

Public Document Pack

Democratic Services



PLANNING COMMITTEE

Thursday 14 December 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 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.

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 on a first-come first-served basis in the public gallery at the Town Hall. If you wish to observe the meeting from the 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.

A [glossary of Planning terms and acronyms](#) is available to view on the Council's website.

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. Speakers will be registered in the order that submissions to register are received. An individual can waive their right to speak 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 Act 1972 (as amended). 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 THE PREVIOUS MEETING (Pages 5 - 8)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on the 9 November 2023 (attached) and to authorise the Chair to sign them.

3. DEVELOPMENT SITE AT 65 LONDON ROAD, EWELL, SURREY, KT17 2BL (Pages 9 - 72)

Construction of a three to five-storey building plus basement for use as a care home (Use Class C2) with up to 81 bedrooms and associated communal spaces and services, together with associated car and cycle parking, refuse storage and ancillary works.

4. 140 - 142 RUXLEY LANE, EPSOM, (Pages 73 - 118)

Demolition of existing dwellings and erection of 14 new dwellings within two blocks with associated car parking and landscaping.

5. 79-81 EAST STREET, EPSOM, SURREY, KT17 1DT (Pages 119 - 174)

Demolition of 79-81 East Street and the construction of a part 5, part 6 storey building containing 31 residential units (10 x 1-bed, 17 x 2-bed and 4 x 3-bed) (Class C3) together with car parking, landscaping and access arrangements and associated works.

6. KINGSHOTT HOUSE, 83 EAST STREET, EPSOM, SURREY, KT17 1FA (Pages 175 - 210)

Fourth floor roof extension to 83-85 East Street to provide three new residential apartments (comprising 1 x 1-bed unit; 1 x 2-bed unit; 1 x 3-bed unit) together with works to stair and lift cores and other associated works.

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

PRESENT -

Councillor Humphrey Reynolds (Chair); Councillor Steven McCormick (Vice-Chair); Councillors Kate Chinn, Neil Dallen, Julian Freeman, Jan Mason, Bernie Muir, Phil Neale, Peter O'Donovan and Kim Spickett (as nominated substitute for Councillor Clive Woodbridge)

Absent: Councillor Clive Woodbridge

Officers present: Simon Taylor (Planning Development & Enforcement Manager), Virginia Palmer (Principal Planning Officer), Alex Awoyomi (Solicitor) and Dan Clackson (Democratic Services Officer)

21 DECLARATIONS OF INTEREST

Former Police Station, Church Road, Epsom, KT17 4PS

Councillor Neil Dallen, Other Interest: Councillor Neil Dallen declared that he knew one of the objectors who had registered to speak in objection to the application, and explained he was aware that they were a resident within his Ward. He confirmed that it was not a pecuniary interest and that he maintained an open mind.

22 MINUTES OF THE PREVIOUS MEETING

The Committee confirmed as a true record the minutes of the meeting of the Committee held on 5th October 2023, and authorised the Chair to sign them.

23 DEVELOPMENT SITE AT 65 LONDON ROAD, EWELL, SURREY, KT17 2BL

The Committee received a presentation on the application from the Principal Planning Officer.

Description:

Construction of a three to five-storey building plus basement for use as a care home (Use Class C2) with up to 81 bedrooms and associated communal spaces and services, together with associated car and cycle parking, refuse storage and ancillary works.

Officer Recommendation:

Approval, subject to conditions, informatives and s106 legal agreement

Decision:

Following consideration, the Committee voted (3 for, 6 against, and the Chair not voting), against the Officer recommendation, and the motion was lost.

Councillor Neil Dallen proposed that the application be deferred to a future meeting of the Committee for the following reason:

In order to allow time to request information from the applicant with respect to the likely use of the accommodation, and therefore the number of staff and visitors, so that a realistic car park requirement could be identified and met.

The proposal was seconded by Councillor Bernie Muir.

The Committee voted (5 for, 3 against, 1 abstaining, and the Chair not voting) to DEFER the application.

24 FORMER POLICE STATION, CHURCH ROAD, EPSOM, KT17 4PS

The Committee received a presentation on the application from the Planning Development and Enforcement Manager.

Description:

Demolition of the existing police station (Use Class E) and ambulance station (Sui Generis) and erection of a new residential, nursing and dementia care home for the frail elderly (Use Class C2) comprising ancillary communal facilities and dementia care, basement parking, reconfigured vehicular access onto Church Street, landscaping and all other associated works.

Officer Recommendation:

Approval, subject to conditions and informatives.

Public Speaking:

Two Objectors spoke in objection to the application.

The Applicant and their Agent spoke in support of the application.

Decision:

Following consideration, Councillor Phil Neale proposed that the application be deferred to a future meeting of the Committee, for the following reason:

The provided evidence that flooding would not occur as a result of the development was insufficient and not provided by a recognised flood risk authority – a deferral would allow time for the applicant to source and provide information with respect to the flood risk from a recognised flood risk authority, and for a further flood risk assessment to be carried out by the Council.

The proposal was seconded by Councillor Neil Dallen.

The Committee voted (6 for, 2 against, 1 abstaining, and the Chair not voting) to DEFER the application.

25 PLANNING APPEALS REPORT - SEPTEMBER QUARTER

The Committee received and noted a quarterly report summarising all of the planning appeal decisions received by the planning service between June and September 2023.

The meeting began at 7.30 pm and ended at 9.58 pm

COUNCILLOR HUMPHREY REYNOLDS (CHAIR)

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Development Site At 65 London Road, Ewell, Surrey, KT17 2BL

Application Number	23/00817/FUL
Application Type	Full Planning Permission (Major)
Address	Development Site At 65 London Road, Ewell, KT17 2BL
Ward	Stoneleigh Ward
Proposal	Construction of a three to five-storey building plus basement for use as a care home (Use Class C2) with up to 81 bedrooms and associated communal spaces and services, together with associated car and cycle parking, refuse storage and ancillary works
Reason for Committee	Major development
Recommendation	Approval, subject to conditions, informatives and s106 legal agreement
Expiry Date	14 March 2024
Case Officer	Ginny Palmer
Contact Officer	Simon Taylor
Plans and Documents	Found at the following link: 65 London Road
Glossary of Acronyms	Found at the following link: Glossary and Terms



SUMMARY

1 Summary and Recommendation

- 1.1 A planning application was presented to Planning Committee on 09 November 2023, for the:

“construction of a three to five-storey building plus basement for use as a care home (Use Class C2) with up to 81 bedrooms and associated communal spaces and services, together with associated car and cycle parking, refuse storage and ancillary works”.

- 1.2 The planning application had an Officer recommendation for approval, subject to a S106 Agreement and Conditions. The Planning Report presented to the Committee on 09 November 2023 is included at Appendix 1 to this report.

- 1.3 Members deferred the planning application, for the following reason:

“Defer to request likely accommodation use (dementia numbers, etc) and therefore number of staff and visitors so that a realistic car park requirement can be identified and met”.

- 1.4 Officers also note that Members requested further information about the care that would be offered within the proposed care home, the ratio of staff to residents, further information about the staff and visitors, including hairdressers, etc, who would visit the proposed care home and drawing SK01 Rev G, taken from the supporting Transport Assessment, illustrating the footpath and proposed highways improvements.

- 1.5 The Applicant has prepared a letter, to address the reason for deferral. An email was also sent to Officers on 22 November 2023, with further information to address the reason for deferral. The letter and email are both publicly available on the Council’s website, under ref: 23/00817/FUL, alongside all relevant plans and supporting documentation submitted with the planning application. A glossary of planning terms and acronyms is also available to view on the Council’s website.

- 1.6 This Update Report presents and assesses the additional information provided by the Applicant in response to the reason for deferral. The original Planning Committee Report is included as an Appendix A, and the documentation supporting the original planning application is available on the Council’s website, under ref: 23/00817/FUL.

- 1.7 Officers recommend approval of the planning application, subject to a S106 Agreement and Conditions.

APPRAISAL

2 Additional information from the applicant

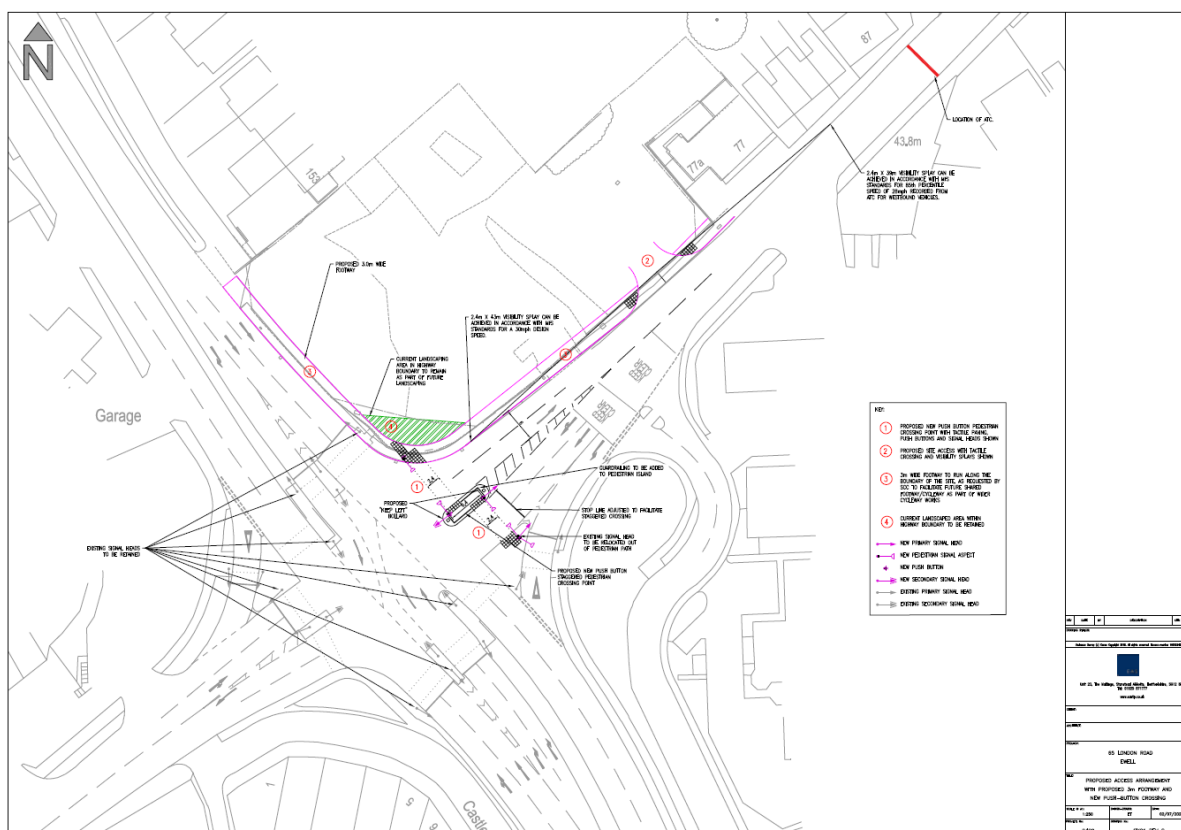
- 2.1 The proposal is a Class C2 care home, accommodating residents that would require a high level of assistance with day-to-day living, as well as nursing care. As such, it is highly unlikely that any residents would own cars. Being able to drive a car demonstrates a level of independence that does not fit the profile of a care home resident. There are other forms of specialist accommodation for older people who require care and assistance but who are capable of a degree of independent living. Whilst these do sometimes fall within Use Class C2, they are distinguishable from the type of care home proposed in this planning application.
- 2.2 The Applicant is a property development company and not a care home operator. This is not an unusual situation and reflects common practice and commercial realities in this sector. Since submission of the planning application, the Applicant has entered into a contract with Operator Lovett Care, which subject to planning permission being granted for the current care home application, is the intended Operator.
- 2.3 The design of the proposed development, including the number of on-site car parking spaces, ancillary services/facilities, communal areas, and nursing facilities relative to the number of bedrooms, have been informed by various industry experts, including potential Operators, Agents and Architects, who specialise in the care home sector.
- 2.4 Lovett Care envisage that at full occupancy, there would be a maximum of 30 staff on Site at any one time, including the following:
- 15x Care Staff/Nurses (three shifts of: 7am-2pm/2pm-7pm/7pm-7am)
 - Home Manager/Assistant Manager (8.30-5pm)
 - Receptionist (8.30-5pm)
 - Host/Hostess (8.30-5pm)
 - Head Chef (8.30-5pm)
 - 2x Kitchen Assistants (8.30-5pm)
 - 2x Laundry Staff (8.30-5pm)
 - 3x Housekeeping (8.30-5pm)
 - 1x Maintenance (8.30-5pm)
 - A physiotherapist and a hairdresser would visit the site once a week during normal working hours.
- 2.5 In Lovett Care's experience, a care home of the size and type currently proposed is likely to attract a maximum of 10 visitors a day, but this is typically spread out over the day, and not every day.
- 2.6 For the sake of comparison with the parking standards for other land uses with on-site employment and visitors, 30 staff equates to 1 car parking space per 1.2 staff/other personnel. For comparison purposes, Surrey

County Council's (SCC) adopted car parking standards for offices is 1 space per 30sqm – 100sqm, depending on location. The Homes & Communities Agency's "Employment Densities Guide 2015" matrix says, based on extensive research, that office occupancy rates are 1 employee per 8-13sqm (depending on the sub-sector of office provided).

- 2.7 Taking SCC's parking standards for offices of 1 space per 30sqm as a worst case scenario (i.e., the highest amount of car parking relative to floorspace), this equates to 1 car parking space per 2.3 – 3.75 employees.
- 2.8 The 1 car parking space per 1.2 staff for the proposed care home is therefore considerably higher than the car parking standards for offices. As with the car parking standards for offices, this car parking ratio includes an allowance for visitors to the Site.
- 2.9 The number of dementia care residents has not been determined at this stage, as would ultimately be determined by local need when the care home opens (subject to planning permission being granted). The Operator would take account of a wide range of factors including how the Site can operate, including from a car parking availability perspective.
- 2.10 Lovett Care confirms that typically it would expect to have one floor dedicated to dementia care, which is an approach it and other similar Operators typically accommodate within care homes. The staffing numbers provided by Lovett Care is based on their other care homes, which include a similar proportion of dementia care beds versus other care beds.

3 Proposed access arrangement with proposed 3m footway and new push-button crossing

- 3.1 There was some discussion at the November Planning Committee of the highway works. Drawing ref: SK01 Rev G – proposed access arrangement with proposed 3m footway and new push-button crossing is obtained from the Transport Assessment, which supports the planning application. This document is included below to outline the location of the highway works and included in full as Appendix B for reference. The improvements sought by SCC Highways within the scope of the s106 agreement and outlined in Part A of the recommendation would include crossing facilities and a pavement as shown on the plan. Bus stop improvements are to the eastern end of the A24 (not shown on the plan).



4 Officer comment

- 4.1 Officers are content that the additional information provided by the Applicant demonstrates that the car parking provision proposed at the Site is adequate and justified and reaffirms the conclusions of the Transport Statement, and the Officer assessment within the original Planning Committee Report, included as Appendix A. There are adequate measures in place to ensure safe car parking at the Site, including through a Car Park Management Plan and Travel Plan. Whilst it is envisaged that residents of care home would not drive cars, an additional Condition is recommended, so ensure that residents could not utilise the car parking spaces at the Site (see proposed Condition 22).
- 4.2 Whilst not a planning policy requirement to share who an intended Operator is, the Applicant has entered into an agreement with Lovett Care, which states that there would be a maximum of 30 staff on the Site at any one time, and that the car parking proposed is sufficient.
- 4.3 Officers recommend approval of the planning application, subject to a S106 Agreement and Conditions.

RECOMMENDATION

PART A

To grant planning permission subject to a Section 106 Agreement securing the following Heads of Terms:

- **Bus Stop Infrastructure at both the A24 northside bus stop and A24 southside bus stop, to include shelters and real time passenger information**
- **Push button controlled pedestrian crossing facilities on London Road**
- **A 3m wide footway on both the London Road and Ewell Bypass frontages to the Site**
- **Travel Plan Auditing fee of £6,150**

and the following conditions and informatives.

PART B

In the event that the Section 106 Agreement referred to in Part A is not completed by 14 June 2024, the Head of Place Development is authorised to refuse the application for the following reason:

“In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy SC9 and CS16 of the Core Strategy 2007 and Policies DM36 and DM37 of the Development Management Policies Document 2015.”

