2.13 The proposal would accord with the Council's policies in relation to ecology, flood risk, surface flooding, land contamination and archaeology. It has also been satisfactorily demonstrated that a development of this scale could be provided on the site that does not have a harmful impact on neighbouring residential amenity.
- 2.14 Although the proposal would not result in the loss of existing trees from the site, it would reduce the opportunity for future tree planting, although the applicant is open to giving consideration to planting a street tree pit to mitigate this loss.
- 2.15 The Council currently does not have a 5 year housing land supply. This means that the "presumption in favour of sustainable development" (paragraph 11 of the NPPF 2021) (Also known colloquially as the 'tilted balance') is engaged, and that planning permission should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the NPPF 2021 as a whole.

- 2.16 Overall, the adverse effects of the proposed development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. The application is therefore recommended for approval.

3 Site description

Application Site

- 3.1 The application site consists of the existing building 24-28 West Street. The site is triangular and has a total area of 0.054 hectares. The existing building on site date back to 1905 when it was originally a Corn and Coal Merchants. The building is not listed, neither is it locally listed. Although the existing building has been reviewed by Historic England, it has been deemed to be unworthy of statutory listing, although it is noted as a positive contribution in the Conservation Area Appraisal. To the rear of the building is hardstanding utilised for car parking.
- 3.2 The existing buildings are two-storey, with a mansard roof design with Dutch gable ends. The principal 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 a Bakery (Planning Use Class F.2), with vacant office accommodation (Planning Use Class E) situated on the first and second floors of the building.

Surroundings

- 3.3 The built form surrounding the site is diverse in scale, varying from 4 storey immediately adjacent to the site and up to a maximum of 5 storeys towards the station. Within the Town Centre, most buildings accommodate 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 proposed development involves the demolition of the existing two storey building and the erection of part five floor, part sixth floor building accommodating 20 residential units (Planning Use Class C3).

- 4.2 The proposed development would provide twenty apartments, comprising 4 no. one bedroom units and 16 no. two bedroom units. The ground floor layout would incorporate integral storage for refuse and cycles.
- 4.3 The design of the proposed development features three distinct variations in height. A glazed feature facing the junction of West Street with Station Approach would have an overall height of 28 metres. The uppermost floor would measure 25 metres in height and the seventh storey recessed floor would measure 22 metres in height.
- 4.4 The proposed development would provide 5 no vehicle parking spaces, one of which would be accessible. Pedestrian access to the building would be via the corner of West Street and Station Approach.
- 4.5 A vehicle loading bay for commercial and service vehicles is proposed off site, within Station Approach. Access to the residential refuse/recycle store would be externally from Station Approach.

5 Comments from third parties

- 5.1 The application was advertised by means of a site and press notice, and letters of notification to 59 neighbouring properties. 51 letters of objection had been received and the issues raised are summarised as follows:

- Height out of context with the town centre
- Proposal will severely affect the character of the town
- Visual impact on adjacent Grade II Listed Buildings
- Loss of existing building
- Out of character with historic environment
- Not in keeping with the local area
- Cramped accommodation, only fitting for students, an office or hostel
- Disregards the future delivery of Crossrail 2
- Future residents will be impacted upon due to proximity of railway line
- Choice of building material would radiate more heat
- Insufficient space in Station Approach to allow delivery/waste lorries
- Overbearing
- Should be boosting the local economy, rather than housing
- Proposal is cramped and site overdeveloped
- The type of housing is inappropriate, need more large family housing
- Overlooking gardens of nearby residential properties
- Lack of parking
- Degradation of foot access between west Epsom and train station

- The existing building should be restored
- Disruption during construction
- Glazing would look cluttered when variety of blinds are installed
- Generation of Noise and Disruption
- Demolition phase would be hazardous
- Impact on Neighbour Amenities
- Pressure on existing infrastructure, particularly schools
- Traffic/ parking implications
- Cause an irregular skyline
- No tree planting proposed
- Proposal would not meet net zero carbon and will require retrofitting

5.2 The Epsom Civic Society have raised objection to the lack of affordable housing proposed, concerns regarding the reduced width of the footpath and have advised that the buildings on site have been nominated for local listing.

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

6 Consultations

6.1 **Surrey County Council Highways:** Objection to the reduction of width of the existing footpath to accommodate the proposed off street loading bay.

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

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

6.4 **Ecology Officer:** No objection subject to conditions

6.5 **Historic England:** No objection, although recommends amendments to secure removal of the pitched roof.

6.6 **Environmental and Health Officer:** No objection subject to condition

6.7 **Surrey Fire and Rescue:** No objections subject to informatives

6.8 **Network Rail:** No objection subject to informatives

6.9 **Crossrail 2:** No objections subject to informative

- 6.10 **Thames Water:** No objection, a build over agreement will be required if the work is within three metres of a public sewer or within one metre of a lateral drain
- 6.11 **Lead Local Flood Authority (SuDS):** No objections, subject to conditions.
- 6.12 **Surrey County Council Archaeology:** No objections, subject to imposition of conditions
- 6.13 **Contaminated Land Officer:** No objections, subject to conditions
- 6.14 **Design and Conservation Officer:** No objection subject to conditions
- 6.15 **Council's Tree Officer:** No objection subject to conditions
- 6.16 **Council's Transport and Waste Service Manager:** No objection
- 6.17 **National Grid:** No responses received.

7 Relevant Planning History

Application No	Application detail	Decision
19/01021/FUL	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	Refused 19/01/2022
21/00986/FUL	Demolition of existing building (associated with application 19/01021/FUL seeking redevelopment of the site for mixed use development).	Withdrawn 13/06/2022
18/00940/OUT	Outline planning permission for the demolition 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	Finally Disposed 12/04/2022
14/01920/PDCOU	Prior Approval for change of use from Class B1 (Office) to Class C3 (Residential)	Prior Approval not required 22.05.2015

8 Planning Policy

National Policy Planning Framework (NPPF) 2012

Chapter 2 – Achieving Sustainable Development
Chapter 5 – Delivering a sufficient supply of homes
Chapter 6 – Building a strong, competitive economy
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 12 – Achieving well design places
Chapter 14 – Meeting the challenge of climate, flooding and costal change
Chapter 15 – Conserving and enhancing the natural environment

Core Strategy 2007

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

Development Management Policies 2015

Policy DM4 - Biodiversity and New Development
Policy DM5 - Trees and Landscape
Policy DM9 - Townscape Character and Local Distinctiveness
Policy DM10 - Design Requirements for New Developments
Policy DM11 - Housing Density
Policy DM12 - Housing Standards
Policy DM19 - Development & Flood Risk
Policy DM21 - Meeting Local Housing Needs
Policy DM22 - Housing Mix
Policy DM35 - Transport and New Development
Policy DM36 - Sustainable Transport for New Development
Policy DM37 - Parking Standard

Plan E, Area Town Centre Boundary 2011

Policy E1 - Town Centre Boundary
Policy E2 – Housing Capacity in the Town Centre
Policy E7 – Town Centre Building Height

Other Material Documents

Planning Practice Guidance 2021
Making the Efficient Use of Land – Optimising Housing Delivery 2018
Strategic Housing Market Assessment Update 2019
Technical Housing Standards – Nationally Described Space Standards 2015
Parking Standards for Residential Development SPD 2015
Surrey County Council Vehicular and Cycle Parking Guidance 2021
Householder Applications Supplementary Planning Guidance 2004
Revised Sustainable Design SPD 2016

9 Planning Considerations

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

- Presumption in Favour of Sustainable Development
- Principle of Development
- Housing Density
- Housing Mix
- Affordable Housing
- Impact on Heritage Assets
- Trees and Landscaping
- Quality of Accommodation
- Proposed Amenity Space
- Design and Visual Impact
- Impact upon Neighbouring Residential Amenity
- Highways, Parking and Cycle Parking
- Refuse and Recycling Facilities
- Sustainability
- Flood Risk and Surface Water Drainage
- Land Contamination
- Noise/Vibration
- Archaeology
- Impacts Upon Railway Network
- Fire Safety
- Community Infrastructure Levy (CIL)
- Planning Balance

10 Presumption in Favour of Sustainable Development

- 10.1 The National Planning Policy Framework 2021 (NPPF 2021) sets out the Government's planning policies for England and how they should be applied. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 10.2 Paragraph 12 of the NPPF 2021 stipulates that development proposals which accord with an up-to-date development plan should be approved and where a proposal conflicts with an up-to-date development plan, permission should not usually be granted.
- 10.3 Policy CS7 of the Core Strategy 2007 is considered out of date under the terms of the NPPF 2021. The South East Plan was revoked in 2012, with housing requirements then to be determined by local need.
- 10.4 The Epsom & Ewell Core Strategy pre-dates the NPPF 2021 and, in accordance with paragraph 219 of the NPPF 2021, the policies of the Core Strategy 2007 should be given due weight according to their degree of consistency with the NPPF 2021. In the case of old housing targets within CS7 of the Core Strategy 2007, no weight should be given to it.
- 10.5 The standard method for calculating the Borough's assessed housing need identifies a housing requirement of 576 new homes each year. Epsom & Ewell Borough Council is presently falling significantly short of this housing delivery requirement and cannot, at present, demonstrate five years housing land supply.
- 10.6 As such, paragraph 11d of the NPPF 2021 is engaged via Footnote 8 for planning 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 impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF 2021 as a whole.

- 10.7 The site is located within a built up area and although the proposal requires the application of policies in the NPPF2021 that protect assets of particular importance, in this case designated heritage assets, following the tests of paragraph 202 of the NPPF, there are no policies within the Framework which provide a clear reason for refusal. The proposal therefore falls to be considered within paragraph 11 d (ii) of the NPPF 2021 and when considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.