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 details

The development hereby permitted shall be carried out in accordance with the following approved plans: 420(SP)01 - Location Plan

420(SP)03 Rev P00 - Proposed Site Plan
420(SP)04 Rev P00 - Proposed Ground Floor Site Plan
GA 420(GA)01 Rev P00 - Proposed Basement Floor GA
420(GA)02 Rev P00 - Proposed Ground Floor GA
420(GA)03 Rev P00 - Proposed First Floor GA
420(GA)04 Rev P00 - Proposed Second Floor GA

420(GA)05 Rev P00 - Proposed Third Floor GA
420(GA)06 Rev P01 - Proposed Fourth Floor GA
420(GA)07 Rev P00 - Proposed Roof Plan GA
420(GA)20 Rev P00 - Proposed Elevations GA - Proposed Streetscapes
420(GA)21 Rev P00 - Proposed Elevations GA - Southwest
420(GA)22 Rev P00 - Proposed Elevations GA - Southeast
420(GA)23 Rev P00 - Proposed Elevations GA - Northwest
420(GA)24 Rev P00 - Proposed Elevations GA - Northeast
D0456_001_C - Landscape Proposal Hard works
D0456_002_D - Landscape Proposal Soft works

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) Materials

Prior to the commencement of development, 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) 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) programme of works
- 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 (or measures for traffic management)
- k) has been submitted to and approved in writing by the Local Planning Authority.
Only
- l) the approved details shall be implemented during the construction of the development

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2023

5) Means of enclosure

No development shall take place until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and any other means of enclosure have been submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority in respect of the details of the boundary treatment at the southernmost corner of the site. Development shall be carried out in accordance with the approved details prior to the development first being occupied and shall thereafter be retained

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

6) Travel Plan

Prior to the occupation of the development a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the 'Heads of Travel Plan' document (if appropriate, specify).

And then the approved Travel Plan shall be implemented (trigger point to be added on site specific basis) and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2023

7) London Road access

No part of the development shall be first occupied unless and until the proposed vehicular access to London Road has been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority (in general accordance with drawing SK01 Rev G contained in the Transport Assessment, June 2023) and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2023

8) 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 to the satisfaction of the Local Planning Authority

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2023

9) Car Park Management Plan

Prior to occupation of the development hereby approved, a Car Park Management Plan, to identify and manage the users of the parking spaces (including but not limited to staff and visitors) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the Car Park Management Plan shall be implemented in accordance with the approved details.

Reason: In the interests of road safety and to prevent obstruction of the highway and public areas by inappropriate overspill parking. To support the sustainable development objectives of the National Planning Policy Framework 2023

10) SuDS details

The development hereby permitted shall not commence until details of the design of a surface water drainage scheme (with reference to the revised drainage strategy set out in EAS letter dated 8 September 2023) 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. Associated storage volumes shall be provided using an infiltration-based strategy.
- 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.). Including details of the rainwater planters.
- 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. Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.
- 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.

The agreed scheme must be implemented prior to the commencement of development and maintained throughout the lifetime of the development.

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.

11) SuDS verification report

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

12) Piling Method Statement

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

13) Nitrogen dioxide assessment

Prior to first occupation of the development, the applicant shall submit a report to be approved in writing by the local planning authority, setting out the approach to reducing levels of nitrogen dioxide in the ground floor residences to acceptable concentrations. The report shall include modelling to predict internal concentrations under a range of circumstances, demonstrate the degree by which occupants can open windows, the frequency of filter changes necessary to maintain efficiency, report the specification of the proposed mechanical system and include sufficient calculations to show the necessary filter dwell time and air volume movement is being achieved.

The agreed scheme must be implemented prior to the occupation of the development and maintained throughout the lifetime of the development.

Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy DM10 of the Development Management Policies 2015

14) Noise treatment details

No development shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of noise has been submitted to and approved in writing by the local planning authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and thereafter retained as such

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

15) Internal noise criteria details

Prior to first occupation of the development, the applicant shall submit a report to be approved in writing by the local planning authority setting out the proposed glazing specification and room ventilation approach to include sufficient calculations for compliance with the internal noise criteria contained within BS 8233:2014 and the ANC/IoA Acoustics Ventilation and Overheating Residential Design guide. Such a report shall form the basis of noise and overheating assessment and sufficient mitigation strategies for both shall be defined

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

16) Ground/groundwater contamination

A desk study has been submitted with this planning application. A detailed scheme of risk management shall be designed and submitted to the Local Planning Authority for approval, prior to the commencement of development, if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks.

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, prior to the commencement of development

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

17) Remediation scheme

Prior to any occupation of the site, the approved remediation scheme, if required under Condition 16, must be carried out in accordance with its terms. Following completion and prior to occupation, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority

Reason: To 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

18) 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 access to London Road, the depth measured from the back of the footway 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

19) Stopping up of existing access

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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2023

20) 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 purposes

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2023

21) Cycle parking

The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles within the development site has been provided in accordance with the approved plans and thereafter shall be retained and maintained to the satisfaction of the Local Planning Authority

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2023

22) Restricting use of car parking spaces

Residents of the development shall not be allowed to utilise the car parking spaces for parking of vehicles.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2023

23) Unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. In that event, an investigation and risk assessment must be undertaken and where remediation is deemed necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority

Reason: To 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

24) Hours of work

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

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

25) Compliance with Reptile Survey

The development hereby approved shall be carried out in accordance with the protection, mitigation, recommendation and enhancement measures detailed in the (WE) Ecological Appraisal Report, dated June 2023 and the (WE) Reptile Survey, dated June 2020. The approved measures shall thereafter be maintained

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

26) Compliance with Sustainability Report

The development hereby approved shall be carried out in accordance the Energy and Sustainability Report, dated May2023. The approved measures shall thereafter be maintained.

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)

27) Landscape design proposal

The development shall take place in accordance with D0456_001_C - Landscape Proposal Hard works and D0456_002_D - Landscape Proposal Soft works. The 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

Informatives

- 1) 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 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/flooding-advice

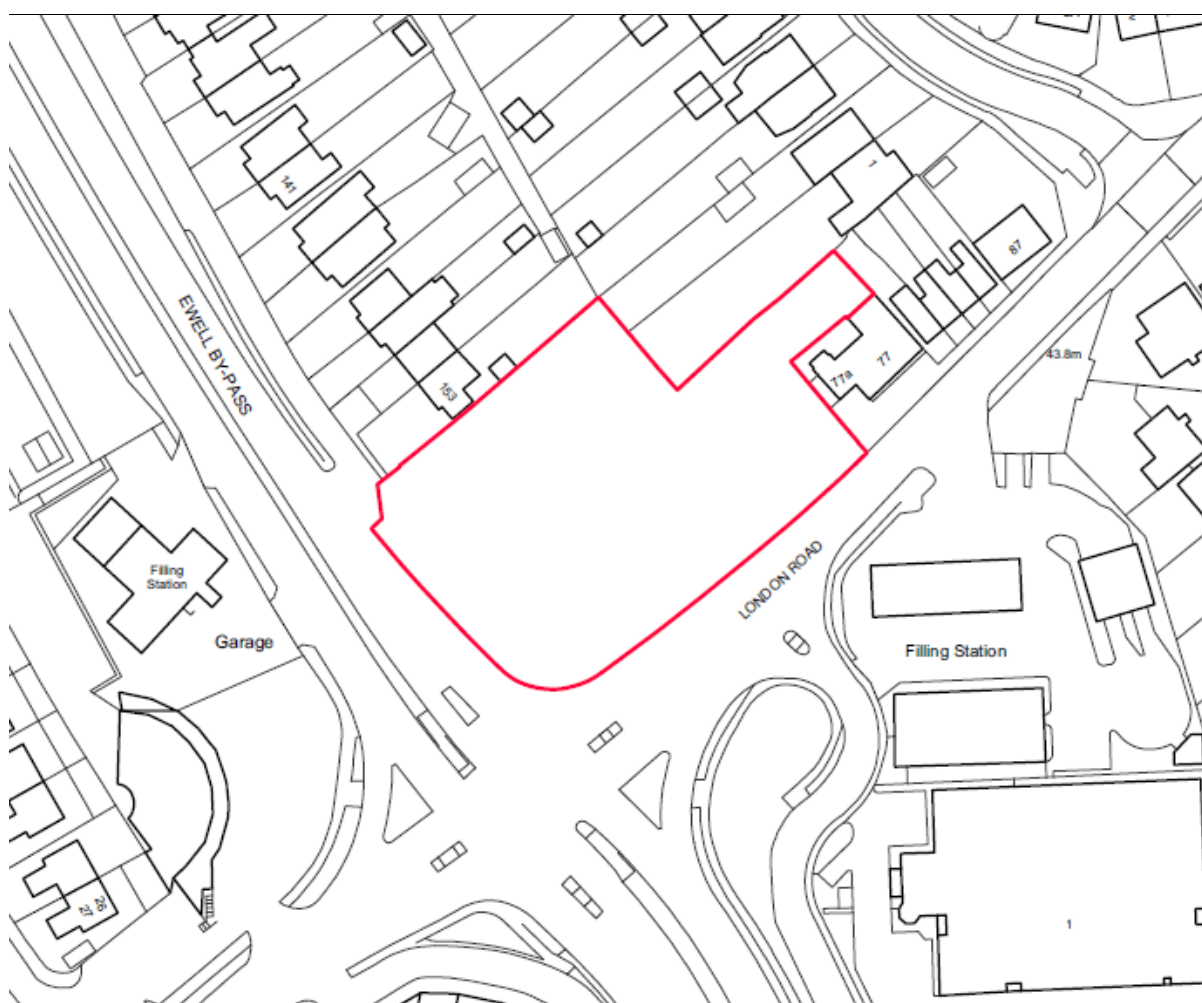
- 2) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149)
- 3) The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment
- 4) 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
- 5) 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
- 6) 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
- 7) 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
- 8) Sub ground structures should be designed so they do not have an adverse effect on groundwater
- 9) 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's website. If proposed works result in infiltration of surface water to ground within a Source Protection Zone

the Environment Agency will require proof of surface water treatment to achieve water quality standards. Sub ground structures should be designated so they do not have an adverse effect on groundwater. If there are any further queries please contact the Flood Risk, Planning, and Consenting Team via SUDS@surrey.gov.uk.

- 10) As required by Building Regulations part H, paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 11) Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharged into the public sewer.
- 12) Thames Water would advise that management of surface water from new development should follow Policy SI 13 Sustainable Drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services would be required,
- 13) Thames Water recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities.
- 14) There are public sewers crossing or close to the Site. If significant work is planned near to the sewers, it's important that you minimise risk of damage. The Applicant is advised to read Thames Water's guide to working near to or diverting pipes.
- 15) Thames Water advises the Applicant that the development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The Applicant is encouraged to read the Environment Agency's approach to groundwater protection and may wish to discuss implications for their development with a suitably qualified environmental consultant.

Development Site At 65 London Road, Ewell, Surrey, KT17 2BL

Application Number	23/00817/FUL
Application Type	Full Planning Permission (Major)
Address	Development Site At 65 London Road, Ewell, KT17 2BL
Ward	Stoneleigh Ward
Proposal	Construction of a three to five-storey building plus basement for use as a care home (Use Class C2) with up to 81 bedrooms and associated communal spaces and services, together with associated car and cycle parking, refuse storage and ancillary works
Recommendation	Approval, subject to conditions, informatives and s106 legal agreement
Expiry Date	10 February 2024
Contact Officer	Ginny Palmer
Reason for Committee	Major development



SUMMARY

1 Summary and Recommendation

- 1.1 This application is to be determined at Planning Committee, as it is classified as a “major planning application”.
- 1.1 The Site is previously developed land within the Built-Up Area of Epsom & Ewell, with extant planning permissions for a 45-flat scheme and a 70-bedroom Care Home scheme. The proposed development seeks to provide a specialist form of accommodation (Use Class C2).
- 1.2 Accompanying the planning application is a Planning Need Assessment (Caterwood), which indicates that there is a need for en-suite wetroom bedrooms within Epsom and Ewell and the wider catchment area. The proposal contributes towards this need. It also enables the freeing up of housing stock for use by others and contributes the equivalent of 44 units to Epsom & Ewell Borough Council’s housing land supply, when applying the “Housing Delivery Test Measurement Rule Book”.
- 1.3 The proposal has been designed to respond to its immediate surroundings. The scheme combines good design and landscaping, which is viewed positively, especially when judged against the Site’s existing situation. Internally, the scheme has been designed to cater for residents requiring care and support.
- 1.4 There is a presumption in favour of granting sustainable development unless the application of policies gives a clear reason for refusing permission (paragraph 11 of the NPPF).
- 1.5 In this case, the proposal seeks numerous public benefits, including:
 - Redeveloping a vacant Site and optimising the use of land
 - Provision of a Care Home (Use Class C2), which brings numerous social benefits
 - Enabling people to move out of existing housing, freeing up housing stock for use by others
 - Contribution that the proposal would make to the Council’s housing land supply
 - Creation of employment opportunities.
- 1.6 The proposal also seeks to provide car parking, cycle parking and an ambulance and deliveries bay. It also seeks a widened footway, push button controlled pedestrian crossing facilities and improved bus infrastructure. The proposal has been formally assessed by SCC Highways and the Local Planning Authority’s Waste Team.

- 1.7 The proposal also demonstrates how the development could be taken forwards in accordance with best practice sustainable design and construction policies.
- 1.8 Taking the relevant facts of this application into consideration, Officers recommend approval of this application, as the adverse impacts are not considered to demonstrably outweigh the benefits, when assessed against the NPPF, as a whole.
- 1.9 The plans and supporting documentation for the planning application and representations for or against the proposal, if any, are held electronically on the [Council's website](#), correct at the time of publication.
- 1.10 A [glossary of Planning terms and acronyms](#) is available to view on the Council's website.

KEY INFORMATION

	Existing	Proposed
Site Area	3,172sqm	3,172sqm
Units	0 (two extant permissions for 45 dwellings (Class C3) and 70-bedroom Care Home (Class C2) (equivalent of 38 Class C3 dwellings))	81 care home bedrooms (Class C2) (equivalent of 44 Class C3 dwellings)
Floorspace	0 (two extant permissions for 45 dwellings (3,387sqm GIA) and 70-bedroom Care Home (3,651sqm GIA))	4,366sqm GIA
Affordable Housing Units	N/A	N/A
Car Parking Spaces	0 (the 45-dwelling scheme has 33 spaces and 70-bedroom Care Home scheme has 24 spaces)	25
Cycle Parking Spaces	0 (the 45-dwelling scheme has 54 spaces and 70-bedroom Care Home scheme has 10 spaces)	10
Specific dimensions of proposed building		
Height of proposed building	Ewell-by-Pass wing = 10.6m – 16m above existing Ewell By-Pass pavement (which increase in height by approximately 0.6m from north to south) London Road wing = 11.3m-15.6m above existing London Road pavement (which increases in height by 1.3m from west to east)	

Width of proposed building	Ewell By-Pass wing = 9.2m (width of the three-storey part) – 15.4m London Road wing = 15.4m
Depth of proposed building	Ewell By-Pass wing = 33.3m (40.5m including the three-storey part) London Road wing = 38.4m – 42m
Size of proposed bedrooms	16sqm + 4sqm en-suite wetroom = 20sqm
Size of private amenity spaces	0sqm
Size of communal amenity spaces	Internal = combined communal internal areas 710sqm External = garden 336sqm and terraces (at 1 st , 2 nd , 3 rd and 4 th floor levels) 82sqm

SITE AND PROPOSAL

2 Description of Site

- 2.1 The Application Site (“Site”) comprises vacant land, which was formally occupied by the “Organ and Dragon” pub, which is understood to have been demolished in 2014.
- 2.2 The Site is a corner plot, off London Road and Ewell By-Pass. It measures approximately 0.32 hectares in size. The Site is accessed off London Road.
- 2.3 There are various uses surrounding the Site, including (but not limited to) petrol stations, a car sales garage, commercial uses, and houses.
- 2.4 The closest bus stop is approximately 140 metres to the north-east of the Site. Ewell West Train Station is approximately 0.7 miles to the south-west of the Site and Ewell East Train Station is approximately 0.8 miles to the south of the Site.
- 2.5 The Site is designated as:
- Built Up Area
 - Stoneleigh and Auriol Neighbourhood Forum.
- 2.6 The Site is not listed, but there are listed buildings in proximity to it. The Site is not located within a Conservation Area.

The Site is located within Flood Zone 1 (low probability of flooding).

3 Description of Proposal

3.1 The Site is previously developed land within the Built-Up Area of Epsom & Ewell, with extant planning permissions for a 45-flat scheme and a 70-bedroom care home scheme. The proposed development seeks to provide a specialist form of residential accommodation (Use Class C2).

3.2 The formal description of the proposed development is:

“Construction of a three to five storey building plus basement for use as a care home (Use Class C2) with up to 81 bedrooms and associated communal spaces and services, together with associated car and cycle parking, refuse and storage and ancillary works”

3.3 The following table sets out that differences between this proposed scheme, and the 70-bedroom Care Home scheme and the 45-flat scheme:

	45-flat scheme	70-bed scheme	81-bed scheme
Residential units	45	Equivalent of 38	Equivalent of 44
Floorspace	3,387m ²	3,651 m ²	4,366 m ²
Footprint	803 m ²	886 m ² + 32.72 m ² bike/bin store	896m ² + 41m ² bike/bin store
Height			
Ewell By-Pass	10.1-19.5m	12.3-14.5m	9.3-17.5m
London Road	10.7-19.5m	12.3-14.5m	12.3-17.5m
Depth			
Ewell By-Pass	35.1m + 6.5m	33.3m	40.5m
London Road	31.7m	41.6m	42m
Width:			
Ewell By-Pass wing	14m	14.2-15.4m	9.2-15.4m
London Road wing	15.5m	11.7-15.4m	11.7-15.4m

3.4 The proposed development responds to an identified need for new Care Home beds in both the Epsom & Ewell Borough Council area, and a wider (circa. 4 mile) market catchment area. The proposed Care Home would be capable of caring for residents of all dependency levels, including specialist dementia care, providing bedrooms with en-suite “wetrooms” together with spacious communal areas and other ancillary services/facilities for residents.

3.5 The proposed Care Home falls within Use Class C2 (“residential institutions”) of the Town and Country Planning (Use Classes) Order 1987 (as amended), which defines Class C2 use as “Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3 (dwelling houses). Use as a hospital or nursing home. Use as a residential school, college, or training centre”.

CONSULTATIONS

Internal Consultees	
EEBC Design and Conservation Officer	No response received
EEBC Ecology	Recommend Conditions
EEBC Tree Officer	Recommend Conditions
EEBC Environmental Health	Recommend Conditions
EEBC Contaminated Land	Recommend Conditions
EEBC Waste	No objections
EEBC Planning Policy	No response received
External Consultees	
SCC Adult Social Care	No objection, but recommendations
SCC Highways	Recommend Conditions
SCC Fire and Rescue	Recommend consideration is given to the installation of AWSS (i.e., sprinklers, water mist, etc) as part of a total fire protection package
Environment Agency	No response received
SCC LLFA	Recommend Conditions
Thames Water	Recommend Condition
SCC Archaeology	No objections
Public Consultation	
Neighbours	<p>The application was advertised by means of a site notice, press notice, and notification to 24 neighbouring properties, concluding on 07 August 2023. 2 submissions were received. They raised the following issues:</p> <ul style="list-style-type: none"> • Design. The proposed development is too high and there is an inadequate boundary • Construction/vibration noise to surrounding residential properties • Safety of residents of 1 and 3 Elmwood Drive, and 153 Ewell By Pass, as there would need to be a further barrier • Loss of daylight to surrounding residential properties • Concern regarding ventilation for future residents • Overbearing to 1 Elmwood Drive

	<ul style="list-style-type: none"> Lack of car parking <p>Applicant response: The Applicant responded to concerns raised by letter, dated 15 September 2023. The contents of the letter, and the planning officer's consideration, are summarised within the body of this Report.</p>
Ward Member	No comments were received.
Residents Association	No comments were received.

PROPERTY HISTORY

Application number	Application detail	Decision
16/00933/FUL	Erection of a Class A1 convenience supermarket and associated parking, access, servicing, and landscaping. (Amended drawings received 09.05.2017)	Refused 27 June 2017
18/00573/FUL	Development of a supermarket, together with associated parking, access servicing and landscaping	Refused 15 February 2019
20/01079/FUL	Construction of a three to six storey building comprising 45 flats (Use Class C3) with associated car and cycle parking, refuse storage and ancillary works	Granted 16 August 2021
22/00728/FUL	Construction of a four storey building plus basement for use as a care home (Use Class C2) with up to 70 bedrooms and associated communal spaces and services, together with associated car and cycle parking, refuse storage and ancillary works.	Granted 17 January 2023

SITE CONSTRAINTS

- Built Up Area
- Stoneleigh and Auriol Neighbourhood Forum
- Flood Zone 1 (low probability of flooding)

PLANNING POLICY AND GUIDANCE

National Planning Policy Framework 2023 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a Sufficient Supply of Homes
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport

- Section 11: Making Effective Use of Land
- Section 12: Achieving Well-Designed Places
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 16: Conserving and Enhancing the Historic Environment

Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS8: Broad Location of Housing Development
- Policy CS9: Affordable Housing and Meeting Housing Needs
- Policy CS16: Managing Transport and Travel

Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM4: Biodiversity and New Development
- Policy DM5: Trees and Landscape
- Policy DM8: Heritage Assets
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM12: Housing Standards
- Policy DM19: Development and Flood Risk
- Policy DM21: Meeting Local Housing Needs
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

Other Documentation

- Planning Practice Guidance 2021 (NPPG)
- Surrey County Council Commissioning Statement 'Accommodation with care residential and nursing care for older people Epsom and Ewell Borough April 2019 onwards'
- Strategic Housing Market Assessment Update 2019
- Council's Housing and Economic Development Needs Assessment 2023
- Making the Efficient Use of Land – Optimising Housing Delivery 2018
- Strategic Housing Market Assessment Update 2019
- Surrey County Council Vehicular and Cycle Parking Guidance 2021
- Parking Standards for Residential Development SPD 2015
- Revised Sustainable Design SPD 2016
- Historic England guidance: The Setting of Heritage Assets

APPRAISAL

4 Presumption in Favour of Sustainable Development

- 4.1 Paragraph 11 of the NPPF 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. Currently, the Council does not have an up-to-date development plan on account of not being able to demonstrate a five-year supply of housing.
- 4.2 Paragraph 11(d) is engaged where the Council's policies which are most important for determining the application are out-of-date. The practical application and consequence of this is that unless the site is 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 as a whole.
- 4.3 The Site is designated as a Built-Up Area and in accordance with Policy CS8, a Care Home is an acceptable use at this Site (subject to material considerations).
- 4.4 The scheme would contribute the equivalent of 44 units to Epsom & Ewell Borough Council's housing land supply, when applying the "Housing Delivery Test Measurement Rule Book". This is not merely a theoretical contribution to housing land supply. The proposal would enable older people to move from existing housing, freeing up that stock for use by others. Consequently, it is appropriate to have regard to this contribution as a benefit of the proposals.
- 4.1 It may be argued that some of those occupying the proposed units would be moving from outside of Epsom & Ewell Borough Council's authoritative area. The NPPF emphasises the importance of significantly boosting the supply of homes and this objective is not confined to specific areas. This is clearly set out within the Inspector's Appeal Decision for Epsom General Hospital (APP/P3610/W/21/3272074). The Inspector set out that freeing up housing stock in other Local Authority areas is a benefit.
- 4.2 It is important to note the pressing need for housing in Epsom & Ewell, as shown by the Housing Delivery Test (HDT) outcomes and the housing land supply position. Considering that pressing need, significant weight is given to the contribution that the proposal would make to housing land supply.
- 4.3 In this case, the proposal seeks numerous public benefits, including:
- Redeveloping a vacant Site and optimising the use of land

- Provision of a Care Home (Use Class C2), which brings numerous social benefits
- Enabling people to move out of existing housing, freeing up housing stock for use by others
- Contribution that the proposal would make to the Council's housing land supply
- Creation of employment opportunities.

4.4 In considering the above, Officers consider that the proposal offers an opportunity to redevelop the vacant Site and provide a Care Home (Use Class C2), which is an appropriate use at this Site. The proposal would enable the freeing up of housing stock for use by others and would contribute towards the housing land supply position. It would also create employment opportunities too.

4.1 The minor adverse impacts of this proposal, which include the proposal not providing

- 4.2 a maximum number of 41 car parking spaces in accordance with Surrey County Council's Vehicular and Cycle Parking Guidance, is not considered to demonstrably outweigh the benefits of the scheme, when assessed against the NPPF as a whole.

5 Principle of Development

Location of Development

- 5.1 The Site is within the designated Built-Up Area and in accordance with Policy CS8, a Care Home is an acceptable use at this Site (subject to material considerations).
- 5.2 Officers note the recent planning permission at the Site, under ref: 22/00728/FUL, where a Care Home (Use Class C2) was considered acceptable. In the spirit of consistent decision making, the principle of a Care Home at this Site continues to be acceptable.

Care Home provision

- 5.3 Paragraph 60 of the NPPF sets out 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.
- 5.4 The NPPG states that the need to provide housing for older people is critical and that the proportion of older people in the population is increasing.

- 5.5 Policy CS8 sets out that new housing development will be located within the defined Built-Up area of Epsom and Ewell.
- 5.6 Policy DM21 states that permission will be granted for specialised forms of residential accommodation where there is evidence of need and there will not be overprovision of a particular type of accommodation.
- 5.7 Supporting paragraph 4.9 of Policy DM21 sets out that it is important that the Council ensures that new housing developments provide a choice and mix of housing so that the Borough continues to be comprised of balanced and sustainable communities.
- 5.8 There is no single, recognised methodology for identifying future residential and nursing care need, as stipulated within the Inspector's Appeal Decision for Epsom General Hospital (APP/P3610/W/21/3272074).
- 5.9 A "Planning Need Assessment", by Carterwood, dated March 2023, accompanies this application. The Planning Need Assessment sets out that the proposal would provide an 81-bed purpose-built car home to meet the needs of all aspects of elderly care provision, including nursing, personal and dementia care.
- 5.10 The Planning Need Assessment is based on a circa 4-mile market catchment area, and the Epsom and Ewell Borough Council area.
- 5.11 The Planning Need Assessment sets out that based on 2025, the earliest the proposed Care Home could be available, there is a net need for 24 and 195 minimum market standard Care Home beds in the market catchment and Epsom & Ewell Borough Council area.
- 5.12 The Planning Need Assessment assesses the balance of provision for dedicated dementia beds in 2025, which indicates a net need for 335 and 112 minimum market standard Care Home beds in the market catchment and Epsom & Ewell Borough Council area. For clarity, the first figure is the need in the market catchment area, and the second figure is the need in the Borough.
- 5.13 The Planning Need Assessment provides an analysis of need for Care Home bedrooms providing full en-suite wetrooms. There is a net need for 1,246 and 462 elderly beds, including 629 and 206 dedicated dementia beds, in the market catchment area and Epsom & Ewell Borough Council area.
- 5.14 The Planning Need Assessment sets out that the market catchment area and Local Planning Authority shortfalls are expected to increase to 687 and 352 minimum market standard beds by 2035. This assumes planned schemes are developed, and existing supply and prevalence rates remain constant.

- 5.15 The Planning Need Assessment sets out that the proposed Care Home would be capable of caring for residents of all dependency levels, including those who require dementia care within a specialist unit, with well-specified, flexible, COVID-19 compliant accommodation to enable care to be administered most effectively.
- 5.16 Surrey County Council Adult Social Care formally commented on this application, setting out that as the planning application amounts to an alteration of the previously approved Care Home scheme, increasing the number of units to 81, the previous comments provided on planning application ref: 22/00728/FUL still apply. The previous comments are set out below:

The [Epsom & Ewell Accommodation Statement](#) states that at the time of publication there was an indicative need for both additional residential and nursing care home provision in the Epsom & Ewell Borough Council area. Since publication the following care homes have closed in the Epsom & Ewell Borough Council area, which amends the figures as follows:

- *Epsom Lodge - reduction of residential care home supply of 13 beds*
- *The Elders Care Home – reduction of residential care home supply of 23 beds*
- *Homelea – reduction of residential care home supply of 19 beds*

However, it is recognised that several residential and nursing care home planning applications have been received by Epsom & Ewell Borough Council since the publication of the Accommodation Statement. The outcomes of these applications should be reviewed by the Planning Authority to establish if this manifestly changes the outcome of the Accommodation Statement.

While the Applicant is an organisation with no history of operating care homes itself, there is no reference to a care provider working in partnership with the organisation in (the previous) application. There is therefore very little indication of what type of care will be delivered on Site, whether the care home would operate with or without nursing care provision, and no description of exactly how the particular development would benefit local residents or the joint health and social care system. (That) application therefore suffered by comparison with others that provided details of future operational plans. But there is no local planning policy that requires clarity on who will operate any future care development, nor any requirement for an operator statement alongside other statements in the application.

- 5.17 Surrey County Council Adult Social Care did not comment on the additional storey and changed footprint from a massing and scale

perspective, but it is their view that the Care Home designers should reflect further on the plans for the fourth floor. As per section 4.2 of the Applicant's Design and Access Statement, the sluice room on the fourth floor opens directly out into the hallway and staff do not have access to a WC next to it as per other floors.

- 5.18 To minimise risks of infection and maintain hygiene, it was suggested that the fourth-floor plan be reviewed, with a sluice room set further apart from bedrooms to minimise disruption through noise and to provide staff with the space and facilities needed to fully and safely dispose of waste etc.
- 5.19 The Applicant responded to Surrey County Council Adult Social Care's Comments by amending the layout of the fourth floor. The sluice room was moved into the staff area next to the nurse post. The two storerooms that were in this area were over-sized relative to the number of bedrooms on this floor and have been consolidated into a single storeroom at the end of the corridor where the sluice room was previously. There is also the other storeroom next to the stairwell at the other end of the fourth floor.
- 5.20 There is a need for en-suite wetroom bedrooms in Epsom and Ewell and the wider catchment area, and this proposal contributes towards this need. The scheme would contribute the equivalent of 44 units to Epsom & Ewell Borough Council's housing land supply, when applying the "Housing Delivery Test Measurement Rule Book". This is not merely a theoretical contribution to housing land supply. The proposal would enable older people to move from existing housing, freeing up that stock for use by others. Consequently, it is appropriate to have regard to this contribution as a benefit of the proposals.
- 5.21 It may be argued that some of those occupying the proposed units would be moving from outside of Epsom & Ewell Borough Council's authoritative area. The NPPF emphasises the importance of significantly boosting the supply of homes and this objective is not confined to specific areas. This is clearly set out within the Inspector's Appeal Decision for Epsom General Hospital (APP/P3610/W/21/3272074). The Inspector set out that freeing up housing stock in other Local Authority areas is a benefit.
- 5.22 Internally, the scheme has been designed to cater for residents requiring care and support, and Officers note that the Applicant had amended the fourth floor, to take into consideration the comments from Surrey County Council Adult Social Care. There is a focus on communal spaces and facilities, which encourages social interaction. Officers give this positive weight, as social and community benefits arising from this scheme.
- 5.23 The proposal has been designed to respond to its immediate surroundings. The scheme combines good design and landscaping, which is viewed positively, especially when judged against the Site's existing situation.

- 5.24 Taking the relevant facts into account, Officers are satisfied that the principle of the use on this site is acceptable.
- 5.25 The principle of the proposed development in land-use terms is consistent with National and Local Planning policies, including CS1 (and indirectly CS7 and CS8) and DM21.

6 Quality of Accommodation

- 6.1 Nationally Described Space Standards are not applicable to proposed C2 Uses. For reference, the Nationally Described Space Standards require a single bedroom to measure at least 7.5m² and a double (or twin) bedroom to measure at least 11.5m².
- 6.2 Paragraph 3.36 of Policy DM11 requires minimum private outdoor space to be provided for houses and flats, but this requirement is not applicable to proposed C2 Uses.
- 6.3 A Design and Access Statement accompanies this application. It sets out that the proposal seeks a five-storey building, to provide a Care Home including 81-bedrooms with private ensuite wet-rooms, including a lower ground floor for storage, plant and ancillary accommodation. The total number of bedrooms is optimal for an end-user.
- 6.4 All bedrooms would measure a minimum of 16sqm (which satisfies the minimum 11.5sqm standard for a double bedroom), each with an en-suite wetroom (approximately 20sqm in total).
- 6.5 The proposed bedrooms do not benefit from individual private amenity space, but there are communal amenity spaces proposed. The combined internal communal space measures approximately 710sqm, the external garden measures approximately 336sqm and the terraces at 1st, 2nd, 3rd and 4th floors measure 82sqm. This is broken down as follows:
- 8.77sqm of internal communal space per bedroom
 - 5.16sqm of garden/terrace space per bedroom, comprising 4.15sqm garden space per bedroom and 1.01sqm terrace per bedroom.
- 6.6 The Planning Statement that accompanies this application sets out that the design of the proposed development has been influenced by various Care Home sector specialists who have a first-time understanding of the needs of Care Home operators. This includes factors such as the amount of communal space per bedroom and preference for several separate spaces; provision of space for ancillary services/facilities for residents such as a hair salon, shop or café, provision of outdoor space at each level; bedroom size and provision of en-suite wetrooms as well as larger assisted bathrooms. The proposed development responds to these requirements.