11 Principle of Development

- 11.1 Paragraph 60 of the NPPF 2021 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.
- 11.2 Paragraph 122 of the NPPF 2021 states that planning policies and decisions should support development that makes sufficient use of land taking into account: (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change.
- 11.3 Policy E1 of Plan E, Epsom Town Centre Area Action Plan 2011 permits, in principle and subject to other relevant policies, higher density housing.
- 11.4 Policy E2 of Plan E, Epsom Town Centre Area Action Plan 2011 seeks to deliver at least 635 new residential units within the Town Centre during the period 2011 and 2026.
- 11.5 Given the significant housing need within the Borough, it is considered that residential use of the site within a sustainable location is acceptable in principle, subject to the below other material planning considerations.

12 Housing Density

- 12.1 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.

- 12.2 Paragraph 125 of the NPPF 2021 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.
- 12.3 Policy DM11 of the Development Management Policies Document 2015 states [inter alia] that proposals for new housing that make the most efficient use of sites within the Borough's urban area will be supported in principle, and that whilst site density should not usually exceed 40 units per hectare however, exceptions to this approach are considered where there is good access to services and facilities and the surrounding townscape has sufficient capacity to accommodate developments of higher density.
- 12.4 Given the Borough's objectively assessed housing need of 695, the Planning and Licencing Committee in May 2018 agreed to improve the optimisation of housing delivery for development sites in the borough and in order to do this, reduced the weight given to Policy DM11 of the Development Management Policies Document 2015 during decision making.
- 12.5 Although the proposed housing density per hectare of the site is 400 units, Officers acknowledge that the site is in a sustainable location with excellent access to facilities and transport and that the Council's density policy has reduced weight in decision making.
- 12.6 Although the density proposed under this current application is a considered improvement on the 500 units per hectare sought under the previously refused application 19/01021/FUL, the failure to provide a policy compliant density is considered to be a minor adverse impact to be weighed in the planning balance.

13 Housing Mix

- 13.1 Paragraph 124 of the NPPF 2021 states that planning policies and decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
- 13.2 Policy DM22 of the 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.

- 13.3 Chapter 3 of the Council’s Strategic Housing Market Assessment Update 2019 recommends that the breakdown of dwellings by size should be as follows:

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

The application proposes the following mix on the site:

1 Bed	2 Bed	3 Bed	4 + Bed
20%	80 %	0%	0%

- 13.4 Although the proposed development involves a much higher proportion of smaller units than encouraged within the Council’s Strategic Housing Market Assessment Update 2019, Officers consider that the provision of a higher percentage of smaller units within a highly sustainable location could be considered appropriate, as it would result in a more efficient use of land. Furthermore, the mix includes some two bedroom units with a four person occupancy, which would be suitable for small families.

- 13.5 Whilst the proposed mix is not compliant with Policy DM22 of the Development Management Policies Document 2015, the proposed development 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.

- 13.6 Notwithstanding the above, the failure of the proposal to adequately support Borough’s objective to provide a mix of housing to meet housing needs and support balanced and sustainable communities is considered to be a minor adverse impact to be weighed in the planning balance.

14 Affordable Housing

- 14.1 Paragraph 63 of the NPPF 2021 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.

- 14.2 Paragraph 65 of the NPPF 2021 states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.
- 14.3 Policy CS9 of the 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.
- 14.4 Therefore, to be fully compliant with Policy CS9 of the Core Strategy 2007, the proposal development would be required to provide 8 on site affordable units.
- 14.5 Paragraph 58 of the NPPF 2021 states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.
- 14.6 Paragraph 3.12.11 of the 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.
- 14.7 A Viability Study, prepared by Turner Morum and dated June 2022 has been submitted in support of the application, which demonstrates that the scheme would generate a substantial deficit on the developer target profits when tested with a policy compliant affordable housing contribution of 40%.
- 14.8 For the purposes of clarity, the developer profit target is factored into the appraisal as a cost. If the development value is lower than the associated costs, such as calculated in this case, a deficit is generated and that deficit reduces the developers profit target.
- 14.9 Therefore, as a 40% affordable housing policy compliant development would substantially affect the overall viability of the scheme, a 10% provision of affordable housing is proposed.

- 14.10 The Viability Study has been independently scrutinised by Viability Consultants BPC, on behalf of the Local Planning Authority. The provision of 10% affordable housing has been found to generate a deficit on the developer target profit. However, this deficit would be nominal in terms of the overall viability. Notwithstanding this, given that the scheme does result in a deficit, the Council's Viability Consultants have confirmed that there is no scope to provide additional affordable housing on the site.
- 14.11 The 10% affordable housing provision equates to two affordable units, which are proposed as 1 no. affordable rent and 1 no. shared ownership. This provision would be secured by a Section 106 Agreement, which would also ensure that this provision remains in perpetuity.
- 14.12 The proposal would therefore meet the requirement of paragraph 64 of the NPPF 2021, which expects at least 10% of residential units within major development schemes to be affordable.

15 Impact on Heritage Assets

- 15.1 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 impose a statutory duty upon local planning authorities to consider the impact of proposals upon Listed Buildings and Conservation Areas.
- 15.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that in considering applications which affect Listed Buildings, Local Planning Authorities must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 15.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering applications within a Conservation Area, Local Planning Authorities must 'pay special attention to the desirability of preserving or enhancing the character or appearance of that area'.
- 15.4 Additionally, the NPPF 2021 attaches great importance to the conservation and enhancement of the historic environment. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 15.5 Paragraph 200 of the NPPF 2021 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional
- 15.6 Paragraph 201 of the NPPF 2021 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 15.7 Paragraph 202 of the NPPF 2021 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 15.8 The application of the statutory duties within Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 combined with the guidance contained in the NPPF 2021 means that when harm is identified, whether that be less than substantial or substantial harm, it must be given considerable importance and great weight.
- 15.9 Whilst there is no statutory protection for the setting of a Conservation Area, paragraph 200 of the NPPF 2021 requires that consideration be given to any harm to or loss of significance of a designated asset, which includes Conservation Areas, from development within its setting

- 15.10 Policy DM8 of the 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.
- 15.11 The site is located within Epsom Town Centre Conservation Area. The significance of this heritage assets lies within its retained historic market town character and rich historic interest as a spa town from the mid to late 17th century after which the fortunes of the town declined leaving many of the good quality historic buildings within the Conservation Area today. Many of these are of a modest scale and have traditional features including brick and clay tiles. Despite the traffic through the centre of the town it still has a legible marketplace set around the clock tower. Views around this landmark incorporate many historic and sensitively designed buildings which respect the scale and materiality of the Conservation Area
- 15.12 The Epsom Town Centre Conservation Area is described within the Epsom Town Centre Conservation Area Character Appraisal and Management Proposals 2009 as 'a compact area taking in the historic core of Epsom and most of its oldest buildings. It consists essentially of the High Street, but with short extensions westwards into West Street and South Street and eastwards into Waterloo Road, Ashley Avenue and the Upper High Street'.
- 15.13 The Epsom Town Centre Conservation Area Character Appraisal and Management Proposals 2009 notes that the Epsom Town Centre Conservation Area has three distinctive character areas, one of which is West Street.
- 15.14 In considering the character of West Street, the Epsom Town Centre Conservation Area Character Appraisal and Management Proposals 2009 highlight this area to be a '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'.

- 15.15 The building at the centre of this application forms part of the West Street character area of the Conservation Area. In this location there is an important part narrowing of the town streets corresponding the change of function to small scale shops, public houses and residential buildings. Owing to the undulations of the road, the current building is not highly visible from the marketplace owing to its small scale.
- 15.16 Beyond the highway to the south of the site lie a number of grade II listed buildings along West Street, the significance of which are as follows:

Address	Significance
1-5 West Street	Age and group contribution to the Georgian character of the area in respect of overall scale and fenestration formation
9-11 West Street	17th century building with traditional glazed shop front
13 – 15 West Street	Surviving timber frame and 18th century fabric
17- 21 West Street	Group value as good examples of neoclassical and Georgian of grandeur architecture. There is a degree of historic interest with 21 West Street as a result of connection with the Royal Legion.

- 15.17 The ability to understand the inter-relationship between these listed buildings forms an important part of their setting and also part of the character and appearance of the Conservation Area. Key elements include their scale, use of materials and elevational appearance. The northern side of West Street makes little contribution to the setting of these buildings as the large Oaks House fails to respect the appearance of buildings within the spa town owing to its scale.
- 15.18 The site lies within 15 metres of the north east corner of the Stamford Green Conservation Area, in close proximity to The Fair Green. The significance of the Stamford Green Conservation Area lies with its linear form, centred on Stamford Green, with its pond, listed public house, and small cottages. The heritage asset also contains five distinctive open spaces and greens, which contributes to a village character, with reminders of ‘old Surrey’ in the form of weather boarded cottages and pantile roofs.
- 15.19 The site also lies within 20 metres of 4-6 West Street, A Grade II Listed Building. The significance of this heritage asset lies in its age as a late 17th century house, which was divided into two in the 18th century, and as a good example early Surrey vernacular. The Stamford Green Conservation Area Character Appraisal and Management Proposals 2007 also identifies this building as a principal focal building in the Conservation Area.