- 6.7 The Planning Statement sets out that although not applicable to Care Homes, Policy DM12 seeks to ensure appropriate external and internal space standards with reference to the Nationally Described Space Standards (2015) that require single bedrooms to have a floor area of at least 7.5sqm. The proposed bedrooms provide are 16sqm, each with an en-suite wetroom (approximately 20sqm in total).
- 6.8 The Planning Statement sets out that the two main communal areas (dining room and lounge) at each level have generous amounts of glazing to maximise natural light into these spaces. The fourth-floor main communal areas open out onto a roof terrace enclosed with railings and glazing between brick columns to create an additional amenity space for residents.
- 6.9 The Planning Statement sets out that the ground floor outdoor area provides a covered terrace and landscaped gardens.
- 6.10 Officers note that planning policy does not require minimum sized bedrooms or a minimum standard of private outdoor space to be provided for C2 Uses.
- 6.11 The proposal seeks 81 bedrooms, inclusive of en-suite wetrooms. Officers consider that the bedrooms proposed are adequately sized, at approximately 20sqm per room, including the en-suite wetroom, which exceeds Nationally Described space standards for a single and double bedroom, if this were applicable. The bedrooms do not benefit from private balconies, but communal amenity spaces are provided for residents, which benefit from outlook and access to sunlight.
- 6.12 Officers consider that the quality of the internal accommodation, and external amenity spaces, are acceptable.

7 Design and Character

Built Form, Pattern and Layout

- 7.1 Paragraphs 125, 130 and 134 of the NPPF refer to the need for functional and visually attractive development that is sympathetic to local character and history. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area. Policy DM9 of the DMPD requires a positive contribution to and compatibility with the local character and the historic and natural environment and Policy DM10 requires good design that respects, maintains or enhances the prevailing house types and sizes, density, scale, layout, height, form and massing, plot width and building separation, building lines and key features.

Design rationale

- 7.2 The Design and Access Statement (DAS) that accompanies this application explains the design rationale of the proposed Care Home.
- 7.3 The DAS sets out that the design of the approved residential scheme (ref: 20/01079/FUL) was developed in close consultation with Council Officers, undergoing two pre-application meetings. Various key design factors were established including siting, footprint, height, mass, materials, and elevational treatment. This new proposed for an 81-bedroom Care Home looks to retain these established design factors, and improve on them, where possible.
- 7.4 The DAS sets out that the proposal almost identically replicates the layout of the approved 70-bedroom Care Home scheme, with an additional “fourth floor” storey. This additional storey is set back from the typical lower stories and covers approximately half the area.
- 7.5 The approved 70-bedroom Care Home scheme was based on the operational requirements as set out by a single Care Home provider, limiting the number of storeys and the number of beds per storey. Since the approval of that planning application, alternative providers have expressed interest in additional beds.

Materials and Elevational Treatment

- 7.6 The DAS sets out that the proposed development utilises brick, as per the approved residential scheme, with stone banding to reflect and complement the Castle Parade buildings, located opposite. The DAS considers these to be appropriate materials, compatible with local character.
- 7.7 The DAS sets out that the elevational treatment of the proposed building has been developed to better suit the specific requirements of a Care Home, which consists of modular rooms, repeated across elevations and floors. Private external balconies are impractical for Care Home bedrooms, with shared balconies and amenities concentrated in communal areas and gardens.
- 7.8 The DAS sets out that to avoid repetitive fenestration, and to create interest and reduce noise from traffic, the elevation incorporates disordered brick pilasters, which reacquire regularity and order in correlation with the building corner dedicated to communal activities.

Height

- 7.9 The Ewell-By-Pass wing ranges from a min. 9.3m to a max. 17.5m above finished ground level and the London Road wing ranges from a min. 12.3m to a max. 17.5m above finished ground level.

7.10 The DAS sets out that an indicative plant enclosure, based on maximum parameters, proposed at roof level. The final details and exact requirements would be determined at detailed Mechanical and Electrical services (M&E) design stage. The proposed plant enclosure is set back off the South East and South West elevation lines, to minimise visibility from the public. The distance from the proposed building to the two-storey neighbouring dwelling at 77 and 77a London Road has increased from 7 metres in the approved scheme, to 23 metres in this proposal. On the Ewell By-Pass elevation, the height of the proposal has been reduced to five stories, compared to the six-storey approved scheme.

Officer comment

- 7.11 The height and massing of the proposed building has been developed to suit the requirements of a Care Home.
- 7.12 The siting and layout of the proposed building is virtually the same as the previously permitted 70-bedroom Care Home scheme at the Site, which in turns follows the principles of the previously permitted 45-flat scheme.
- 7.13 The change of note to the siting and layout of the proposed building is the extension of the wing that fronts Ewell By-Pass. This extension is set back from the building line of the main elevation of the Ewell By-Pass elevation. The proposed building varies from three-storeys to five storeys, with the additional part-storey at the upper level and roof-level plant enclosure largely fitting within the envelope of the approved 45-flat scheme. The side extension described is three-storeys, which together with the setback, provides an appropriate transition between the Care Home and the terraces houses at 147-153 Ewell By-Pass.
- 7.14 The use of brick (as per the previously approved schemes) and stone banding on the elevations reflect and complement the Castle Parade buildings opposite provide architectural detail and interest to the building.
- 7.15 The proposed building is appropriate in height, mass and design, drawing on design principles from the previous schemes, which were considered acceptable by the Council's Design and Conservation Officer, and Officers too.
- 7.16 The proposal complies with relevant sections of the NPPF, NPPG, Policies CS1, DM9 and DM10. Should planning permission be granted, a Condition is required, requiring details and samples of external materials to be submitted to and approved by the Local Planning Authority.

8 Heritage and Conservation

- 8.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that development must ensure the preservation of any nearby listed building, including its setting,

- 8.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving or enhancing the character or appearance of that area.
- 8.3 Paragraphs 197-202 of the NPPF requires consideration of the harm to the significance of a designated heritage asset. Paragraph 200 requires clear and convincing justification where there is harm to or the loss of a designated heritage asset. Paragraph 202 states that where there is less than substantial harm, the harm must be weighed against the public benefits.
- 8.4 Policy CS5 of the CS and Policy DM8 of the DMPD seek to protect and enhance heritage assets and their setting.
- 8.5 The Site is not listed, nor is it within a Conservation Area, but there are listed buildings in proximity to the Site.
- 8.6 A Heritage Statement, dated June 2023, accompanies this application. It considers the heritage assets in the vicinity of the Site and concludes that the only heritage asset that could be affected by the proposed development is the Listed terrace, nos. 79 to 85 London Road.
- 8.7 The Heritage Statement sets out that there is a varied and disparate surrounding townscape to the Listed terrace, within which the Site is a large, fragmented gap site, and with garages and a retail warehouse reflecting the proximity of the by-pass. The Listed terrace addresses London Road, with the significance of the terrace best appreciated/understood in views looking towards the building, along with its broadly contemporary and traditionally proportioned neighbours to both sides, with which it forms a small group. As a road fronting terrace, there is nothing about the orientation of the building towards the road that links or connects it with the Site.
- 8.8 The Heritage Statement sets out that Site does not serve to reveal or enhance the significance of the Listed terrace. The proposed development is relatively close to the Listed terrace, but the two are not immediately juxtaposed with each other. No. 77 London Road forms an intermediary transitional building, and there is a generous separation distance between this building and the closest part of the proposed development. This provides a sense of transition and there is no sense of the proposed development being too close in proximity, or causing harm due to its proximity, scale, height, or mass. On the contrary, the built form is logically arranged and forms a pleasing three-dimensional transition between the Listed terrace and the corner element that addresses and marks the By-Pass junction.
- 8.9 The Heritage Statement sets out that the proposed development does not dominate the Listed buildings and instead continues the building line of

London Road in a positive way, and of a scale and mass that is entirely appropriate and coherent. The mass of the proposed development is wholly appropriate, with a good quality new development that reinstates the building line on London Road and gives definition, can only be seen as positive. The mass of the proposed development is wholly appropriate, with a good corner presence and separation from the finer grain of the older buildings.

- 8.10 The Heritage Statement concludes that there would be no harm to the Listed Buildings and there are no resulting policy conflicts. The contribution made by the setting of the Listed Buildings to its significance would, if anything, be enhanced by the proposed development.
- 8.11 The site is not within an Archaeological Site. SCC Archaeology has formally commented on this application, confirming no archaeological concerns.
- 8.12 The Council's Design and Conservation Officer has not commented on this application, so Officers have relied upon comments given in the previously approved applications, which did not object to the schemes, but rather ensured that appropriate planning Conditions were attached to any planning permission, if granted.
- 8.13 There would be no harm to the nearby Listed Buildings and no resulting policy conflicts because of this proposal. There was no objection from the Design and Conservation Officer for the previous two planning permissions, subject to a Condition being attached to any planning permission granted, requiring samples of materials. This Condition is recommended for this application, should planning permission be granted.

9 Landscaping and Trees

- 9.1 Paragraph 131 of the NPPF, Policy CS3 of the CS, Policy DM5 of the DMPD and the Householder SPG seek the retention, protection and enhancement of existing and new trees, hedgerows, and other landscape features, with removal of trees supported by sound justification and appropriate replacement planting of native species.
- 9.2 The Design and Access Statement (DAS) that accompanies this application sets out that the proposed planting and soft landscaping areas have increased by 50% from the approved residential scheme (ref: 20/01079.FUL), as follows:
- Proposed 1.2-metre-wide planting to the majority of boundaries of residential properties, 1.2 metres along Ewell By-Pass, 1.2 metres – 2.3 metres along London Road, and a large area of planting on the corner of London Road and Ewell By-Pass
 - An additional large, landscaped garden facing Ewell By-Pass to serve as shared amenity breakout space for residents. Hedges and

trees to be planted along the boundary, to create a visual buffer to the highway.

- 9.3 A Landscape Proposal Softworks drawing accompanies this application, which illustrate the soft and hard landscape components of the proposal, giving details of materials and plant stock, sizes and densities proposed.
- 9.4 EEBC's Tree Officer formally commented on the application, setting out that more is expected from a development like this, in this location, where planning policy places emphasis on the need for trees to be incorporated into schemes, to provide for climate adaption and environmental improvement.
- 9.5 The Tree Officer queried whether funds could be obtained to plant trees on the verge by the Site, by Beaufort Way.
- 9.6 Officers note that the landscaping proposed as part of this application is very similar to that approved under the previously permitted scheme at this Site (70-bedroom Care Home scheme). The landscaping was considered acceptable in the previous scheme, subject to a Condition, and in the spirit of consistent decision making, the landscaping proposed as part of this scheme is therefore acceptable. It would be unreasonable to now consider otherwise, especially given that the siting and layout of the proposed building is similar to the previously consented 70-bedroom Care Home scheme at the Site.
- 9.7 It is noted that the previously permitted scheme did not allow for off-site tree planting. Officers maintain the view that off-site tree planting is not required for this scheme, having regard to Regulation 122 of the CIL Regulations, which sets out the limitations on the use of Planning Obligations.
- 9.8 It is unlawful for a Planning Obligation to be considered when determining a planning application for a development, which does not meet all the following tests:
- It is necessary to make the development acceptable in planning terms;
 - It is directly related to the development; and
 - It is fairly and reasonable related in scale and kind to the development.
- 9.9 Like the previous scheme (70-bedroom Care Home scheme), Officers do not consider that off-off street tree planting would be necessary to make this development acceptable in planning terms, given that the Site currently comprises no trees or landscaping, and that the proposal does provide for adequate hard and soft landscaping within the Site boundary.

- 9.10 Off-street tree planting is not considered to directly relate to this development, given that this development proposes hard and soft landscaping within the Site boundary. Off-street tree planting would not be fairly and reasonably related in scale and kind to this development, as this proposal seeks hard and soft landscaping within the Site as part of this proposal.
- 9.11 To reiterate, the landscaping proposed as part of this application is very similar to that approved under the previously permitted scheme at the Site, which was considered acceptable, subject to a Condition. It would be unreasonable to now require off-street tree planting as part of this proposal.
- 9.12 The proposal is considered to comply with Policy DM5.

10 Affordable Housing

- 10.1 Paragraph 65 of the NPPF set out 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. Exemptions to this 10% requirement should also be made where the site or proposed development (b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students).
- 10.2 Class C2 use (Residential Institutions) relates to the provision of residential accommodation and care to people in need of care, other than a use within class C3 (dwelling houses). As the proposed use is not a C3 (dwelling house) use because the rooms are not self-contained, it does not attract the requirement for affordable housing.
- 10.3 The Council's Strategic Housing Manager formally commented on this application, setting out that the proposal is a Care Home, so no comment to give.

11 Neighbour Amenity

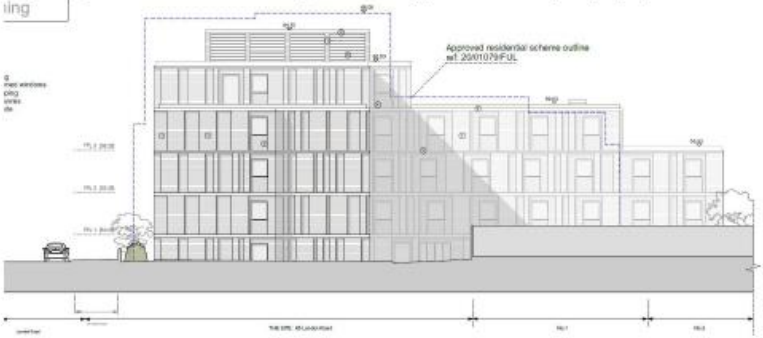
- 11.1 Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise whilst Paragraph 185 of the NPPF and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 11.2 Concerns have been raised by nearby neighbours that the proposal would adversely impact neighbouring amenity. These concerns have been taken into consideration by the Agent, who responded to the concerns by letter

(detailed within this section of the Report) and by Officers, within the assessment of this planning application.

- 11.3 The Design and Access Statement (DAS) that accompanies this application shows that the rear elevations of the proposed building that face the neighbouring residential properties are well set back from the Site boundary. 27.3 metres is provided between the (rear) north-west elevation of the London Road wing to the north-western boundary with 153 Ewell By-Pass. and 21.9 metres is provided from the (rear) north-east elevation of the Ewell By-Pass wing to the closest north-eastern boundary with the rear garden of 1 Elmwood Drive.
- 11.4 No windows are proposed in the north-west flank wall closest to 153 Ewell By-Pass and in the north-east flank wall closest to 77A London Road, the windows only serve the corridors. There is also a separation distance of 17 metres.
- 11.5 A Daylight and Sunlight Report accompanies this application. The proposed development was considered in relation to the Building Research Establishment Limited (BRE) guidelines on daylight and sunlight. Any reductions in daylight and sunlight to the neighbouring properties are minimal and in full accordance with BRE guidance. Similarly, any overshadowing effects are also negligible and full compliant with the BRE guidelines.
- 11.6 The Daylight and Sunlight Report concludes that the impact of the proposed scheme is minimal, and all residential neighbouring properties will retain very good daylight and sunlight amenity after development.
- 11.7 A Noise Assessment, dated 13 April 2023, supports this application. It establishes and quantifies the existing noise climate and recommends appropriate noise mitigation to protect future occupants, to comply with local planning policy.
- 11.8 The Assessment found that with appropriate mitigation, internal noise levels can meet the appropriate noise level in BS 8233 and local planning policy.
- 11.9 An Air Quality Assessment, dated March 2023, accompanies this application. it provides an assessment of potential key impacts associated with the construction and operational phases of the proposed development.
- 11.10 The Assessment sets out that a qualitative assessment of construction dust effects was undertaken, and the construction phase of the development is predicated to have a “medium risk” of nuisance and/or loss of amenity impacts due to dust nuisance. However, the risk of dust nuisance can be mitigated.