- 15.20 The site itself contains a group of unlisted buildings that were constructed in 1877 by Thomas Furniss, a local corn and coal merchant who was also a builder, in a mixture of Dutch and French Second Empire styles. There is some oral evidence that the building may have been constructed with some form of shuttered concrete, but Historic England have advised there is no evidence that this is a particularly early or important use of the material. The main interest of the building lies in its rather eccentric east elevation which features a Dutch gable with two decorative plaques in high relief, a head (likely Apollo) and a rectangular panel containing a fox and grapes. These are likely to be stock classical details, rather than specific figures designed for the building. The Conservation Officer considers the significance of the building to be low and limited to the gable end.
- 15.21 The existing buildings on the site have been nominated for Local Listing under Surrey County's Local heritage list projects. However, as work on this has not been progressed to date, the potential for the local listing are given no weight in the assessment of this application.
- 15.22 The existing group of unlisted buildings are considered to make a positive contribution to the character of the Conservation Area. Therefore, in accordance with paragraph 207 of the NPPF 2021, as the proposed scheme would result in the loss of a building that makes a positive contribution to the significance of the Conservation Area and therefore such loss should be treated either as 'substantial harm' under paragraph 200 of the NPPF 2021 or 'less than substantial harm' under paragraph 201 of the NPPF 2021 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.
- 15.23 This application is accompanied by a Heritage Statement, prepared by Heritage Collective UK, reference 4222E and dated July 2022 which concludes that the proposal would result in the loss of a non-designated heritage asset (24-28 West Street) and cause less than substantial harm to 4-6 West Street, the Epsom Town Centre Conservation Area and the Stamford Green Conservation Area.
- 15.24 Historic England have fully reviewed the application and have commented on their regret for the loss of the existing unlisted building. They have advised that should the demolition of the unlisted building meet the tests required by paragraph 207 of the NPPF 2021, then any replacement building should provide a contextual response to the historic townscape and character.

- 15.25 Historic England welcomes the reduction in height from the scheme sought under the previous scheme (19/01021/FUL) and that the design has been refined to better reflect the character and materiality of the Conservation Area. Furthermore, Historic England notes that the reduction in height would lessen the developments impact of the proposal in the Conservation Area, particularly from the more important viewpoints, such as looking west from near the Clock Tower, or from looking west from the junction of High Street and Waterloo Road .
- 15.26 However, Historic England considers the arrangement of the building, identifying particularly the glazed curtain wall that culminates in the mono pitched roof, would be at odds with the prevailing architectural proportions and rhythm of the Epsom Town Centre Conservation Area, causing some harm.
- 15.27 However, whilst Historic England have not identified the level of harm the proposal would cause to the significance of the Epsom Town Centre Conservation Area, in the absence of an objection to the scheme, it is clear that in the absence of an objection to the scheme, the level of harm is not substantial.
- 15.28 The Council's Conservation Officer considers the east elevation of 24-28 West Street to form a landmark which has some townscape interest and has concluded that it makes a positive contribution to Epsom Conservation Area. Therefore, the demolition of the building should be avoided unless a distinctive and architectural proposal was developed in its place.
- 15.29 The Conservation Officer is of the opinion that the existing building does not contribute anything to the setting of the nearby listed buildings on the basis it reveals nothing about the development of Epsom as a spa town in the late 17th or 18th centuries, with its long terraced form and slate mansard roof appearing quite alien in comparison. As it has only limited visibility from Stamford Green Conservation Area, the Conservation Officer considers the existing building makes no contribution to its character and appearance.
- 15.30 The Conservation Officer acknowledges that the proposed development would result in harm to the Epsom Conservation Area from the loss of a undesignated heritage asset that makes a positive contribution to its character and appearance. As an undesignated heritage asset is being lost, the Conservation Officer recommends that it is recorded in line with paragraph 205 of the NPPF 2021 and has suggested a condition for this.

- 15.31 The Conservation Officer welcomes the proposed etching of the former building on the glazing and recommends a condition to secure details of this artwork prior to the demolition of the building.
- 15.32 The Conservation Officer notes that proposed building is a revised design of a previous scheme, which is of a smaller scale to prevent harm to key views from the High Street. The design of the structure is clearly intended to be a landmark to replace the 24-28 West Street with the eye drawn to the distinctive corner. The Conservation Officer considers the design to be accomplished, with references to traditional materials within the Borough through the use of brick.
- 15.33 The Conservation Officer is satisfied that the proposed building would not be visible from the High Street photograph locations shown in the AVR and as such it would not harm the character and appearance of the marketplace, which comprises of relatively small scale buildings. As the building would predominantly be seen in the context of other modern development Epsom Conservation Area the Conservation Officer is of the opinion that its scale or appearance would not result in harm to the Conservation Area's character and appearance, subject to suitable material condition being applied to any permission granted. The Conservation Officer considers the proposal to be a suitable replacement for 24-28 West Street and would add to the townscape of the area, subject to the final finish of the building being agreed.
- 15.34 The Conservation Officer considers it vital that a material condition is applied to any permission granted to ensure that the quality of what is proposed is maintained in the final version of the scheme. There is a risk of 'value engineering' and as such, a condition is recommended on any permission granted to secure a mock-up of materials to be kept on site.
- 15.35 Although the Conservation Officer considers that the proposal would cause harm to the Epsom Conservation Area from the loss of a building which makes a positive contribution to its character and appearance, this loss would be attributed less than substantial harm.
- 15.36 The Conservation Officer notes that the railway bridge largely hide the existing modern development of Epsom from the Stamford Green Conservation Area, allowing more of the suburban character of the area to be prevalent. This is reinforced by dwellings such as 4 and 6 West Hill.

- 15.37 The Conservation Officer has attributed the proposal causing less than substantial harm to the setting of these dwellings, owing to the current level of encroachment of built form from the Epsom Town Centre into the setting of these assets. For the same reason, the Conservation Officer considers the proposal to cause there to be less than substantial harm to the setting of the Stamford Green Conservation Area, particularly as this includes a key view.
- 15.38 In light of the above, the Conservation Officer considers the proposal would result in a less than substantial harm to Epsom Conservation Area from the loss of the existing building; a less than substantial harm to setting of 4 and 6 West Hill from the encroachment of modern built form from the town centre and a less than substantial harm to Stamford Green Conservation Area from the encroachment of modern built form from the town centre.
- 15.39 As the Conservation Officer has also identified less than substantial harm to the significance of designated heritage assets, in accordance with paragraph 202 of the NPPF 2021, this harm must be weighed against any public benefits of the proposal. Great weight should be given to the asset's conservation irrespective of the scale of harm identified.
- 15.40 Furthermore, in accordance with paragraph 207 of the NPPF 2021, the loss of the existing unlisted, non-designated heritage asset should be treated under paragraph 202 of the NPPF 2021.
- 15.41 The NPPF 2021 identifies that public benefits could be anything that delivers economic, social or environmental progress, as described in paragraph 8. The NPPG 2021 further states that public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits (020 Reference ID: 18a-020-2019072).
- 15.42 The public benefits of the proposed development are considered to be:
- The contribution of net gain residential development to the Borough housing figures
 - Increase in choice and types of homes
 - 10% affordable housing provision
 - The generation of employment during the construction phase of the proposed development.

- The direct economic and social investment into the town centre from future residents, adding to the vitality and viability of the town centre
- 15.43 Officers have carefully weighed the public benefits of the proposed development against the less than substantial harm caused to the designated heritage assets and the buildings that make a positive contribution in a Conservation Area. Whilst great weight has been attributed to the conservation of the identified heritage assets and the loss of a building that makes a positive contribution to the Epsom Town Conservation Area, to the conservation of the Stanford Green Conservation area and to the setting of the 4 and 6 West Hill, in this particular case, it is considered that the public benefits of the scheme would be sufficient to outweigh the less than substantial harm caused by the proposed development on the significance of these identified assets.
- 15.44 Should permission be granted, the Conservation Officer has recommended conditions to secure samples of materials and to provide a simulation on site, to include examples of all external surfaces and materials as well examples of junctions, cladding fixings, reveals, soffits, parapets as well as junctions or junctures around these surfaces especially on balcony surfaces. Given that the use of high quality materials and detailing is key to the proposed development appearing appropriate within its historic and architectural setting, it would be reasonable to recommend this condition on any granted permission.

16 Trees and Landscaping

- 16.1 Paragraph 131 of the NPPF 2021 notes the important contribution that trees make to the character and quality of urban environments, as well as helping to mitigate climate change. Planning decisions should take opportunities to incorporate trees elsewhere in development, that appropriate measures are in place to secure the long term maintenance of newly planted trees and that existing trees are retained wherever possible.
- 16.2 Policy DM5 of the Development Management Policies Document 2015 sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by [inter alia]:
- continuing to maintain trees in streets and public open spaces and selectively removing, where absolutely necessary, and replacing and replanting trees; and

- requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature trees and other planting.
- 16.3 The application is accompanied by an Arboricultural Impact Assessment Report prepared by Sharon Hosegood Associates, reference SHA 691 Rev F dated June 2022. The report confirms that whilst there are no trees existing on the site, 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, all of which are to be retained.
- 16.4 The Council's Tree Officer has thoroughly reviewed the proposal and has outlined concerns in respect of potential damage to the root protection area of a Lime Tree on the West Street frontage, as a result of the impact of the demolition of the existing site building and the significant excavations required to support a development of the height proposed.
- 16.5 Although the submitted Arboricultural Impact Assessment Report does provide a demolition method statement and details of tree protection, the Council's Tree Officer believes this to be inadequate to fully appraise the demolition and construction impacts of the proposed development on the long term health and wellbeing of this tree.
- 16.6 In response, the applicant's Arboriculturist has advised that a detailed Arboricultural Method Statement and Site Supervision Schedule secured as a pre-commencement condition would provide the information required to satisfy the Council Tree Officer's concerns.
- 16.7 Therefore, should planning permission be granted, the Council's Tree Officer has agreed to recommend a condition to secure an Arboricultural Method Statement and a Tree Protection Plan, to ensure that the proposed development would not harm the future health and wellbeing of this existing tree.
- 16.8 The Tree Officer also notes that the site used to contain several trees that overhung the site, which were removed by Network Rail for safety reasons. The Tree Officer has observed that that the proposed development would occupy space that would have accommodated the crowns of the removed trees.