- 11.11 The Assessment sets out that a traffic-related impact assessment was scoped out as the proposed development is not anticipated to generate a significant amount of traffic. But dispersion modelling was undertaken to assess the residential suitability. The air quality dispersion modelling has concluded that as a minimum, mechanical ventilation with a NOx filter would be required on the ground floor of the proposed development.
- 11.12 The Assessment concludes that the proposed development is not considered to conflict with any national, regional, or local planning policy in relation to construction and operation phase dust and air quality nuisance.
- 11.13 EEBC Environmental Health formally commented on this application, recommending a Condition to reduce the levels of nitrogen dioxide in the ground floor residences to acceptable concentrations, subject to planning permission being granted. This same Condition was imposed on the planning permission for the 70-bedroom Care Home scheme.
- 11.14 A Condition is also recommended relating to noise, requiring the Applicant to submit a report setting out the proposed glazing specification and room ventilation approach to include sufficient calculations for compliance with the internal noise criteria contained within BS 8233:2014 and the ANC/loA Acoustics Ventilation and Overheating Residential Design guide. This Condition was imposed on the planning permission for the 70-bedroom Care Home scheme.
- 11.15 The Agent prepared a letter to respond to the concerns raised by neighbours, including that the proposal would adversely impact neighbouring amenity. The contents of the letter are summarised below:

Concern raised	Agent consideration and response
Additional height	<p>The additional height of the proposed building compared to the building approved under application ref: 22/00728/FUL (70-bedroom Care Home scheme) is achieved by way of an additional of a “part storey” only. This increases the height of the building where the two wings meet at the corner of London Road and Ewell By-Pass and along part of the east wing that fronts London Road.</p> <p>The additional part storey and roof-level plant enclosure are located in this area so as to not exceed the height envelope of the building approved under the 45-flat scheme and so not to create a sense of enclosure for the properties to the rear, including 1 and 3 Elmwood Drive.</p>

Concern raised	Agent consideration and response
	<p>Similarly, the extension of the west wing that fronts Ewell By-Pass and extends outside the envelope of the previously approved buildings is deliberately restricted to three-storeys, in order not to create an overheating impact on neighbouring properties.</p> <p>The proposed north-east elevation, which faces 1 and 3 Elmwood Drive is shown in Figure 1 (below) with the blue dashed outline representing the height of the 45-flat scheme. This illustrates that the additional height has been sensitively sited away from the Ewell By-Pass wing that runs parallel with the rear of 1 and 3 Elmwood Drive and instead places the additional height on the part of the building that is perpendicular to the rear of 1 and 3 Elmwood Drive in order to minimise the impact and largely keep within the height envelop of that building that has already been approved.</p> <p>Fig 1: Proposed North-East Elevation (extract from application drawing 420(GA)24)</p> 
<p>Noise and vibration</p>	<p>The nature of the construction project and its relationship to sensitive receptors is not such that it warrants any extraordinary measures beyond those that are governed by existing legislation relating to noise and vibration and good construction practice.</p> <p>Furthermore, the construction of the proposed development would not give rise to any greater potential impacts than the two developments already approved at the Site.</p> <p>The planning permission for the 70-bedroom Care Home scheme was subject to a Condition that restricted hours of demolition and construction, and it is anticipated that the same Condition would be imposed, should planning permission be granted.</p>
<p>Ventilation for future residents</p>	<p>The proposed ventilation strategy is set out in the Energy and Sustainability Statement that accompanies this application and is the same as the ventilation</p>

Concern raised	Agent consideration and response
	<p>strategy for the approved 70-bedroom care home scheme application.</p> <p>The planning permission for the 70-bedroom Care Home scheme was subject to a Condition requiring further details of the proposed glazing specification and room ventilation approach to demonstrate compliance with internal noise criteria. It is anticipated that the same Condition would be imposed should planning permission be granted for this current application.</p>
<p>Inadequate proposed boundary treatment from a safety perspective</p>	<p>Proposed site plan ref: 420(SP)03 shows the boundary of the car park with the adjacent gardens as comprising a proposed 1.2-metre-wide hedge, a proposed wall, and the existing fence. The proposed hard landscaping plan (ref: D0456_001 C) shows the car parking areas as being surrounded by kerbs.</p> <p>It is the Applicant's view that the presence of a raised kerb and the 1.2-metre-wide hedge would give sufficient warning to any driver accidentally overrunning a parking space to brake before contact would be made with the brick wall. In the highly unlikely event that a car was to mount the kerb, crash through the hedge and strike the brick wall with sufficient impact to cause the wall to collapse, the close boarded fence would likely provide protection from falling bricks.</p>

11.16 Officers are satisfied that the scheme has been proposed to limit adverse impacts on nearby neighbours. The letter prepared by the Agent, dated 15.09.2023, provides comprehensive comments and responses to the concerns raised by neighbours, and the Daylight and Sunlight Report demonstrates that all residential neighbouring properties would retain very good daylight and sunlight amenity after development, should this proposal be granted planning permission.

11.17 The proposal accords with Policy DM10.

12 Parking and Access

12.1 Policy CS16 of the CS encourages an improved and integrated transport network and facilitates a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should 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.

- 12.2 Policy DM36 sets out that to secure sustainable transport patterns and usage across the Borough, we will (inter alia) prioritise the access needs of pedestrians and cyclists in the design of new developments.
- 12.3 Policy DM37 sets out that developments will have to (inter alia) demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.

Car Parking

- 12.4 The Council's "Parking Standards for Residential Development Supplementary Planning Document", dated December 2015, sets out minimum car parking requirements for residential development. For "other forms of development", the Council refers to Surrey County Council's guidance.
- 12.5 Surrey County Council Vehicular and Cycle Parking Guidance sets maximum car parking standards for Care Homes, at a level of 1 car parking space per 2 residents, or individual assessment/justification. This means that this Site should provide a maximum of 41 car parking spaces, subject to individual assessment/justification.
- 12.6 The Transport Assessment that accompanies this application sets out that Surrey County Council identified that this Site could be a suitable location for a car free residential development, as the Site is ideally located to facilities required by a short walk (as per previous pre-application discussions). Public transport services to local and wider destinations including London are also accessible within a reasonable walk or short cycle journey. As such, it is perfectly reasonable to anticipate that many of the staff members would not commute to the Site by private car.
- 12.7 The Transport Assessment considers that due to the nature of the development, the likelihood of residents owning and using a private vehicle is very low, and the proposed car parking spaces would most likely be used by staff and visitors. Therefore, the proposed 25 car parking spaces are based on an understanding of the likely requirements of any future care home operator for staff and visitor car parking.
- 12.8 The Transport Assessment sets out that the previously approved scheme, for a 70-bedroom Care Home, provided 24 car parking spaces.
- 12.9 The Transport Assessment sets out that in line with Surrey County Council Highways; standards, electric charging points would be installed on 20% of all car parking spaces. Up to three of the car parking spaces would be sized to disabled car parking dimensions and one car parking bay will be dedicated for use by an ambulance. There would also be

provision for a drop off/pick up bay, which would not impact the car park operation when occupied.

- 12.10 The Transport Assessment sets out a Car Park Management Plan (CPMP) is proposed. This is expected to be subject to a Condition should planning permission be granted. This would ensure that the car park provision on Site is fully managed, and to ensure that no overspill car parking occurs.

Cycle Parking

- 12.11 The Transport Assessment sets out that Surrey County Council's Vehicular and Cycle Parking Guidance (2018) does not provide direct requirements for cycle parking for Care Homes. Therefore, a provision of 10 secured and weather-proof cycle parking spaces are proposed at this stage. There will be scope to expand the provision if needed, but it is expected that such provision would be sufficient for staff members, visitors and possibly some residents.

Pedestrian and Vehicle Access and Manoeuvrability

- 12.12 Paragraph 110 of the NPPF requires safe and suitable access, paragraph 111 allows for refusal where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe and paragraph 112 seeks to minimise conflicts between pedestrians, cyclists, and vehicles. This is reinforced in Policy CS16 of the CS and DM10 of the DMPD.
- 12.13 The Design and Access Statement (DAS) that accompanies this application sets out that access to the Site will remain in the same location as the approved residential scheme (ref: 20/01079/FUL), via London Road, in the form of a footway crossover at the south-eastern side of the Site. The existing access, located closer to the junction, would be removed.

Servicing

- 12.14 Policies DM32 and DM38 of the DMPD aims to ensure that rear servicing is provided or retained in new development. Where it is not possible or practical, alternative solutions must not cause highway obstruction.
- 12.15 The Transport Assessment sets out that all servicing would be undertaken within the Site and would not require any delivery vehicles to wait on London Road or Ewell By-Pass. There is space within the Site for a van to undertake a delivery without blocking the access road or car parking spaces.

12.16 The Transport Assessment sets out that swept path analysis has been undertaken for a 11.2 metre refuse vehicle (in excess of the current requirements to accommodate a 10.8 metre vehicle) to demonstrate that it can enter and exit the Site in a forward gear. The swept path analysis is within Appendix 1 of the Transport Assessment.

12.17 The Transport Assessment sets out that bin stores are located in convenient positions, adjacent to the turning head and within 20 metres walk from the turning head.

London Road & Ewell By-pass Signalised Junction – Pedestrian Crossing Improvements

12.18 The Transport Assessment sets out that Surrey County Council had requested within previous pre-application comments, that a push-button crossing would be provided across London Road, south of the Site, to form part of the signalised junction of London Road and Ewell By-Pass. Currently for both the eastbound and westbound lanes of London Road, pedestrians cross between traffic phases without the aid of pedestrian signal heads. The dedicated left turn on London Road (to Ewell By-Pass south) does have a push-button crossing already, which is proposed to remain in its current form.

12.19 The Transport Assessment sets out that that the proposed access sketch in Appendix H (of the Transport Assessment) illustrates the proposed position of the new signalised push-button controlled pedestrian crossings, which are in a similar position to the existing crossing points, but with the crossings over the eastbound lane on London Road moved further west to achieve a staggered crossing.

12.20 The Transport Assessment sets out that the central island has been increased to 6.4 metres long and 3 metres wide to accommodate the staggered crossing and safe pedestrian refuge in the centre of the junction. Signal heads have been relocated to fit with the island and out of the pedestrian path and keep left bollards proposed.

12.21 The Transport Assessment sets out that to facilitate the additional length of the island, the stop line on London Road for westbound traffic has been pushed back a short distance of approximately 2 metres, and the kerb line outside of the Development Site moved by approximately 400mm, to achieve two 3 metre lanes prior to the merge of eastbound traffic.

12.22 The Transport Assessment sets out that the pedestrian crossing phases work with the existing traffic phases, and as such add no additional delay into the junction.

Trip Generation

12.23 Policy DM35 of the DMPD requires consideration of the impact upon the transport network via a Transport Assessment or Statement.

12.24 The Transport Assessment sets out that the proposed scheme maintains the full range of highway improvements as the permitted residential scheme (45-flat scheme) and while changing the appearance of the proposal and the land use, it is expected to generate less trips than the permitted residential scheme. Therefore, the transport impact of the proposed development would be less severe than the previously assessed residential scheme. There are no transport impact reasons to refuse the proposed development.

Surrey County Council Highways

12.25 Surrey County Council Highways formally commented on this application, with no objection, recommending S106 Obligations and Conditions.

12.26 The response sets out a “site specific comment”, which concludes that the proposal would not impact on the safety or operation of the surrounding highway network with regards to vehicular trips to or from the Site.

12.27 The “site specific comment” does not refer to the proposed car parking spaces. However, as set out above, due to the nature of the development, the likelihood of residents owning and using a private vehicle is very low and the proposed car parking spaces would most likely be used by staff and visitors. Therefore, the proposed 25 car parking spaces are based on an understanding of the likely requirements of any future care home operator for staff and visitor car parking. Furthermore, this Site is in a sustainable location, ideally located to facilities a short walk away. Public transport services to local and wider destinations are also accessible within a reasonable walk or short cycle journey. As such, it is perfectly reasonable to anticipate that many of the staff members would not require to commute by private car.

EEBC Waste Team

12.28 EEBC’s Waste Team was formally consulted on this application and raise no objections.

Officer comment

12.29 The proposal is supported by a Transport Assessment, which confirms that the full range of highway improvements secured within the permitted residential scheme (45-flat scheme) are secured as part of this application, and that it is expected that this Care Home would generate less trips than the permitted residential scheme.

12.30 The scheme does not provide 41 car parking spaces, which is the maximum number of spaces required by Surrey County Council Vehicular and Cycle Parking Guidance. Due to the nature of this development, residents are unlikely to own and use a private car, and so most car parking spaces would be used by staff and visitors. Therefore, the proposed 25 car parking spaces are based on an understanding of the likely requirements of any future care home operator for staff and visitor parking. A Car Park Management Plan would be secured via Condition, should planning permission be granted, to ensure that the car park provision on Site is fully managed.

12.31 SCC Highways sets out that the proposal would not impact the safety or operations of the surrounding highway network, subjecting to securing appropriate S106 Obligations and Conditions, should planning permission be granted.

13 Ecology and Biodiversity

13.1 Paragraphs 174 and 180 of the NPPF, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

13.2 An Ecological Appraisal Report, dated June 2023, accompanies this application. It sets out that the proposed development has potential to impact breeding birds, the Site is dominated by buddleia *Buddleja davidi*, and DEFRA's standing advice is that this species should be treated as an invasive species, but as a whole, the Site supports habitats of low ecological value.

13.3 The Ecological Appraisal Report recommends that no further surveys are carried about, but mitigation is proposed, and enhancements.

13.4 A Reptile Survey, dated June 2020, accompanies this application. The Survey suggest that the Site does not support reptiles, but the availability of suitable habitat means that the presence of reptiles cannot be discounted. It is therefore necessary to take mitigation steps, outlined within the Report, and Ecological Appraisal Report.

13.5 EEBC's Ecologist formally commented on this application, setting out that the Reports are in order, and that the recommendations should be subject to a Condition, should planning permission be granted.

14 Flooding and Drainage

- 14.1 Paragraphs 159 and 167 of the NPPF, Policy CS6 of the CS and Policy DM19 of the DMPD state that development at medium or high risk from flooding must ensure that there is no increase in flood risk, whether on or off site, and implementation of flood resilience and mitigation to reduce it to acceptable levels.
- 14.2 Paragraph 167 of the NPPF, Policy CS6 of the CS 2007 and Policy DM19 of the DMPD seek the implementation of sustainable urban drainage systems (SUDS).
- 14.3 A Flood Risk Assessment & SuDS Strategy Report accompanies this application. This sets out that the Site is located within Flood Zone 1, indicating a low risk of flooding from fluvial and tidal sources. The Site is also at very low risk of surface water flooding.
- 14.4 The Report proposes a SuDS drainage strategy, to ensure that flood risk downstream is reduced. The Report was supplemented by a letter from EAS, dated 08.09.2023.
- 14.5 Surrey County Council Local Lead Flood Authority (LLFA) formally commented on this application, confirming that the proposed drainage scheme is acceptable subject to securing Conditions, should planning permission be granted.
- 14.6 Thames Water formally commented on this application, setting out that with regard to foul water sewerage network infrastructure capacity, there is no objection. With regard to surface water network infrastructure capacity, there is no objection. The proposed development is located within 15 metres of a strategic sewer. A Condition is required if planning permission is granted, a piling method statement is required.
- 14.7 The proposal accords with Policy CS6 and DM19.

15 Contamination and Remediation

- 15.1 Paragraph 183 of the NPPF and Policy DM17 of the DMPD requires consideration of ground conditions and risks to end users.
- 15.2 The Site is close to several potential sources of contamination, including an infilled brick pit.
- 15.3 A Preliminary Investigation Report, dated June 2023, accompanies this application, which concludes that a ground investigation and further risk assessment should be carried out to investigate the potential for ground contamination. EEBC Contaminated Land reviewed the Report and

proposed a Condition be applied to any planning permission granted, to ensure that future investigations/assessments are carried out.

15.4 The proposal accords with Policy DM17.

16 Environmental Sustainability

16.1 Policy CS6 of the CS stipulates that development should incorporate sustainable development and reduce, or have a neutral impact upon, pollution and climate change. This includes incorporation of renewable energy, use of sustainable construction methods and sustainable building design, flood management, reduction in water use and improvement of water quality and minimisation of noise, water and light pollution.

16.2 On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.

16.3 An Energy and Sustainability Statement accompanies this application, dated May 2023. It demonstrates how the development could be taken forwards in accordance with best practice sustainable design and construction policies. The scheme would deliver a series of sustainability measures, which include:

- Sustainable material selections
- The development of a site waste management plan
- Water conservation measures aligning with BREEAM WAT 01 requirements
- SuDS strategy to achieve a run-off rate of 1 l/s, with flows attenuated via SuDS measures
- A comprehensive ecological strategy to deliver a net gain in biodiversity alongside ecological protection measures
- Incorporation of climate adaption measures, including permeable paving and landscaping
- A 13.6% reduction in CO2 emissions and 13.98% reduction in primary energy beyond a Part L2a 2013 baseline
- Renewable heat pumps and PV providing 27.15% of the development's predicted energy needs.

16.4 The proposed measures are sufficient to ensure the proposal compiles with Policy CS6.

17 Accessibility and Equality

17.1 Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient and attractive access to be incorporated within the design of the development. Being a care home, the development would be fully accessible for all users.

- 17.2 The Council is required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief.
- 17.3 Age is a protected characteristic, so the Equality Act 2010 is engaged. There is no detrimental impact on any protected characteristics, in fact, the scheme is positive in this respect.