- 16.9 The applicant's Arboriculturist has acknowledged that there have been trees removed in the past from land outside of the applicant's ownership. The applicant's Arboriculturist has confirmed that these trees were in a precarious rooting environment, hence their removal by National Rail. If the existing trees had been present, they would have categories as Category 'U' and therefore unsuitable for retention.
- 16.10 The applicant's Arboriculturist has also confirmed that not only is there no room on the embankment wall to plant further trees, it is unlikely that any trees would thrive in this location for structural reasons.
- 16.11 It is confirmed that there is no room to plant further trees on the site. However, the applicant is open to giving consideration to providing funds to plant a replacement tree off site in the surrounding vicinity, details of which would need to be agreed with the Council's Tree Officer. Should planning permission be granted, it is considered reasonable to recommend a pre-commencement condition to secure further details of hard and soft landscaping to secure these details and to secure the required funds in the Section 106 Agreement.
- 16.12 The offer of an addition tree to the Council's tree stock is welcomed by Officers. As the NPPF2021 seek opportunities to incorporate trees elsewhere in developments (such as parks and community orchards) Officers are satisfied that the proposal accords with paragraph 131 of the NPPF 2021 and Policy DM5 of the Development Management Policies Document 2015.

17 Quality of Accommodation

- 17.1 Paragraph 130 of the NPPF 2021 states that planning decision should ensure that developments (inter alia) create places that are accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 17.2 Policy DM12 of the Development Management Policies Document 2015 states that all new housing developments including conversions, are required to comply with external and internal space standards and must provide appropriate external private and/or communal amenity space to meet the needs generated by the development.
- 17.3 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 two bed spaces, a double (or twin bedroom) must have a floor area of at least 11.5m².

- 17.4 The following table provides and analysis of the internal floor area against technical standards:

Flat (bed/person)	Number	National Standard	Proposed Internal Area
Unit 1 (1b/2p)		50m ²	51.9m ²
Unit 2 (1b/2p)		50m ²	51.9m ²
Unit 3 (2b/3p)		61m ²	67.4m ²
Unit 4 (2b/4p)		70m ²	76.7m ²
Unit 5 (2b/4p)		70m ²	73.8m ²
Unit 6 (2b/3p)		61m ²	68.7m ²
Unit 7 (2b/3p)		61m ²	67.4m ²
Unit 8 (2b/4p)		70m ²	76.5m ²
Unit 9 (2b/4p)		70m ²	73.8m ²
Unit 10 (2b/3p)		61m ²	68.7m ²
Unit 11 (2b/3p)		61m ²	67.4m ²
Unit 12 (2b/4p)		70m ²	76.7m ²
Unit 13 (2b/4p)		70m ²	73.8m ²
Unit 14 (2b/3p)		61m ²	68.7m ²
Unit 15 (2b/3p)		61m ²	67.4m ²
Unit 16 (2b/4p)		70m ²	76.5m ²
Unit 17 (2b/4p)		70m ²	73.8m ²
Unit 18 (2b/3p)		61m ²	68.7m ²
Unit 19 (1b/2p)		50m ²	58.1m ²
Unit 20 (1b/2p)		50m ²	51.5m ²

- 17.5 The above table demonstrates that all the proposed units would exceed the technical housing standards. Furthermore, all internal primary accommodation would be served by unrestricted windows, allowing for light and air to enter and circulate the rooms they serve.
- 17.6 Officer are satisfied that the proposed units would have an acceptable level of internal amenity, complying with Policy DM12 of the Development Management Policies Document 2015 and the Nationally Described Space Standards 2015.

18 Proposed Amenity Space

- 18.1 Paragraph 3.36 of the supporting text for Policy DM12 of the Development Management Policies Document 2015 states that to provide adequate private amenity space for development of flats, a minimum of 5m² of private amenity space for 1-2 person dwellings should be provided and an extra 1 m² should be provided for each additional occupant. A 3 person flat should have 6m² provision of private amenity space and a 4 person flat should have 7m².
- 18.2 The private amenity space provided to serve all units are in the form of terraces or balconies are as follows:

Flat Number (bed/person)	Policy Minimum	Proposed Amenity Area
Unit 1 (1b/2p)	5m ²	7.4m ²
Unit 2 (1b/2p)	5m ²	12.2m ²
Unit 3 (2b/3p)	6m ²	7.6m ²
Unit 4 (2b/4p)	7m ²	7m ²
Unit 5 (2b/4p)	7m ²	7.6m ²
Unit 6 (2b/3p)	6m ²	8.6m ²
Unit 7 (2b/3p)	6m ²	7.6m ²
Unit 8 (2b/4p)	7m ²	7m ²
Unit 9 (2b/4p)	7m ²	7.6m ²
Unit 10 (2b/3p)	6m ²	8.6m ²
Unit 11 (2b/3p)	6m ²	7.6m ²
Unit 12 (2b/4p)	7m ²	7m ²
Unit 13 (2b/4p)	7m ²	7.6m ²
Unit 14 (2b/3p)	6m ²	8.6m ²
Unit 15 (2b/3p)	6m ²	7.6m ²
Unit 16 (2b/4p)	7m ²	7m ²
Unit 17 (2b/4p)	7m ²	7.6m ²
Unit 18 (2b/3p)	6m ²	8.6m ²
Unit 19 (1b/2p)	5m ²	11.5m ²
Unit 20 (1b/2p)	5m ²	7.8m ²

- 18.3 The table above demonstrates that all units either meet or exceed the minimum requirements for private amenity space set out in Policy DM12 of the Development Management Policies Document 2015. Furthermore, there is a communal amenity rooftop terrace that would provide 113.1m² of shared amenity space that can be accessed by all future residents.
- 18.4 It is therefore considered that the proposed units and would therefore provide sufficiently good, private amenity space to future occupiers of the development, in compliance with policy

19 Design and Visual Impact

- 19.1 The NPPF 2021 attaches great importance to the design of the built environment. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 19.2 Paragraph 130 of the NPPF 2021 states [inter alia] that developments should function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history.
- 19.3 Paragraph 134 of the NPPF 2021 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 19.4 Paragraph 3.7.5 of the Core Strategy 2007 sets out that new development should enhance and complement local character and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 states that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm, and which positively contributes to the townscape.
- 19.5 Policy DM9 of the Development Management Policies Document 2015 states the Council supports development that would make a positive contribution to the Borough's visual character and appearance.
- 19.6 Policy DM10 of the Development Management Policies Document 2015 states [inter alia] that development proposals will be required to incorporate good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced include, but are not limited, to the following:
- Prevailing development typology, including house type, sizes, and occupancy;
 - Prevailing density of the surrounding area;
 - Scale, layout, height, form, massing;
 - Plot width and format which includes spaces between buildings;
 - Building line build up, set back, and front boundary; and
 - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.

- 19.7 Policy E7 of Plan E, Epsom Town Centre Area Action Plan 2011 requires buildings within the Town Centre Boundary to be a maximum of 12 metres.
- 19.8 Policy DM13 of the Development Management Policies Document 2015 states [inter alia] that buildings higher than 12 metres will be inappropriate in all areas of the Borough except the identified areas within the Epsom Town Centre Boundary where buildings up to a maximum height of 16 metres will be allowed in certain locations.
- 19.9 However, as set out in this report, in May 2018, the Licensing and Planning Policy Committee took a decision to set aside Policy DM13 of the Development Management Policies Document 2015. This was due to the policy restricting opportunities for growth in the Borough. It should be noted that although this policy remains part of the development plan, it is afforded limited weight in the decision-making process and in regard to the presumption of sustainable development.
- 19.10 The site is located within an urban town centre in a location where the built form fronts the highway, providing an active frontage to both the north and south of the highway. Whilst there is a strong, established building line to the south of the highway, the building line to the north is somewhat eroded. The topography rises up to the west and north. The built form to the south of the highway is predominantly two storey development, whilst the built form to the north is more diverse, ranging from two storey to four storey development.
- 19.11 The built form to the south of the site is traditional in design, featuring hipped roofs, proportional dormers and constructed from brick/rendering. Some building feature Georgian detailing with the fenestration. To the north, the built form is also traditional in design and contains ground floor retail/commercial units with glazed shopfronts, although it is clear that recent development to the north has attempted to give a modern interpretation to the more historic traditional designs.
- 19.12 Within this existing context, the proposed development would have a greater presence than the existing built form as a result of its overall scale, form and contemporary design.
- 19.13 The form of the proposed development is a result of the constraints of the site and would therefore be triangular. Whilst this form is a departure from the form of the majority of the built form in the surrounding area, the layout would ensure that the proposed development would retain an active frontage to West Street, whilst also introducing an active frontage on Station Approach.

- 19.14 The proposed development would extend the full width and depth of the plot. However, there would be space retained around the proposed built form as a result of its siting adjacent to the railway line to the north and the highways to the south and east, which would prevent the proposed development from appearing cramped with its plot.
- 19.15 Although the development would have an overall height of 22 metres, the height has been stepped and set back to give the appearance of a cluster of building forms, rather than providing one built form at a continuous height. The variations in height, along with the placement of fenestration and balconies and changes in materials, would also serve to break up the massing of the building, as well as provide a visual relief vertically.
- 19.16 Nevertheless, the height of the proposed development does conflict with Policy DM13 of the Development Management Policies Document 2015, an adverse impact to be weighed in the planning balance.
- 19.17 It is clear than the design of the proposed development would be completely independent from any influences of immediately surrounding built form. The site is a unique location as a corner plot at the western entrance to Epsom Town Centre. As such, rather than a re-imaging of the traditional design that is predominantly characteristic of the area, the opportunity has been taken to create a more modern/contemporary development that would act as a landmark gateway building, that would be sympathetic to the historic character of the surrounding built form.
- 19.18 The overall design of the proposed building is considered acceptable. Whilst the full height glazing feature proposed to the West Street/Station Approach elevation would introduce a new feature into the street scene, it would also provide a feature of visual uniqueness within the Town Centre. The proportions and arrangement of fenestration around the proposed building, whilst somewhat irregular, would provide interest to the facade of the building, further emphasising the buildings statement as a local landmark.
- 19.19 The proposal would feature an etching/engraving of the gable elevation of the existing building, providing both an appreciation and a record of the significance of this undesignated heritage asset. However, as this design element was not the preference of the Conservation Officer and another detailing could be negotiated in the event permission is granted, a condition is recommended to secure details of recording the significance of the existing undesignated heritage asset prior to commencement of development.

- 19.20 In light of the above, Officers are satisfied that the overall form and design of the proposed development is acceptable and although it would not be in similar in either character or appearance to the built form in the surrounding area as a result of its scale, form and design, it would be sympathetic to the overall local character and history of the area and would be a landmark contribution to the existing townscape.
- 19.21 Should permission be granted, it is strongly recommended that a condition to secure samples of materials to be approved by the Local Planning Authority prior to development taking place on site. This is to ensure that the materials and finishes used in the construction of the development are of a high quality and are suitable for a building of a landmark designation and gateway into the Town Centre.
- 19.22 The Design Out Crime Officer has recommended that the applicant apply for a Secure by Design accreditation. This would ensure that the development would use security products that are Police preferred specification, which is a recognised standards for all security products that can deter and reduce crime. Furthermore, it would allow the Crime Reduction Advisor to be involved in all stages of the development in terms of security aspects. In the event that permission is granted, it is considered reasonable to advise the applicant to seek the Secure by Design accreditation by way of an informative.

20 Impact upon Neighbouring Residential Amenity

- 20.1 Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policy Document 2015 sets out that development proposals will be required to incorporate principles of good design. Development proposals should also have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.
- 20.2 As a result of the height and form of the proposed development, it is key to consider the impact upon surrounding residents from the built form in terms of outlook, daylight/sun lighting and privacy.
- 20.3 The neighbouring properties most likely to have their amenities impacted upon by the proposed development are Oaks House to the east, 9 – 19 West Street to the south and 2 West Street to the west.
- 20.4 Oaks House is located to the east of the site, within 13 metres of the proposed development. However, as Oaks House is a purpose built office block and not residential accommodation, the relationship is considered acceptable in a Town Centre location.

- 20.5 The proposed development would be located 20 metres of the curtilage associated with 2 West Street and a minimum of 23 metres from the windows, with a heavily landscaped railway embankment and the railway track itself intervening between. The proposed development would create new opportunities for both transitional and prolonged overlooking towards this neighbouring property, due to the orientation and height of the windows, balconies and terraces proposed on the on the north west elevation.
- 20.6 The Council's Single Plot and other types of Residential Infill Development SPG 2003 requires a minimum separation distance of 12 metres between new development and neighbour boundaries and a minimum of 24 metre window to window distance. Although there would be a minor shortfall in the recommended window to window distance, given the orientation between the windows of 2 West Street and the north west windows, balconies and terraces of the proposed development, there would not be any front on and direct overlooking. Furthermore, the intervening vegetation would also obscure views achievable from the proposed development. Although the proposed development is likely to have a greater presence upon the occupiers of 2 West Street than the existing situation, Officers are satisfied that the proposal would not result in any materially harmful issues of overlooking, loss of daylight/sunlight loss of privacy or be overbearing to the amenities of the occupiers of this neighbouring property.
- 20.7 To the south of the site lies 9 – 19 West Street. Although some of these neighbouring properties have ground floor commercial/retail uses, it is not unreasonable to assume that there are residential uses existing at first floor level and above.
- 20.8 The proposed development would lie beyond the adjacent highway to the north, with a window to window separation distance greater than 30 metres between these properties. Whilst the proposal is therefore likely to have a greater presence upon the occupiers of these neighbouring properties than the current situation, these separation distances, which exceed the guidance set out in the Council's Single Plot and other types of Residential Infill Development SPG 2003, would not result in any overlooking, loss of privacy or be overbearing to the amenities of the occupiers of these neighbouring properties.
- 20.9 As a result of its orientation to the north of 9 – 19 West Street, the proposal would not result in any loss of sunlight or daylight to either the internal or external accommodation of these neighbouring properties.

- 20.10 In terms of general amenity, whilst the proposed development is likely to generate a greater level of domestic noise through pedestrians arriving and leaving the site than the current situation, this level would not be to an extent that would be incongruous within the surrounding residential context.
- 20.11 The construction phase of the development has the potential to cause disruption and inconvenience to nearby occupiers and users of the local highway network. However, these issues are transient and could be minimised through the requirements of planning conditions if permission were to be granted.
- 20.12 In light of the above, Officers are satisfied that the proposed development would not cause harm to the amenities of the occupiers of neighbouring properties, in accordance with Policy DM10 of the Development Management Policy Document 2015 and the guidance set out in the Council's Residential Infill Development SPG 2003.

21 Highways, Parking and Cycle Parking

- 21.1 Paragraph 111 of the NPPF 2021 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 21.2 Policy CS16 of the Core Strategy 2007 encourages development proposals that foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities.
- 21.3 This policy further emphasises that development proposals should provide safe, convenient, and attractive accesses for all, including the elderly, disabled, and others with restricted mobility and be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements.
- 21.4 Furthermore, this policy stipulates that development proposals must ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, not materially increase other traffic problems.

- 21.5 Policy DM37 of the Development Management Policies Document 2015 seeks to ensure that new schemes provide an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. 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 street scene or availability of on-street parking.
- 21.6 The application is supported by a Transport Statement, prepared by Ardent Consulting Engineers, reference 182191-01D and dated July 2022.
- 21.7 The Transport Assessment gives an account of the existing local highway network and local accidental data, as well as highlighting the accessibility benefits of the site.
- 21.8 The proposal would provide five parking spaces on site, one of which would be accessible. The parking spaces would be located in the undercroft that would be accessed from a new access created from Station Approach. Each parking space would be fitted with Electric Vehicle Charging Points.
- 21.9 The application is accompanied by a tracking plan (Transport Statement, prepared by Ardent Consulting Engineers, reference 182191-01D and dated July 2022, drawing NUMBER 182191-004 Rev A) which successfully demonstrates that vehicles are able to enter and exit the undercroft parking area in a forward gear.
- 21.10 The Transport Assessment has predicted the traffic flow associated with the proposed development and advises that to achieve this, the TRICS (Trip Rate Information Computer System) database has been used.
- 21.11 The existing commercial/retail use would have generated a small number of peak vehicle movements and the existing premises accommodates this with onsite parking available for 12 vehicles. The proposed development would also attract new vehicle journeys, both by residents by associated movements, such as delivery vehicles, taxis etc... However, in comparison with the vehicle movements associated with the existing commercial/retail use of the site, the TRICS data concludes that traffic generation associated by the proposed development would equal the existing movements associated with the commercial/retail use of the site and would therefore have a negligible impact upon existing traffic flows and junction capability.

- 21.12 The County Highway Authority has undertaken a full assessment of the supporting Transport Statement and consider it be a fair representation of the existing highway network and a realistic assessment of the likely impact of the proposed development on the highway network.
- 21.13 It is not possible to accommodate emergency and refuse vehicles within the undercroft parking area due to the restrictive roof height and turning area required. A new loading bay will be provided along the site frontage on Station Approach to facilitate refuse/recycling servicing and deliveries for the site.
- 21.14 The proposed loading bay facility would reduce the width of the existing footway/cycleway for length of 14 metres, with the minimum pinch point being 2.0 metres and the maximum reduction being 3.9 metres.
- 21.15 The provision of a loading bay was supported by the County Highway Authority under the previous application (19/01021/FUL), following the applicant's offer of part of the site to be adopted in order to maintain a 3.0 metre footpath/cycleway, which was a minimum width that accorded with the County's standards at that time.
- 21.16 However, since the assessment of the previous application, the County Highway Authority have adopted a stronger policy outlook to support their objective to improve travel methods for pedestrians and cyclists and therefore this position in respect to the reduction of the footpath/cycleway has now changed.
- 21.17 The County Highway Authority are now not supporting any reduction to the width of the existing footpath and have raised an objection to the proposal on the basis that the provision of the loading bay would interfere with space designated to pedestrians and cyclists and could cause danger and inconvenience to non-motor highway users as they manoeuvre along Station Approach.
- 21.18 The existing footpath measures 4.1 metres in width at the junction with West Street and does not reduce below this width for a 21 metres traverse up Station Approach. Beyond this, along the north east of Station Approach, the width of the footpath starts to reduce down to under 2.0 metres for a distance of 27 metres, as it moves around the corner of Station Approach and somewhat beyond. The width of the footpath then extends over 2.0 metres heading towards the Railway Station.

- 21.19 The fluctuating width of the existing footpath is a material consideration in Officers assessment of this application. Whilst Officers understand and support the County Highway Authority's commendable desire to improve travel methods for pedestrians and cyclists in the Borough, this proposal does not seek to either share the surface or remove the footpath/cycleway. Although reduced in width for a small section, the footpath/cycleway would still provide adequate access for both pedestrians and cyclists, similar to the existing provision that it makes along the north east of Station Approach.
- 21.20 Whilst the County Highway Authority consider the proposal to cause danger to pedestrians and cyclists, it can be of no greater danger than parts of the footpath in its existing form. Whilst Officers can acknowledge that the proposal may cause inconvenience to pedestrians and cyclists as a result of the reduced width, by having to take more care of other users in their surroundings, this inconvenience is an adverse impact to be weighed in the planning balance against the benefits of the scheme.
- 21.21 Officers note that the site is currently served by a dropped kerb that provides vehicular access from Station Approach to the 12 vehicle parking spaces currently existing on the site. Although the site would create a new vehicular access, the existing access would be stopped up and the kerb reinstated and the situation of vehicles crossing over the footpath/cycleway to access the site would remain as existing.
- 21.22 If permission is granted, the proposed loading bay would be subject to a pre-occupation condition to secure the required Traffic Regulation Order that would prevent vehicles parking or waiting in the loading bay, other than for purposes of loading and unloading goods from the vehicle.
- 21.23 Policy DM37 of the Development Management Policies Document 2015 and the Council's Parking Standards for Residential Development SPD 2015 requirements for car parking provision within residential developments are a minimum of 1.0 vehicle space for one and two bedroom units. The scheme would therefore be required to provide 20 spaces in order to be policy compliant.
- 21.24 The proposed scheme would provide five car parking spaces on site. Therefore, there is potential for the proposal to result in the displacement up to 15 future residents' vehicles to be displaced onto the surrounding highway network.