18 Planning Obligations and Community Infrastructure Levy

- 18.1 Paragraphs 55 and 57 of the NPPF requires consideration of whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, but only where they are necessary, related to the development, fair and reasonable.
- 18.2 Policy CS12 of the CS and the Developer Contributions SPD require that development must be able to demonstrate that the service and community infrastructure necessary to serve the development is available, either through on-site provision or a financial contribution via a planning obligation.
- 18.3 The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is liable for CIL payments because it involves additional floor area in excess of 100m². It is payable at £20/m² index linked.

CONCLUSION BALANCE

19 Planning Balance

- 19.1 The Site is previously developed land within the Built-Up Area of Epsom & Ewell, with extant planning permissions for a 45-flat scheme and a 70-bedroom Care Home scheme. The proposed development seeks to provide a specialist form of accommodation (Use Class C2).
- 19.2 Accompanying the planning application is a Planning Need Assessment (Caterwood), which indicates that there is a need for en-suite wetroom bedrooms within Epsom and Ewell and the wider catchment area. The proposal contributes towards this need. It also enables the freeing up of housing stock for use by others and contributes the equivalent of 44 units to Epsom & Ewell Borough Council's housing land supply, when applying the "Housing Delivery Test Measurement Rule Book".
- 19.3 The proposal has been designed to respond to its immediate surroundings. The scheme combines good design and landscaping, which is viewed positively, especially when judged against the Site's existing situation. Internally, the scheme has been designed to cater for residents requiring care and support.

- 19.4 There is a presumption in favour of granting sustainable development unless the application of policies gives a clear reason for refusing permission (paragraph 11 of the NPPF).
- 19.5 The proposed development would make a significant 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. Given the pressing need for housing in the Borough, as demonstrated by the extent of the Council's housing shortfall and how long the deficit is likely to persist, this benefit is given significant weight.
- 19.6 The proposal would provide a care home facility that would meet a defined need and provide a choice of housing for the community. The proposal care accommodation would have benefits for future occupiers in terms of improved wellbeing and health outcomes. Having regard to identified need, this benefit is given significant weight.
- 19.7 The proposal seeks a widened footway, push button controlled pedestrian crossing facilities and improved bus infrastructure. The proposal has been formally assessed by SCC Highways and the Local Planning Authority's Waste Team. These social improvements benefit the wider community and weigh further in the balance.
- 19.8 The proposal would provide economic benefits through employment during the construction phase, the additional employment generated by the completed proposal and the additional expenditure in the local economy at both construction and following occupation. The construction phase is temporary and therefore this would amount to a limited benefit.
- 19.9 The proposal would achieve a landscape improvement on the site though the extent attracts limited weight. The proposal also demonstrates how the development could be taken forwards in accordance with best practice sustainable design and construction policies.
- 19.10 The minor adverse impacts of this proposal, which include the proposal not providing a maximum number of 41 car parking spaces in accordance with Surrey County Council's Vehicular and Cycle Parking Guidance, is not considered to demonstrably outweigh the benefits of the scheme, when assessed against the NPPF as a whole.

RECOMMENDATION

20 To grant planning permission subject to the requirements of the s106 legal agreement in PART A and the conditions and informatives in Part B

Part A

Grant planning permission, in accordance with the proposed Conditions and informatives and subject to a Section 106 Agreement being signed by 09 February 2024, securing the following Heads of Terms:

- **Bus Stop Infrastructure at both the A24 northside bus stop and A24 southside bus stop, to include shelters and real time passenger information**
- **Push button controlled pedestrian crossing facilities on London Road**
- **A 3m wide footway on both the London Road and Ewell Bypass frontages to the Site**
- **Travel Plan Auditing fee of £6,150**

Part B

If the Section 106 Agreement referred to in Part A is not completed by 09 February 2024, the Head of Planning is authorised to refuse the application for the following reason:

In the absence of a completed legal obligation under section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy CS16 of the Core Strategy (2007) and Policies DM36 and DM37 of the Development Management Policies Document (2015)

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 details

The development hereby permitted shall be carried out in accordance with the following approved plans: 420(SP)01 - Location Plan

420(SP)03 Rev P00 - Proposed Site Plan

420(SP)04 Rev P00 - Proposed Ground Floor Site Plan

GA 420(GA)01 Rev P00 - Proposed Basement Floor GA
420(GA)02 Rev P00 - Proposed Ground Floor GA
420(GA)03 Rev P00 - Proposed First Floor GA
420(GA)04 Rev P00 - Proposed Second Floor GA
420(GA)05 Rev P00 - Proposed Third Floor GA
420(GA)06 Rev P01 - Proposed Fourth Floor GA
420(GA)07 Rev P00 - Proposed Roof Plan GA
420(GA)20 Rev P00 - Proposed Elevations GA - Proposed Streetscapes
420(GA)21 Rev P00 - Proposed Elevations GA - Southwest
420(GA)22 Rev P00 - Proposed Elevations GA - Southeast
420(GA)23 Rev P00 - Proposed Elevations GA - Northwest
420(GA)24 Rev P00 - Proposed Elevations GA - Northeast
D0456_001_C - Landscape Proposal Hard works
D0456_002_D - Landscape Proposal Soft works

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) Materials

Prior to the commencement of development, 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) 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) programme of works
- 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 (or measures for traffic management)
- k) has been submitted to and approved in writing by the Local Planning Authority.
Only

- l) the approved details shall be implemented during the construction of the development

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2023

5) Means of enclosure

No development shall take place until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and any other means of enclosure have been submitted to and approved in writing by the local planning authority, in consultation with the Highway Authority in respect of the details of the boundary treatment at the southernmost corner of the site. Development shall be carried out in accordance with the approved details prior to the development first being occupied and shall thereafter be retained

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

6) Travel Plan

Prior to the occupation of the development a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the 'Heads of Travel Plan' document (if appropriate, specify). And then the approved Travel Plan shall be implemented (trigger point to be added on site specific basis) and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2023

7) London Road access

No part of the development shall be first occupied unless and until the proposed vehicular access to London Road has been constructed and provided with visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority (in general accordance with drawing SK01 Rev G contained in the Transport Assessment, June 2023) and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2023

8) 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 to the satisfaction of the Local Planning Authority

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2023

9) Car Park Management Plan

Prior to occupation of the development hereby approved, a Car Park Management Plan, to identify and manage the users of the parking spaces (including but not limited to residents, staff, visitors) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the Car Park Management Plan shall be implemented in accordance with the approved details.

Reason: In the interests of road safety and to prevent obstruction of the highway and public areas by inappropriate overspill parking. To support the sustainable development objectives of the National Planning Policy Framework 2023

10) SuDS details

The development hereby permitted shall not commence until details of the design of a surface water drainage scheme (with reference to the revised drainage strategy set out in EAS letter dated 8 September 2023) 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. Associated storage volumes shall be provided using an infiltration-based strategy.
- 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.). Including details of the rainwater planters.
- 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. Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.

- 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.

The agreed scheme must be implemented prior to the commencement of development and maintained throughout the lifetime of the development.

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.

11) SuDS verification report

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

12) Piling Method Statement

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

13) Nitrogen dioxide assessment

Prior to first occupation of the development, the applicant shall submit a report to be approved in writing by the local planning authority, setting out the approach to reducing levels of nitrogen dioxide in the ground floor residences to acceptable concentrations. The report shall include modelling to predict internal concentrations under a range of circumstances, demonstrate the degree by which occupants can open windows, the frequency of filter changes necessary to maintain efficiency, report the specification of the proposed mechanical system and include sufficient calculations to show the necessary filter dwell time and air volume movement is being achieved.

The agreed scheme must be implemented prior to the occupation of the development and maintained throughout the lifetime of the development.

Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy DM10 of the Development Management Policies 2015

14) Noise treatment details

No development shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of noise has been submitted to and approved in writing by the local planning authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and thereafter retained as such

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

15) Internal noise criteria details

Prior to first occupation of the development, the applicant shall submit a report to be approved in writing by the local planning authority setting out the proposed glazing specification and room ventilation approach to include sufficient calculations for compliance with the internal noise criteria contained within BS 8233:2014 and the ANC/loA Acoustics Ventilation and Overheating Residential Design guide. Such a report shall form the basis of noise and overheating assessment and sufficient mitigation strategies for both shall be defined

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

16) Ground/groundwater contamination

A desk study has been submitted with this planning application. A detailed scheme of risk management shall be designed and submitted to the Local Planning Authority for approval, prior to the commencement of development, if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks.

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, prior to the commencement of development

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

17) Remediation scheme

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

Reason: To 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

18) 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 access to London Road, the depth measured from the back of the footway 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

19) Stopping up of existing access

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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2023

20) 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 purposes

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2023

21) Cycle parking

The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles within the development site has been provided in accordance with the approved plans and thereafter shall be retained and maintained to the satisfaction of the Local Planning Authority

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the sustainable development objectives of the National Planning Policy Framework 2023

22) Unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. In that event, an investigation and risk assessment must be undertaken and where remediation is deemed necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority

Reason: To 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

23) Hours of work

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

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

24) Compliance with Reptile Survey

The development hereby approved shall be carried out in accordance with the protection, mitigation, recommendation and enhancement measures detailed in the (WE) Ecological Appraisal Report, dated June 2023 and the (WE) Reptile Survey, dated June 2020. The approved measures shall thereafter be maintained

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) Compliance with Sustainability Report

The development hereby approved shall be carried out in accordance the Energy and Sustainability Report, dated May2023. The approved measures shall thereafter be maintained.

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) Landscape design proposal

The development shall take place in accordance with D0456_001_C - Landscape Proposal Hard works and D0456_002_D - Landscape Proposal Soft works. The 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

Informatives

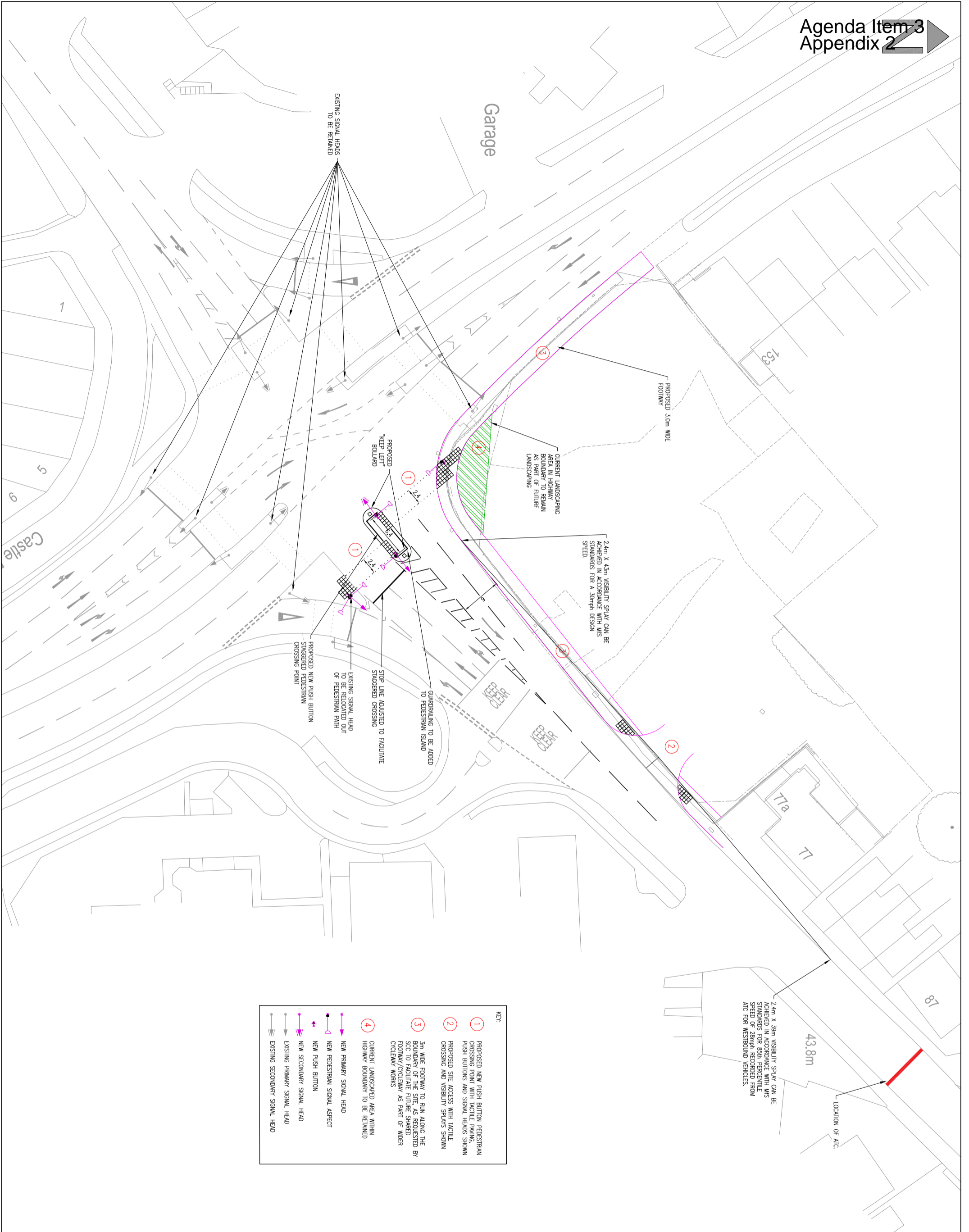
- 1) The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant 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 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/flooding-advice
- 2) 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)

- 3) The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment
- 4) 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
- 5) 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
- 6) 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
- 7) 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
- 8) Sub ground structures should be designed so they do not have an adverse effect on groundwater
- 9) 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's website. If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards. Sub ground structures should be designed so they do not have an adverse effect on groundwater. If there are any further queries please contact the Flood Risk, Planning, and Consenting Team via SUDS@surrey.gov.uk.


- 10) As required by Building Regulations part H, paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 11) Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharged into the public sewer.
- 12) Thames Water would advise that management of surface water from new development should follow Policy SI 13 Sustainable Drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services would be required,
- 13) Thames Water recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities.
- 14) There are public sewers crossing or close to the Site. If significant work is planned near to the sewers, it's important that you minimise risk of damage. The Applicant is advised to read Thames Water's guide to working near to or diverting pipes.
- 15) Thames Water advises the Applicant that the development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The Applicant is encouraged to read the Environment Agency's approach to groundwater protection and may wish to discuss implications for their development with a suitably qualified environmental consultant.

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KEY:

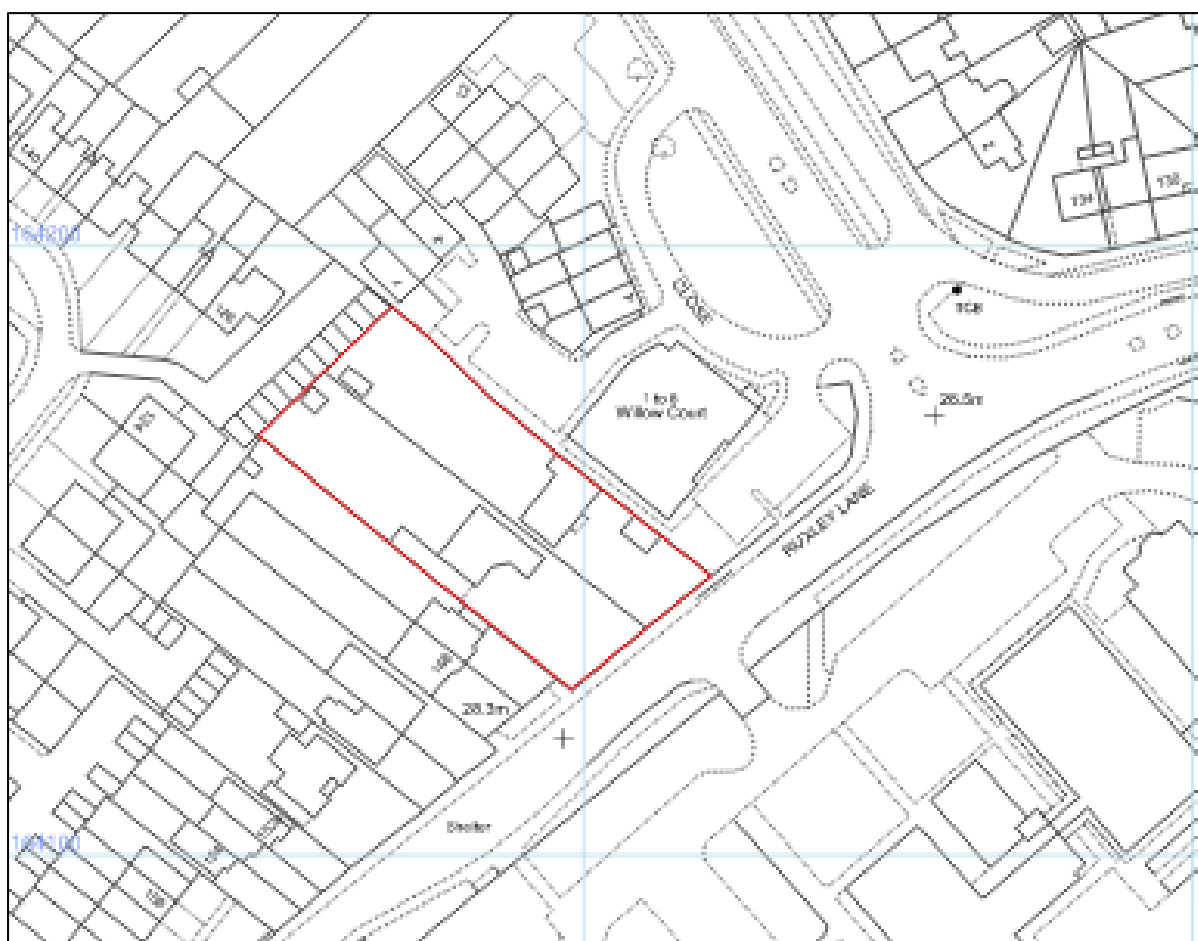
①	PROPOSED NEW PUSH BUTTON PEDESTRIAN CROSSING POINT WITH TACTILE PAVING, PUSH BUTTONS AND SIGNAL HEADS SHOWN
②	PROPOSED SITE ACCESS WITH TACTILE PAVING AND VISIBILITY SPREADS SHOWN
③	3m WIDE FOOTWAY TO RUN ALONG THE BOUNDARY OF THE SITE, AS REQUESTED BY SCC TO FACILITATE FUTURE SHARED FOOTWAY/CYCLEWAY AS PART OF WIDER CYCLEWAY WORKS
④	CURRENT LANDSCAPED AREA WITHIN HIGHWAY BOUNDARY TO BE RETAINED
→	NEW PRIMARY SIGNAL HEAD
→	NEW PEDESTRIAN SIGNAL ASPECT
→	NEW PUSH BUTTON
→	NEW SECONDARY SIGNAL HEAD
→	EXISTING PRIMARY SIGNAL HEAD
→	EXISTING SECONDARY SIGNAL HEAD

REV	DATE	BY	DESCRIPTION	CHK	APP
DRAWING STATUS					
Drawing Status (3) Draw Copyright 2018. All Rights Reserved. License number: 100252128					
 Unit 21, The Millington, Stamford Road, Harpenden, SG12 8HG Tel: 01920 817777 www.eas.co.uk					
CLIENT	65 LONDON ROAD EMWELL				
PROJECT	PROPOSED ACCESS ARRANGEMENT WITH PROPOSED 3m FOOTWAY AND NEW PUSH-BUTTON CROSSING				
SCALE	1:250	DATE	02/01/2020		
PROJECT NO.	2409	SK01	REV G		

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140 - 142 Ruxley Lane, Epsom, Surrey, KT19 9JS

Application Number	23/00588/FUL
Application Type	Full Planning Permission (Major)
Address	140 & 142 Ruxley Lane, Ewell, Surrey, KT19 9JS
Ward	Ruxley Ward
Proposal	Demolition of existing dwellings and erection of 14 new dwellings within two blocks with associated car parking and landscaping
Reason for Committee	Major development
Recommendation	Approval, subject to conditions, informatives and s106 legal agreement
Expiry Date	18 December 2023
Case Officer	Gemma Paterson
Contact Officer	Simon Taylor
Plans and Documents	Found at the following link: 140 Ruxley Lane
Glossary of Terms	Found at the following link: Glossary and Terms



SUMMARY

1 Summary and Recommendation

- 1.1 The application is classified as a major planning application and is referred to Planning Committee in accordance with the Epsom and Ewell Borough Council's Scheme of Delegation.
- 1.2 The application seeks planning permission for the demolition of the existing 2 no. two storey dwellings and the construction of a three storey building at the front and a two storey building at the rear comprising a total of 4 no. one bedroom units, 5 no. two bed units, 4 no. three bed units and 1 no. four bedroom semi-detached house. The proposal also involves a new access to the main highway, an internal access road and parking provision.
- 1.3 An application for residential development on this site was first heard at the November 2020 Planning Committee (20/00288/FUL - demolition of existing dwellings and erection of 20 flats within two blocks with associated car parking and landscaping) where it was refused for the following reason:
 1. 'The proposed development by reason of its design, scale, and massing, gives rise to an unacceptably cramped and over-developed layout, leading to an overbearing relationship with the adjacent properties and the local street scene, contrary to the established character, and local distinctiveness of the local area. The proposal is contrary to para 127 (c) of the NPPF, Policy DM9 and DM10 of the Development Management Policies Document 2015 and CS5 of the Core Strategy 2007'.
- 1.4 The Planning Inspector dismissed the subsequent appeal, upholding the Council's concerns regarding scale, overdevelopment, and overbearing relationship with the adjacent buildings.
- 1.5 A further application (21/01406/FUL) also for the demolition of existing dwellings and erection of 20 flats within two blocks with associated car parking and landscaping was heard at Committee in March 2022. This application was appealed on the basis of non-determination and Members resolved that they would have refused the application had the applicant not appealed, for the following reasons:
 1. In the absence of an appropriate legal agreement to secure the provision of affordable housing within the meaning of the NPPF, the proposal would fail to create a sustainable, inclusive and mixed community, contrary to Policy CS9 of the Core Strategy 2007 and paragraph 65 of the NPPF 2021.

2. As a result of its scale and intervening hard surfacing, the proposed development would represent an overdevelopment of the site that would conflict with the pattern of development in the locality and would give rise to an overbearing relationship with the adjacent buildings. Furthermore, as a result of its contrived design, the proposed development would be visually unattractive and an unsympathetic addition to the street scene, causing harm to the character and appearance of the area. In accordance with paragraph 134 of the NPPF 2021, the permission should be refused as it would be contrary to paragraph 130 of the NPPF 2021, Policies CS1 and CS5 of the Epsom and Ewell Core Strategy 2007, Policies DM9 and DM10 of the Epsom and Ewell Development Management Policies 2015, the Epsom and Ewell Borough Council Character Study and the Epsom and Ewell Single Plot and other types of Residential Infill Development SPG 2003.
 3. The proposed development would fail to provide all future occupiers with adequate internal living conditions as a result of sub-standard quality of accommodation and would fail to provide all future occupiers with private outdoor amenity space. The proposed development would fail to deliver a high standard of amenity and resulting in inadequate living conditions to the detriment of future occupiers. As such, it is considered that the proposal would fail to comply with paragraph 130 of the National Planning Policy Framework 2021, Policy DM12 of the Development Management Policies Document 2015 and the Technical Housing Standards - Nationally Described Space Standards 2015.
 4. The proposed development, as a result of its scale, design and proximity to boundaries, would result in an unacceptable loss of sunlight, day light, outlook privacy and would appear unduly overbearing to the extent that it would materially harm the amenities of the occupiers of surrounding neighbouring properties, contrary to Policy DM10 of the Development Management Policies Document 2015.
- 1.6 This appeal was dismissed by the Inspector on 22 August 2023, with the Inspector upholding the Council's reasons for refusal on all identified matters.
 - 1.7 The application now before this Planning Committee seeks to address the concerns raised by Members and the Planning Inspectorate against the previous applications.
 - 1.8 Although the current application still seeks two separate buildings on the site, the scale of the buildings has been much reduced and a significant gap retained between the neighbouring building, Willow Court, which has reduced the impact on the amenity of the occupiers of this property.

- 1.9 The number of units sought under this current scheme is 14, a reduction of 6 in comparison to the previous schemes. A scheme of this nature would be expected to provide 3 affordable units on the site to be policy compliant.
- 1.10 A Financial Viability Appraisal, prepared by S106 Management and dated 08 March 2023 has been submitted in support of the application to justify the scheme as an exemption from policy compliance. This has been reviewed by the Council's appointed Independent Viability Consultant and concluded that the scheme is unlikely to support a contribution towards affordable housing.
- 1.11 Whilst the proposal would result in the loss of trees from the site, the trees to be removed are not of any considerable amenity value of the surrounding area and would be replaced by a greater number of new trees planting and meaningful landscaping.
- 1.12 The proposal would meet the requirements of the National and local requirements for internal floor area and the provision of both private and communal provision of amenity space within this scheme is regarded to be sufficient to meet the recreation needs of future occupiers.
- 1.13 The layout, scale, form and design of the proposed development would reflect the characteristics of the context that surrounds it, with particular reference to the established Alpine Close.
- 1.14 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.
- 1.15 Officers are satisfied that the proposal would therefore resolve the reasons for refusal set out under paragraphs 1.6 and 1.7 of this report.
- 1.16 Whilst the proposal would not meet the Council's parking standards, the submitted Transport Statement concludes that a shortfall of 3.0 vehicle parking spaces can be accommodated on the local highway network without having a harmful impact on the surrounding area in terms of street scene or the availability of on-street parking. However, the failure to provide vehicle parking in accordance with local policy is an adverse impact in the planning balance.
- 1.17 The proposal would accord with the Council's policies in relation to ecology, flood risk, land contamination and environmental sustainability.
- 1.18 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 2023, 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 2023 as a whole.

- 1.19 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.

KEY INFORMATION

	Existing	Proposed
Site Area	0.19 Hectares	
Land Use	Residential	Residential
Units	2	14
Height	2 storeys	2-3 storeys
Density	10 dwellings per hectare	74 dwellings per hectare
Affordable Housing Units	Nil	Nil
Car Parking Spaces	4	15
Cycle Parking Spaces	0	19

SITE AND PROPOSAL

2 Description of Site

- 2.1 The application site comprises the curtilage of 2 no. residential dwellings, 140 and 142 Ruxley Lane. The site has a total area of 0.19 hectares
- 2.2 The existing residential buildings are detached and two-storey in scale, set well back within the plots, providing generous front curtilages facing the highway.
- 2.3 Although the land surrounding the site is predominantly residential, there are a mix of uses within the locale, with a supermarket to the north east of the site and High School located opposite the site, beyond the adjacent highway.

3 Description of Proposal

- 3.1 The proposal involves the following:
- The demolition of the existing two storey residential dwellings and erection of 2. no block of residential units, ranging between two –

three storeys. One block would front Ruxley Lane, whilst the other would be set to the rear of the site.

- There would be hard surfacing for vehicle parking, a communal garden area and landscaping inventing between the two blocks
- The block fronting onto Ruxley Lane would measure 22 metres in width, 21 metres in depth and would have an overall height of 11.0 metres. The accommodation would be set out over three floors and would comprise 4 no. one bedroom units, 4 no. two bedroom units, 3 no. three bedroom units and 1 no. four bedroom semi-detached dwelling
- The block sited to the rear would measure 19.2 metres in width, 12.7 metres in depth and would have an overall height of 8.2 metres. The accommodation would be set out over two floors and would comprise 1 no. two bedroom units and 1 no. three bedroom unit, with vehicle parking below.
- The existing access to the site would be stopped up and a new Bellmouth access would be provided to serve the site. 15 vehicle parking spaces would serve the proposed development; 5 no. vehicle parking spaces would be provided to the frontage of Ruxley Lane; 4 no. vehicle spaces would be set out within the centre of the site, with the final 6 no vehicle parking spaces provided at ground floor level in the rear block.

CONSULTATIONS

Internal Consultees	
Trees	No objection
Ecology	No objection, subject to conditions
Waste	No objection
Contaminated Land	No objection, subject to conditions
Environmental Health	No comments received
External Consultees	
Highway Authority	No objection, subject to conditions and informative
Flood Authority	No objection, subject to conditions
Environment Agency	No comments received
Surrey Archaeology	No comments received
Thames Water	No objection subject to informative

Public Consultation

Neighbours	<p>The application was advertised by means of a site notice, press notice, and notification to neighbouring properties, concluding on 30 June 2023. 6 submissions were received. They raised the following issues:</p> <ul style="list-style-type: none"> • Noise pollution to 1 Alpine Close and 8 Alpine Close • Impacts from bin storage close to 1 Alpine Close • Sets future precedents • Increase in traffic • Impacts of children’s safety given proximity of School • Loss of light/overbearing to 8 Alpine Close • Overlooking to 2 Alpine Close • Loss of outlook to 8 Alpine Close • Loss of greenery/mature trees • Inconsiderate parking issues • Out of character with neighbouring properties <p>Officer comment: The third-party matters summarised above are discussed in the body of the report.</p>
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PROPERTY HISTORY

App No.	Description	Status
22/00477/FUL	Erection of 9 Houses and associated hard and soft landscaping following the demolition of the existing dwellings	Refused 07.10.2022
21/01406/FUL	Demolition of existing dwellings and erection of 20 flats within two blocks with associated car parking and landscaping	Non determination Appeal Refused 22.08.2023
20/00288/FUL	Demolition of existing dwellings and erection of 20 flats within two blocks with associated car parking and landscaping. (Amended scheme received 28.07.2020)	Refused 23.11.2020 Appeal Refused 21.05.2021

SITE CONSTRAINTS

- Built Up Area
- Site of Special Scientific Interest Risk Area
- Great Crested Newt Impact Zone (low habitat suitability)
- Potentially contaminated Land
- Flood Zone 1
- Classified B road

PLANNING POLICY AND GUIDANCE

National Planning Policy Framework 2023 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a Sufficient Supply of Homes
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport
- Section 11: Making Effective Use of Land
- Section 12: Achieving Well-Designed Places
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15: Conserving and Enhancing the Natural Environment

Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS7: Housing Provision
- Policy CS9: Affordable Housing and Meeting Housing Needs
- Policy CS16: Managing Transport and Travel

Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- 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 DM16: Backland Development
- Policy DM17: Contaminated Land
- Policy DM19: Development and 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 Standards

Revised Developer Contributions Supplementary Planning Document 2014

- Part 1: Overview
- Part 2: Affordable Housing
- Part 3: Site-Specific Infrastructure Obligations

Supplementary Planning Documents and Guidance

- Parking Standards for Residential Development Supplementary Planning Document 2015
- Surrey County Council Vehicular and Cycle Parking Guidance 2021
- Surrey Transport Plan 2022–2032
- Sustainable Design Supplementary Planning Document 2016

Other Documentation

- Technical Housing Standards – Nationally Described Space Standards 2015
- Strategic Housing Market Assessment Update 2019

APPRAISAL

4 Presumption in Favour of Sustainable Development

- 4.1 Paragraph 11 of the NPPF 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. Currently, the Council does not have an up-to-date development plan on account of not being able to demonstrate a five-year supply of housing.
- 4.2 Paragraph 11(d) is engaged as the Council's policies which are most important for determining the application are out-of-date. The practical application and consequence of this is that unless the site is 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 as a whole.
- 4.3 The site is located within a built-up area and does not affect assets of particular importance such as SSSI, AONB, European or National Ecological Designations, Green Belt or any other given additional weight by the NPPF. When considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.

5 Principle of Development

Location of Development

- 5.1 The site is located within the built-up area of Epsom and the principle of development is acceptable in terms of the principles, objectives and policies in the CS, the DMPD and supporting guidance and documents.

Housing Delivery

- 5.2 Paragraph 60 of the NPPF aims to significantly boost the supply of homes in areas where it is needed and addressing specific needs. Policy CS7 of the CS seeks to meet housing requirements in accordance with Policy H1 of the South East Plan which is at least 2,715 homes within the period 2007-2022 or 181 new dwellings per annum.
- 5.3 The Council has calculated its five-year housing land supply position as being 1.56 years. The Council is presently falling significantly short of requirement and cannot presently demonstrate five years housing land supply.

Development of a Residential Garden

- 5.4 Policy DM16 of the DMPD indicates a presumption against the loss of rear gardens to maintain local character, amenity space, green infrastructure, and biodiversity, unless there is retention of green infrastructure for residents and wildlife and of neighbour amenity, avoidance of long access roads, development of a lesser scale and protection of trees, shrubs and wildlife habitats.
- 5.5 Given the significant housing need within the Borough, it is considered that the increased residential use of the site within a sustainable location is acceptable in principle, subject to the below other material planning considerations.