21.25 As the County Highway Authority have raised no technical objection in respect of highway operation or highway safety to this potential displacement, the Council can only consider the impact on character or inconvenience to existing residential amenity. Any potential impact on character or residential amenity arising from the lack of on-site parking is a matter for the Council to consider in consideration of its own parking policy and the level of perceived impact.

21.26 In considering this perceived impact, Officers note that the site is immediately surrounded by on street parking restrictions that would prevent inappropriate vehicle parking. The table below assesses the surrounding road network within walking distance of the site and the opportunities for unrestricted parking.

Road	Parking Restriction	Distance from Site (miles)
Station Approach	Double Yellow Lines both side of Carriageway	N/A
West Street (South)	Double Yellow Lines both side of Carriageway	N/A
Wheelers Lane (East)	Double Yellow Lines both side of Carriageway	N/A
Wheelers Lane (West)	Unrestricted parking	0.4m (4 mins)
West Hill/Burnet Grove	Parking permits and controlled between Mon – Sat 08:00 am – 06:30pm	0.1m (3 mins)
Hookfield	Parking permits, double yellow lines and controlled between Mon – Fri 09:30am – 11:30am	0.2m(4 mins)
Marshalls Close/Sharon Close/ Sheraton Drive	Parking permits, double yellow lines and controlled between Mon – Sun 09:00am – 08:00pm	0.2m (4 mins)
Court Lane	Double Yellow Lines with some extremely limited unrestricted parking on west side of carriageway	0.2m (5 mins)
Meadway	Double Yellow Lines with some unrestricted parking on east side of carriageway and controlled between Mon - Fri 09:00am – 12.30pm	0.3m (6 mins)
Waterloo Road	Double yellow lines and controlled between 7:00 – 9:30 am and 4.30 – 6.30 pm and 20 minute parking with no return within the hour between 9:30 – 4:30pm and 6.30 – 8.00pm	0.3m (5 mins)
Horsley Close	Double yellow lines and controlled between 9:30am – 6.30pm	0.3m (5 mins)

Hazon Way	Double yellow lines and controlled between 8.30am – 6.30pm	0.3m (7 mins)
Gosfield Road	Double yellow lines, some unrestricted parking on the south of the carriageway and controlled between 8.30am – 6.30pm	0.3m (7 mins)

21.27 The table above demonstrates that whilst there are opportunities for the potential dispersal of vehicles from the development into unrestricted parking areas associated with Wheelers Lane (West) and Meadway and the unrestricted evening parking associated with West Hill, Burnet Grove, Horlsey Close, Hazon Way and Gosfield Road, it is unlikely that this would impact on existing character or cause the residents of these roads any inconvenience beyond that currently experienced with the restrictions, particularly given that residents in these areas tend to have their own off street parking provision or on street permits.

21.28 However, in order to ensure that the existing level of off street parking is preserved for existing residents, the Council will not issue any parking permits to occupiers of the proposed development. This would be secured through the Section 106 Agreement, should permission be granted.

21.29 There are a number of public car parks close to the site that could be utilised for the purpose of parking if required:

Car Park	Location	Spaces	Distance from Site (miles)
NCP Epsom High Street	Station Approach	85 including 3 disabled bays	0.1m (2 mins)
West Hill Car Park 24 Hours Mon – Sun	West Street	12 including 2 disabled bays	0.1m (3 mins)
Court Recreation Ground Same Day exit restrictions apply if vehicle enter between hours of 00:01 – 10:00	Court Road	15 (via Court Lane)	0.3m (6 mins)
		50 (via Pound Lane)	0.6m (12 mins)
Ashley Centre 06:00 – 23:00 Mon-Fri	Ashley Avenue	649 including 38 disabled bays	0.2m (5 mins)
Hook Road 06:00 – 23:00 Mon-Fri 07:00 – 20:00 Sat	Hook Road	530 including four disabled bays	0.5m (10 mins)
Town Hall (rear) 24 Hours Mon – Sun	Dulshot Green	85 including 9 disabled bays	0.4m (7 mins)

Upper High Street 24 Hours Mon – Sun	Upper High Street	181 five bays	including disabled	0.6m (12 mins)
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- 21.30 Given that the site is in a highly sustainable location, with access to a range of non-car modes of transport and that any displacement of vehicles generated by the development would not cause harm to highway safety, would not conflict with the operation of the existing highway network, would not cause any inconvenience to residents above any existing situations and would not cause harm to the overall character and appearance of the surrounding area, Officers consider it that would be difficult to justify the refusal of the application outright on the basis that it would fail to comply with the Council's Parking Standards. However, the failure to provide parking in accordance with policy would represent an adverse material consideration to weigh in the planning balance against other considerations for this application.
- 21.31 The applicant has undertaken to provide a car club bay that will serve the entire town, not just the residents of the proposed development. The County Highway Authority have raised no objection to the location of the proposed car club bay on Station Approach in principle (subject to the detailed design stage) and management of the car club has been secured by a private car rental company.
- 21.32 The car club bay would be located on the highway of Station Approach, which is a main bus route that is frequently traversed, as it provides access to Epsom Train Station. The west end of Station Approach is one way only, and therefore vehicles would only be approaching the Car Club space from one direction. It has been demonstrated by way of a swept path diagram (Transport Statement, prepared by Ardent Consulting Engineers, reference 182191-01D and dated July 2022 drawing number 182191-003 Rev B) that both a single decker bus and a double decker bus can safely pass the car club bay when a car is in situ.
- 21.33 The proposed car club bay would be located in close proximity to existing pedestrian crossing with tactile paving, which would provide safe access to/from the proposed development to the car club bay.
- 21.34 The applicant proposes to fund membership to the car club for residents for a period of one year, giving the scheme the best prospect for uptake. After the year, it is intended that the scheme is viable for the private car rental company to continue.

- 21.35 Provision for the secure storage for the minimum requirement of 20 cycles is integrated into the building at ground floor level and would be access externally from West Street. Should permission be granted, the infrastructure/connection will be provided for electric charging facilities for motorised bicycles. In the event permission is granted, a condition is recommended to secure all this provision prior to occupation.
- 21.36 Officers are aware of the duty to give the views of statutory consultees weight. The objection from the County Highway Authority in respect of the reduction of the existing footpath/cycleway for reasons of creating danger and inconvenience to how non motorway highway users manoeuvre along Station Approach is a significant adverse impact on the proposal that must be weighed against the benefits in the planning balance.

22 Refuse and Recycling Facilities

- 22.1 Policy CS6 of the Core Strategy 2007 sets out [inter alia] that proposals for development should result in a sustainable environment and to conserve natural resources, waste should be minimised and recycling encouraged. Development should incorporate waste management processes.
- 22.2 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.
- 22.3 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.
- 22.4 Having reviewed the refuse/recycling arrangements proposed, the Council's Transport and Waste Services Manager considers them to be acceptable in terms of capacity, storage and access.
- 22.5 As such, Officers are satisfied that the proposed development would meet Policy CS6 of the Core Strategy 2007 and the requirements of Annex 2 of the Council's Revised Sustainable Design SPD 2016.

23 Biodiversity and Ecology

- 23.1 The Local Planning Authority have a duty of care under Section 41 of the Natural Environment and Rural Communities Act 2006 to ensure that planning permission is not granted for any development that has potential to unlawfully impact on protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 23.2 Paragraph 180 of the NPPF 2021 states (inter alia) that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
- 23.3 Policy CS3 of the Core Strategy 2007 sets out that development that is detrimental to the Borough's biodiversity will be minimised, and where it does take place, adequate mitigating measures should be provided. Wherever possible, new development should contribute positively towards the Borough's biodiversity.
- 23.4 Policy DM4 of the Development Management Policies Document 2015 seeks to ensure that new development takes every opportunity to enhance the nature conservation potential of a site and secure a net benefit to biodiversity. It sets out that development affecting any site or building that supports species protected by Law including their habitats, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the identified species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity.
- 23.5 The application is supported by an Updated Bat Survey Report, prepared by Southern Ecological Solutions, reference J001711 Rev A and dated July 2022. The Updated Bat Survey Report identifies that a preliminary bat roost inspection was undertaken in June 2022, which updates previous bat inspections undertaken on the site (as detailed in Bat Survey Report, prepared by Ethos and dated July 2019 and correspondence also prepared by Ethos dated 27 April 2021), which identified that no evidence of entry or nesting materials were found during the previous site inspections in 2019 and 2021. The Updated Bat Survey Report concludes that no evidence was found on site for suitability to support roosting, foraging and commuting bats.
- 23.6 The Council's Ecology Officer has reviewed the Updated Bat Survey Report and considers it to be appropriate in scope and methodology and recommends a condition to secure the mitigation measures as set out in Section 6.0 of the Bat Survey Report, prepared by Ethos and dated July 2019.

- 23.7 Furthermore, in order to provide some biodiversity enhancements at the site, in accordance with the requirements set out in Policy DM4 of the Development Management Policies Document 2015 and paragraph 180 of the NPPF 2021, the Council's Ecology Officer has recommended a condition to secure birds boxes and bat boxes at the site, should permission be granted.
- 23.8 Subject to the abovementioned conditions should permission be granted; the Local Planning Authority are satisfied that they have carried out their duty of care under Section 41 of the Natural Environment and Rural Communities Act to protect the species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 23.9 The proposal would not prejudice the existing ecological value of the site and would enhance the conservation potential of a site in accordance with Policy CS3 of the Core Strategy 2007, Policy DM4 of the Development Management Policies Document 2015 and the requirements of the NPPF 2021.

24 Sustainability

- 24.1 The National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7). It sets out that sustainable development has overarching economic, social and environmental objectives - the environmental objectives include mitigating and adapting to climate change. Paragraph 9 of the Framework states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account. requirements of construction and incorporates waste management processes.
- 24.2 Consideration of sustainability and climate change are embedded within the Council's current adopted Core Strategy and Development Management Policies Document. Specifically, Policy CS1 sets out that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development - both in Epsom and Ewell, and more widely. Changes should protect and enhance the natural and built environments of the Borough and should achieve high quality sustainable environments for the present, and protect the quality of life of future, generations. Policy CS6 sets out that development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change

24.3 The application is supported by a Design and Access Statement, prepared by DPA Architecture Ltd, reference 1934 600 01 dated June 2022, which (at section 5.2) demonstrates how the proposed development would incorporate a number of sustainability and energy efficiency measures, such as vertical photovoltaic solar panels within the curtain wall system of the proposed building, a Mechanical Ventilation Heat Recovery system that will recover up to 95% of the heat from extracted air and air source heat pumps.

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

25 Flood Risk and Surface Water Drainage

25.1 Paragraph 167 of the NPPF 2021 states that when determining any planning applications, LPAs should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

25.2 Paragraph 169 of the NPPF 2021 sets out that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

25.3 Policy CS6 of the Core Strategy 2007 states that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development [inter alia] avoids increasing the risk of, or from flooding.

25.4 Policy DM19 of the Development Management Policies Document 2015 states that the Council will expect development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SuDs) at a level appropriate to the scale and type of development.

25.5 The site is located in an area of low flood risk, outside of Flood Zone 2 and 3 as identified on the Environment Agency Flood Risk Maps. Notwithstanding this, the application is supported by a Flood Risk Assessment.

- 25.6 In terms of fluvial flooding, the site, and therefore the proposed development, would be wholly in Flood Zone 1. As such, the development has low risk of fluvial flooding. Furthermore, the access to the site is also located within Flood Zone 1 and would continue unimpeded to provide safe access to and from the residential developments in the event of a flood.
- 25.7 As the proposed development would lie within Flood Zone 1, neither the sequential test or the exceptions test, as set out in the Governments guidance 'Flood risk assessment: the sequential test for applicants' 2017 needs to be carried out
- 25.8 The application is supported by a Flood Risk and Surface Water Management Statement, prepared by Ardent Consulting Engineers, reference 182191-02 Rev A and dated July 2022.
- 25.9 With respect to pluvial flooding, the rear of the site falls partly within a Critical Drainage Area. As the site is currently developed and contains hard surfacing, the proposal would not introduce a new situation on site in terms of impermeability. However, the site proposes to reduce the existing volume of surface water by reducing the impermeable area, therefore providing an improvement to the existing receiving drainage system.
- 25.10 The geology of the site demonstrates that infiltration drainage techniques would not be suitable on the site and therefore attenuation provision is proposed in the form of a system that utilises the roof construction (Blu-Roof System) for the attenuation of rainwater, which is then released at a controlled rate into the existing nearby surface water public sewer network, with any residual storage provided with a below ground geo-cellular attenuation system.
- 25.11 The Lead Local Flood Authority have confirmed that the drainage proposal satisfies the requirements of the NPPF 2021 and has recommended that should permission be granted, suitable conditions are required to secure the details of the design of the surface water drainage scheme and to ensure that it is properly implemented and maintained throughout the lifetime of the development.
- 25.12 As such, it is considered that the flood risk and surface water flooding have been addressed in accordance with Policy CS6 of the Core Strategy 2007, Policy DM19 of the Development Management Policies Document 2015 and the requirements of the NPPF 2021.

26 Land Contamination

- 26.1 Paragraph 183 of the NPPF 2021 states that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 26.2 Paragraph 184 of the NPPF 2021 continues where a site is affected by contamination issues, responsibility for securing a safe development rests with the developer and/or landowner in accordance with paragraph 179 of the NPPF 2021
- 26.3 Policy DM17 of the Development Management Policies Document 2015 states [inter alia] that where it is considered that land may be affected by contamination, planning permission will only be granted if it is demonstrated that the developed site will be suitable for the proposed use without the risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.
- 26.4 The application is supported by a Desk Study/Preliminary Risk Assessment Report' (PRA), prepared Jomas (reference P1481J1366/TE v1.0 dated 27 April 2018). This document indicates the proposed development would have a moderate risk to controlled waters from potential ground contamination and recommends an intrusive investigation to further assess this.
- 26.5 Both the Environment Agency and the Council's Contaminated Land Officer has reviewed this document and have recommended conditions to secure a site investigation scheme, as well as conditions to protect the groundwater source, which in this case is a secondary aquifer within Ground Source Protection Zone 1 (SPZ1).
- 26.6 If permission is granted, these conditions would ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, in this case a secondary aquifer within Ground Source Protection Zone 1 (SPZ1), property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.
- 26.7 The proposal is therefore considered to accord with Policy DM17 (of the Development Management Policies Document (2015) and the requirements of the NPPF 2021.

27 Noise/Vibration

- 27.1 Paragraph 185 of the NPPF 2021 states that planning decisions should ensure that new development is appropriate for its location by taking into account the effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes, inter alia, mitigating and reducing to a minimum the potential adverse impacts resulting from noise from new development and to avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 27.2 As a result of the proximity of the proposed development to the railway line, the application is supported by a Noise and Vibration Assessment, prepared by Entran, dated June 2022, which concludes that thermal and acoustic double glazing would be sufficient to comply with day and night internal noise criteria set out in the relevant British Standard. However, with closed windows, the proposed development would require additional means of ventilation, in order to be compliant with building regulations, which can be secured under Building Control legislation if permission was to be granted.
As per their response to the previous application, the Council's Environmental Health Officer agrees with the conclusion and mitigation measures in terms of dominant noise. ,
- 27.3 Subject to the relevant safeguarding conditions should permission be granted, that there would be no detectable effect on health or quality of life for the future occupiers of the site or neighbouring occupiers due to noise, in accordance with and the NPPF 2021.

28 Archaeology

- 28.1 Paragraph 194 of the NPPF 2021 states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 28.2 Policy CS5 of the Core Strategy 2007 sets out that the Council will protect and seek to enhance the Borough's heritage assets including (inter alia) archaeological remains. The settings of these assets will be protected and enhanced.

- 28.3 Policy DM8 of the Development Management Policies Document (2015) seeks to resist the loss of Heritage Assets and instead promote the opportunity to conserve and enhance these. Specifically, on any major development site of 0.4ha or greater, applicants are required to undertake prior assessment of the possible archaeological significance of a site and the implications of the proposals.
- 28.4 The site is located within an Area of High Archaeological Potential, designated around the historic core of Epsom. The application is supported by an Archaeological Desk Based Assessments, prepared by RPS group, Version 1 and dated October 2022 which concludes that the proposed development would not impact on any designated archaeological assets.
- 28.5 The County Archaeological Officer has reviewed the archaeological desk based assessment submitted and considers it to be of good quality and suitable to support the development application. In view of the nature and scale of the development and the low likelihood of the potential archaeology, the County Archaeological Officer recommends a condition to an archaeological watching brief over excavations required to facilitate the development, should permission be granted, in order to mitigate the impacts of development.
- 28.6 In light of the above, and subject to the recommended condition as set out by the County Archaeologist, Officers are satisfied that there would be no adverse archaeological implications and the proposal would accord with Policy CS5 of the Core Strategy 2007, Policy DM8 of the Development Management Policies Document 2015 and the requirements of the NPPF 2021)

29 Impacts Upon Railway Network

- 29.1 As the site lies in close proximity to a railway line, Network Rail have reviewed the proposal and have recommended the addition of informatives, one of which is a request that the applicant contact Network Rail's Asset Protection and Optimisation (ASPRO) team who will review the details of the proposed development to ensure that it can be completed without any risk to the operational railway.
- 29.2 Crossrail have also reviewed the proposal and has confirmed that the application relates to land outside the limits of land subject to consultation by the Crossrail 2 Safeguard Direction. Crossrail has requested an informative to advise the applicant that the site is adjacent to Network Rail land required for the future delivery of Crossrail 2 which would mean a higher frequency of trains operating from Epsom Station than at present.

30 Fire Safety

- 30.1 The Surrey Fire Safety Inspecting Officer and has reviewed this proposal and confirmed that it demonstrates compliance with the Fire Safety Order in respect of means of warning and escape in case of fire.

31 Community Infrastructure Levy (CIL)

- 31.1 The proposal will be CIL liable.

32 Planning Obligations

- 32.1 The following site specific financial and infrastructure contributions are required to mitigate the adverse impact of the development:

- The provision of two on-site affordable housing units (10% affordable housing). All affordable units are proposed as Discounted Market Sale units.
- Tree planting; within six months of the occupation of the first dwelling the cost associated with the planting of a replacement tree (location, size, species and cost to be agreed with the Council's Tree Officer) shall be met by the developer.
- 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 for levels of affordable housing 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 D.
- Monitoring fee (drafting of Section 106 agreement) of £1,200.

33 Planning Balance

- 33.1 As the Council cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 (d) of the NPPF 2021 is engaged as the policies which are most important for determining the application are out-of-date. There are no footnote 8 policies which would provide a clear reason for refusing permission and which would prevent the tilted balance from being applied.
- 33.2 The presumption is therefore to grant permission for sustainable development unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.
- 33.3 The proposed development would make a meaningful contribution towards delivering the Council's housing target and would therefore be consistent with the Framework and Council policy in so far as it seeks to significantly boost the supply of homes. This benefit is given significant weight in the planning balance.
- 33.4 The proposal would create short term economic benefits during the construction period. Furthermore, the proposed development could create more long-term benefits to the local economy due to the increased spending in the area from new residents, adding vibrancy and vitality to the town centre. This benefit is given moderate weight in the planning balance, as future occupiers may rely on out of area facilities to provide day to day needs, rather than the town/local area.
- 33.5 The proposal would provide a car club bay and the provision and management of a car club scheme for one year, with the intention of the scheme continuing with a local private hire company, that would benefit not only the future residents of the development, but also the wider population. This benefit is given moderate weight in the planning balance, due to the uncertainty regarding its uptake.
- 33.6 The provision of affordable housing in developments is afforded significant weight in the planning balance. However, the level of affordable housing proposed would not accord with the Council's policies in relation to affordable housing. In attributing weight in the planning balance, the provision of three affordable units is afforded moderate weight in the planning balance.

- 33.7 The proposal would result in less than substantial harm to designated and non-designated heritage assets. However, when public benefits arising from the proposal are weighed in the balance (giving great weight to the preservation of the heritage asset), they are considered to outweigh the low level harm to the designated heritage assets and the proposed development is considered acceptable in this respect.
- 33.8 The proposal would accord with the Council's policies in relation to ecology, flood risk, surface flooding, noise/disturbance, land contamination and archaeology. It has also been satisfactorily demonstrated that a development of this scale could be provided on the site that does not have a harmful impact on neighbouring residential amenity. These are not considered to be benefits of the scheme, as new development is expected to be policy compliant.
- 33.9 The conflict with Policies DM11, DM12 and DM13 of the of the Development Management Policies Document (2015) is attributed minor adverse weight given the Council's position set out in the report entitled "Making the Efficient Use of Land – Optimising Housing Delivery".
- 33.10 The conflict with Policy DM22 Housing Mix is attributed minor adverse weight, as it is considered that the proposed housing mix reflects the optimum use of the site and provides for an identified housing need.
- 33.11 The County Highway Authority have objected to the proposed scheme for reasons relating to the provision of the off road loading bay. Members will be aware of the Council's duty to give the views of statutory consultees weight and that a departure from those views requires cogent and compelling reasons.
- 33.12 Officers have given weight to the concerns raised by the County Highway Authority to the potential danger and inconvenience to cyclists and pedestrians as a result of the reduction in the width of a small section of the existing footpath/cycleway. Notwithstanding this, significant weight is also attributed to the fact that the reduced width of the remaining footpath/cycleway would be similar to that found elsewhere along the same footpath/cycleway. The remaining footpath/cycleway would still provide adequate access for both pedestrians and cyclist once the loading bay is in situ. This is considered to be a compelling reason to depart from the view of the County Highway Authority.
- 33.13 The shortfall of on-site car parking spaces would not be policy compliant. However, there is robust justification for the shortfall, given that the site is located within a highly sustainable location with good public transport accessibility. This policy conflict is therefore attributed minor adverse weight.

33.14 It cannot be satisfactorily demonstrated that the proposed development would mitigate for the loss of opportunity to provide new tree planting on the site, and this would be a this would represent an adverse material consideration to weigh in the planning balance against other considerations for this application

33.15 Overall, whilst there are adverse effects in respect of this application, these would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. The application is therefore recommended for approval.

34 Recommendation

Part A: To grant planning permission subject to a Section 106 Agreement being completed and signed within six months of the date of the resolution by the Planning Committee, under the following heads of terms:

- The provision of two on site affordable housing units (10%). The affordable units are proposed as 1 no. affordable rent and 1 no. shared ownership.
- Tree planting; within six months of the occupation of the first dwelling the cost associated with the planting of a replacement tree (location, size, species and cost to be agree with the Council's Tree Officer) shall be met by the developer.
- 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 D.
- Monitoring fee (drafting of Section 106 agreement) of £1,200.

And subject to the following conditions and informatives:

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

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

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

Drawing Number 100.00 - Existing Site Location Plan
Drawing Number 101.00 - Existing Site Block Plan
Drawing Number 102.00 - Existing Floor Plans
Drawing Number 310.00 – Proposed South Elevation
Drawing Number 311.01 – Proposed East Elevation
Drawing Number 312.00 – Proposed West Elevation
Drawing Number 313.00 – Proposed North Elevation
Drawing Number 301.01 – Proposed Site and Ground Floor Plan
Drawing Number 302.01 – Proposed First Floor Plan
Drawing Number 303.01 – Proposed Second Floor Plan
Drawing Number 304.01 – Proposed Third Floor Plan
Drawing Number 305.01 – Proposed Fourth Floor Plan
Drawing Number 306.01 – Proposed Fifth Floor Plan
Drawing Number 307.01 – Proposed Sixth Floor Plan
Drawing Number 308.00 – Proposed Seventh Floor Plan
Drawing Number 309.01 – Proposed Site and Roof Plan
Drawing Number 315.00 – Proposed Site Section
Drawing Number 314.01 – Proposed Street Scene
Drawing Number 182191-001 Rev D - Proposed Delivery Access Arrangements
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 all 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, a mock-up shall be prepared on site which shall include example of all external surfaces and materials as well 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 retained on site. Now 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 DM8, DM9 and DM10 of the Development Management Policies 2015.

5. Prior to any demolition taking place, details of the proposed artwork or the incorporation of retained features from the east elevation of the existing building into the proposed design shall be submitted and approved in writing with the Local Planning Authority. The agreed details shall be installed and maintained in perpetuity.

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 DM8, DM9 and DM10 of the Development Management Policies 2015.

6. Prior to any demolition taking place, a written and photographic record of 24-28 West Street to Level 2 of 'Understanding Historic Buildings' by Historic England 2016 shall be submitted to and approved in writing by the Planning Authority.

Reason: To accord with paragraph 205 2021 of the National Planning Policy Framework to ensure that a record is made of the heritage asset before it is demolished.

7. Prior to any demolition taking place, The Charles Brooking Collection shall be permitted to visit the building and identify architectural features of note which are worthy of preservation. If requested by The Collection, one of each item shall be carefully removed and given and delivered free of charge and cost to the Brooking Collection. If requested by The Brooking Collection, this shall include a photograph of each feature in situ, and details of its location in the house

Reason: To accord with paragraph 205 of the National Planning Policy Framework 2021 to ensure that a record is made of the heritage asset before it is demolished.

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 and visitors 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.

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

10. The development hereby approved shall not be first occupied unless and until details of Electric Vehicle charging and electric cycle charging points have been submitted to and approved in writing by the Local Planning Authority and thereafter 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 to meet the objectives of the NPPF 2021 and to satisfy policies DM35 and DM36 of the 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
 - j) on-site turning for construction vehicles
 - k) measures to ensure the footway/ cycleway are not obstructed during construction
 - l) Measures to ensure that the highway is not obstructed during Epsom Derby Week

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

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

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.

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

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.

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

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.

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

15. 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 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 3.65 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.), this should include details of the proposed Blu-roof system.
- c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.

- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

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

16. 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) and confirm any defects have been rectified.

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

17. 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, in consultation with the Environment Agency and Thames Water, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying groundwater from the risk of pollution, in accordance with Policy DM17 (of the Development Management Policies and the requirements of the NPPF 2021

18. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying groundwater from the risk of pollution, in accordance with Policy DM17 (of the Development Management Policies and the requirements of the NPPF 2021

19. 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) 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.
- b) 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.
- c) 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 ecosystems as required by Policy DM10 of the Development Management Policies Document 2015.

20. The development hereby permitted shall be constructed in accordance with the identified mitigation outlined in the submitted Noise and Vibration Assessment, prepared by Entran, dated June 2022. 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.

21. 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.

22. 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: To ensure archaeological investigation recording in accordance with Policy DM8 of the Development Management Policies Document 2015.

23. The development hereby permitted shall be carried out in strict accordance with the recommendation set out in Section 6.0 of the Bat Survey Report, prepared by Ethos and dated July 2019.

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.

24. No development shall commence on site until details of the siting and scale of bird boxes and bat boxes are submitted to and approved by the Local Planning Authority. The bird boxes and bat boxes shall be installed in accordance with the agreed details prior to the first occupation of the proposed development.

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

25. The development shall be carried out in strict accordance with the sustainable design measures contained in the Design and Access Statement, prepared by DAP Architecture Ltd and dated June 2022, 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.

26. 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 of the Core Strategy 2007 and Policy DM12 of the Development Management Policies 2015.

27. 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, in accordance with Policy DM10 of the Development Management Policies Document 2015.

Informatives

1. In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way.
We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
2. Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the

erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

3. The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
 - carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

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

4. The 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.
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. Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus, it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

10. 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.

Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

11. Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>
12. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
13. The proposed development is located within 15 metres of Thames Waters underground assets and 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>. Should you require further information please contact Thames Water at developer.services@thameswater.co.uk
14. 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.

15. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide [working near or diverting our pipes](https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes).
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>
16. Sub ground structures should be designed so they do not have an adverse effect on groundwater.
17. Network Rail requests the applicant / developer engages Network Rails Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. To start the process with our Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rails Asset Protection website (<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>). This website also provides more information about our Asset Protection team and the services they offer.
18. 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.
19. Compliance with the Building Regulations 2010 will normally ensure compliance with the Fire Safety Order in respect of means of warning and escape in case of fire. However, the responsible person is advised to carry out a fire risk assessment of the proposals at this stage, to identify any risks that might require remedial measures when the premises is occupied, as a result of the nature of the occupancy and/or processes carried on there. Any such measures that are identified should be incorporated into the current design

20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.

30. The applicant is advised that prior to the first occupation of any part of the development hereby approved, details of the measures to be incorporated within the development to minimise the risk of crime to a level that would achieve Secured by Design accreditation shall be submitted to and approved in writing by the Local Planning Authority. The security measures shall be installed within each dwelling, in accordance with the approved details prior to the occupation of that dwelling and confirmation that Secured by Design accreditation has been achieved shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the occupation of the final dwelling. The development shall be retained as such thereafter.

Part B: That in the event the Section 106 Legal Agreement referred to in Part A is not completed within six months of the date of the resolution by the Planning Committee, the Head of Place is authorised to REFUSE the application for the following reason:

1. 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 Core Strategy 2007 in relation to the provision of housing or a commuted sum in-lieu of the on-site provision of affordable housing.