6 Density

- 6.1 Policy DM11 of the DMPD aims for the most efficient use of development sites with a demonstration of how density would contribute towards maintaining and enhancing the visual character and appearance of the wider townscape and lead to no net loss of biodiversity. Density is generally limited to 40 dwellings per hectare or alternatively, where it is allocated at a higher density, there is good site sustainability, and it conforms to the surrounding townscape.
- 6.2 Although the proposed housing density per hectare of the site is 74 dwellings per hectare, 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.
- 6.3 Although the density proposed under this current application is a considered improvement on the 105 units per hectare sought under the previous schemes, the failure to provide a policy compliant density is an adverse impact of the scheme to be weighed in the planning balance.

7 Housing Mix

- 7.1 Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community including families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes. 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. Chapter 3 of EEBC's Strategic Housing Market Assessment Update 2019 recommends the breakdown of dwellings by size, as follows:

Beds	Required	Provided
1	10%	29%
2	50%	35%
3	30%	29%
4+	10%	7%

- 7.2 Although the proposal development involves a 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 would be appropriate, as it would result in a more efficient use of land.
- 7.3 The proposed mix is in accordance with Policy DM22 of the Development Management Policies Document 2015, which requires a minimum of 25% of the development as 3+ bedroom units. On this basis, the proposed housing mix reflects the optimum use of the site and provides for an identified housing need.

8 Affordable Housing

- 8.1 Paragraph 63 of the NPPF states that affordable housing should be on site unless a contribution is robustly justified and that it contributes to the objective of creating mixed and balanced communities. Paragraph 65 requires at least 10% affordable homes, 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.
- 8.2 Whilst the NPPF requires at least 10% affordable housing on quantifiable sites, Policy CS9 of the CS specifies residential development of between 5 and 14 dwellings (or on sites between 0.15 and 0.49ha) to include at least 20% as affordable. This policy seeks to maximise the contribution of affordable housing from each site having regard to the individual circumstances and viability of development on this site and meets the

NPPF aim to significantly boost the supply of homes and that the needs of groups with specific housing requirements are addressed

- 8.3 Paragraph 58 of the NPPF 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.
- 8.4 Paragraph 3.12.11 of the CS 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.
- 8.5 To be fully policy compliant, the proposed development would be required to provide 3 affordable units.
- 8.6 The proposal would not provide any on site affordable provision or any financial contribution. A Financial Viability Appraisal, prepared by S106 Management and dated 08 March 2023 and subsequent correspondence, also prepared by S106 Management dated 01 October 2023 has been submitted in support of the application to justify the scheme as an exemption from policy compliance. The Council appointed an Independent Viability Consultant to fully review this Appraisal and to provide professional recommendations on its soundness and conclusions.
- 8.7 The Council's Viability Consultant has reviewed all the details supporting the Financial Viability Appraisal and has concluded that a robust case has been made to demonstrate that the scheme would not be able to support any contribution towards affordable housing as a result of the high benchmark land value, build costs (which have been independently reviewed by a third party Quantity Surveyor instructed on the Council's behalf by the Council's Viability Consultant) and the finance rate costs.
- 8.8 The Council's Viability Consultant has recommended a review mechanism that could capture any positive viability changes in costs and values in the future if site or economic factors change. It is considered reasonable to secure this review mechanism through a Section 106 Agreement.

9 Quality of Accommodation

Internal Amenity

- 9.1 Paragraphs 130 and 157 of the NPPF, Policy CS6 of the CS and Policies DM10 and DM12 of the DMPD aim for a functional, adaptable, and sustainable design, with a high standard of amenity.
- 9.2 The Nationally Described Space Standards 2015 sets out internal space standards for new dwellings at a defined level of occupancy. It further states that to provide two bed spaces, a double/twin bedroom must have a floor area of at least 11.5m² and a single bedroom is required to have a floor area of at least 7.5 m².

Flat Number (bed/person)	National Standard	Proposed Internal Area
Unit 1 (4b/5p)	86m ²	119m ²
Unit 2 (1b/2p)	50m ²	50m ²
Unit 3 (3b/4p)	74m ²	75m ²
Unit 4 (3b/4p)	74m ²	75m ²
Unit 5 (1b/2p)	50m ²	52m ²
Unit 6 (1b/2p)	50m ²	52m ²
Unit 7 (1b/2p)	50m ²	50m ²
Unit 8 (3b/4p)	74m ²	75m ²
Unit 9 (3b/4p)	74m ²	75m ²
Unit 10 (2b/3p)	61m ²	74m ²
Unit 11 (2b/3p)	61m ²	61m ²
Unit 12 (2b/3p)	61m ²	61m ²
Unit 13 (3b/4p)	74m ²	85m ²
Unit 14 (2b/3p)	61m ²	82m ²

- 9.3 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.
- 9.4 Officers 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.
- 9.5 The windows and balconies to the rear of the front block would be over 19 metres from the windows to the front of the rear block. This distance would prevent any direct or unreasonable overlooking into the internal amenity areas between the two developments, thereby retaining the privacy of future occupiers.

Outdoor Space

- 9.6 Policy DM12 of the DMPD and the Householder SPG requires private outdoor space that is usable, functional, safe, and accessible with good access to sunlight and a minimum depth of 10m and area of 70m² for 3 + bedroom houses and a minimum of 5m² for 1-2 person dwellings with an additional 1m² per additional person.

Flat Number (bed/person)	National Standard	Proposed Internal Area
Unit 1 (4b/5p)	70m ²	70m ² and 13m depth
Unit 2 (1b/2p)	5m ²	20m ²
Unit 3 (3b/4p)	7m ²	18m ²
Unit 4 (3b/4p)	7m ²	25m ²
Unit 5 (1b/2p)	5m ²	12m ²
Unit 6 (1b/2p)	5m ²	5m ²
Unit 7 (1b/2p)	5m ²	5m ²
Unit 8 (3b/4p)	7m ²	7m ²
Unit 9 (3b/4p)	7m ²	7m ²
Unit 10 (2b/3p)	6m ²	10m ²
Unit 11 (2b/3p)	7m ²	12m ²
Unit 12 (2b/3p)	7m ²	10m ²
Unit 13 (3b/4p)	8m ²	45m ²
Unit 14 (2b/3p)	7m ²	23m ²

- 9.7 In addition to the above private amenity space, the site would also be supported by 244m² of communal area.
- 9.8 The first-floor rear balconies associated with the front block would be fitted with privacy screens to prevent any direct overlooking to the private amenity areas associated with the proposed development. In the event planning permission is granted, Officers would seek a condition to secure the detailing of these private screens and retention in perpetuity.
- 9.9 The area identified for private amenity area for Unit 10 would be located over 12 metres from the windows associated with Unit 1, which would be sufficient to prevent any clear views of this private amenity area.
- 9.10 Whilst the majority of the communal space would be overlooked by the proposed development, given that the properties also have private amenity area, this would not compromise the private amenities of the future occupiers of the development.

10 Trees and Landscaping

- 10.1 Paragraph 131 of the NPPF, Policy CS3 of the CS, Policy DM5 of the DMPD and the Householder SPG seek the retention, protection and enhancement of existing and new trees, hedgerows, and other landscape

features, with removal of trees supported by sound justification and appropriate replacement planting of native species.

- 10.2 The application is accompanied by an Arboricultural Report and Method Statement prepared by DPA Arboricultural Consultants, dated April 2023. The report confirms that it is proposed to remove 8 trees at the site, all of which are Category C trees that are considered not to be significant to the local or wider landscape.
- 10.3 The proposal seeks to plant 33 replacement/new trees, 11 of which would be large specimen sized trees.
- 10.4 Officers have thoroughly reviewed the submitted documents in light of no objection raised by the Council's Tree Officer to the previous scheme and found them to provide a fair representation of the tree situation on site. As the previous schemes on this site did not raise any objection from the Council's Tree Officer to the loss of the identified trees and no concerns raised relating to the future health of the trees to be retained and the footprints of the proposed buildings and the hard and soft landscape schemes are not significantly changed, Officers are satisfied that the removal of existing trees and their replacement with appropriate tree planting is acceptable.
- 10.5 In the event permission is granted, conditions to secure an Arboricultural Method Statement and Tree Protection Plan to ensure that the trees marked for retention are protected during construction works and the operational phase, as well as conditions to secure a soft landscaping scheme with associated maintenance plans are recommended.

11 Design and Character

- 11.1 Paragraphs 125, 130 and 134 of the NPPF refer to the need for functional and visually attractive development that is sympathetic to local character and history. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area. Policy DM9 of the DMPD requires a positive contribution to and compatibility with the local character and the historic and natural environment and Policy DM10 requires good design that respects, maintains or enhances the prevailing house types and sizes, density, scale, layout, height, form and massing, plot width and building separation, building lines and key features.
- 11.2 The site lies in Character Area 10 as defined in the Epsom and Ewell Borough Council Character Study 2008. The study identifies the predominate built form of this character area to be two storey, semi-detached development from the 1930's and 1950's -1970's, together with occasional blocks of flats, terraces and detached properties.

- 11.3 To the north east of the site is a corner plot that accommodates a three-storey flatted development (Willow Court) which has frontages to both Ruxley Lane and Cox Lane. Adjacent to Willow Court on Cox Lane frontage are a row of three storey town houses, beyond which is a more densely built-up suburban area of predominantly two storey development.
- 11.4 In comparison, the buildings adjacent to Willow Court on the Ruxley Lane frontage are two storey and to accommodate for this, Willow Lodge steps down from three storey to two storey adjacent to this built form. The site has a generous, deep open frontages are verdant in character, with the existing associated built form set well back from the highway.
- 11.5 The proposed development would replace the existing two storey dwelling and bungalow with a three storey block fronting Ruxley Lane and a two storey block of flats set behind, hard up against the rear boundary, which abuts a garage court serving Larkspur Way. Access to the site would be via Ruxley Lane and to accommodate the Council's parking standard on the site, a considerable amount of hard standing is proposed on site, intervening between the two proposed blocks of residential units.
- 11.6 The planning history of the site is a material planning consideration in the assessment of this application. Of relevance is the first of the dismissed appeals under previous refusal 20/00288/FUL, in which the Inspector noted that the scale of the development was the crux of the matter for consideration, as there was no objection from either the Council or the Inspectorate in principle to residential development on this site, or indeed to a flatted development.
- 11.7 When considering the issue of scale, the Inspector considering the refusal of 20/00288/FUL paid special attention to eaves height of the southern (front) block of flats in comparison to adjacent Willow Court and 144 Ruxley Lane, noting that 'the proposed development would give rise to an overbearing relationship with both adjacent buildings on Ruxley Lane, significantly so in respect of no. 144; and which would be harmful to the character and appearance of the street scene' (paragraph 10, Appeal ref: APP/P3610/W/20/3263842).
- 11.8 The sentiments of the Inspector were also repeated in the appeal of 21/01406/FUL, in which that Inspector concluded that 'the height and scale proposed [it] would both tower over No 144 and unduly contrast with the prevailing pattern of development in the vicinity' (paragraph 7, Appeal ref: APP/P3610/W/22/3291215).
- 11.9 The Inspector considering the refusal of 20/00288/FUL also gave consideration to the cumulative effect of the two blocks of flats within the site, stating that 'the combination of the two-storey block to the rear and the intervening hard surfacing..... the site would appear over developed and would be in conflict with the.... suburban pattern of development'. (Paragraph 8 Appeal ref: APP/P3610/W/20/3263842).

11.10 Again, this was reflected in the conclusion of the Inspector considering the refusal of 21/01406/FUL, who noted that ‘although it has been stated that the amount of landscaped communal amenity space has been increased by approximately 14%, a considerable proportion of the site would still consist of either hardstanding or built form. This would be at odds with existing pattern of development in the area which generally consists of residential development at a fairly low density’. (Paragraph 10 Appeal ref: APP/P3610/W/20/3263842).

11.11 In considering design, the Inspector considering the refusal of 21/01406/FUL noted that ‘the front block of flats would exhibit an assortment of dormer window styles, roof forms, and balconies which would undermine the visual coherence of the building. This would exacerbate the harm caused to the character and appearance of the area’. (Paragraph 11 Appeal ref: APP/P3610/W/20/3263842).

11.12 The following table provides relevant comparison of important measurements between the current and previous schemes:

	20/00288/FUL	21/01406/FUL	Current
Height of Front Building	12 metres	11.7 metres	11.4 metres
Width of Front Building	22 metres	22 metres	22 metres
Depth of Front Building	21 metres	21 metres	21 metres
Height of Rear Building	6.3 metres	10 metres	8.1 metres
Width of Rear Building	25 metres	19 metres	19 metres
Depth of Rear Building	11 metres	10 metres	12 metres
Distance between Front Building and 144 Ruxley Lane	5.7 metres to boundary 6.0 metres to wall	5.6 metres to boundary 6.0 metres to wall	1.2 metres to boundary 1.6 metres to wall
Distance between Front Building and Willow Court	0.8 metres to boundary 3.6 metres to wall	0.8 metres to boundary 3.6 metres to wall	5.4 metres to boundary 8.3 metres to wall
Amount of hardstanding	768m ²	791m ²	671m ²

11.13 This current application continues to promote the layout of two buildings on the site, one to the south (front) of the site and one to the north (rear). Although this layout still creates intervening hard surfacing between the two buildings, which is necessary for an internal access road and vehicle parking, the amount of hard surfacing has been reduced in comparison to previous schemes and the appearance of the hard surfacing would be softened by the provision of a significant amount of communal garden and landscaped strips, thereby reducing the dominance of hard materials on the site in comparison with the previously refused schemes.

- 11.14 The front building would be part 2 storey, part 2.5 storey and part 3 storey and has been significantly reduced in scale, bulk and mass from that sought under previous schemes. It is entirely compatible with the surrounding street scene.
- 11.15 In particular, the resulting relationship between the front building and the neighbouring built forms, 144 Ruxley Lane and Willow Court is welcomed. With respect to 144 Ruxley Lane, although the current scheme would reduce the separation gap sought under 21/01406/FUL, the built form of the front building has been reduced and the overall height would now mirror the eaves and ridge height of this neighbouring property. A boundary setback of 1.2m at this height is entirely reasonable and not inconsistent with the surrounding area. Although the eaves height of the front building would continue to a height far greater than the eaves of the two storey element of Willow Court, a significant increase in the separation gap (8.3 metres) would prevent the front building from having a dominating appearance over Willow Court.
- 11.16 In terms of design, the proposed front building has taken design cues from surrounding built form, replicating traditional elements such as hipped roof, front gables and bargeboard gable dormers. The concerns of a lack of visual coherence raised by the previous Inspector are resolved.
- 11.17 With respect to the rear building, under the previous schemes, this took the form of a 2.5 storey element and was contrived in design as a result of seeking to mitigate its overall massing. In contrast, the rear building in the current scheme would be a simplistic, two storey built form that would sit well within the rear of the plot. Its scale and location to the rear of the site, behind the front building prevents it from being a highly visible feature from the Ruxley Lane street scene, although it would be glimpsed from the access. The main views of the rear building would be obtained from the forecourt of Alpine Close and the garages to the rear and whilst back land development is not prevalent in the area, the rear building would be seen in these main views in context with the residential development along Larkspur Way, rather than in isolation. Furthermore, there are a number of backland garage courts serving Larkspur Way that disrupt any perception of a green corridor to the rear of this section of Ruxley Lane that would ordinarily occur within back-to-back residential gardens.
- 11.18 Although the proposal would increase the quantum of development on the site, this would be read in conjunction with the established Alpine Close, a two-storey development to the rear of Willow Court. Should permission be granted, a condition to secure materials is recommended, in order to ensure they are of a high quality that would contribute towards the proposed development integrating into the character and appearance of the area.

12 Neighbour Amenity

- 12.1 Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise whilst Paragraph 185 of the NPPF and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 12.2 The neighbouring properties most effected by the proposed development would be 144 Ruxley Lane, Willow Court, 1 Alpine Close and 126 Larkspur Way.

144 Ruxley Lane

Overbearing/Outlook Implications

- 12.3 The front block would retain a separation gap of 3.6 – 3.8 metres between the main built form of 144 Ruxley Lane, with the separation distance to the attached garage being 1.7 metres. Although the built form of the front building would extend 5.0 beyond the first-floor rear elevation of 144 Ruxley Lane and 2.0 metres beyond the ground floor rear elevation of 144 Ruxley Lane, the overbearing impact upon the occupiers of this neighbouring would be mitigated by the retained separation distances.
- 12.4 The rear block would be located at a distance and orientation more than sufficient to prevent any issues of loss of outlook or any overbearing impacts upon the occupiers of this neighbouring property.

Daylight/Sunlight Implications

- 12.5 The north east side elevation of 144 Ruxley Lane features two high level windows and a kitchen window at ground floor level and one window at first floor level. The proposal would introduce two storey development within 1.6 – 3.8 metres of this flank elevation. However, the light currently achieved into this kitchen window is already severely compromised by the siting of the deep garage associated with 142 Ruxley Lane, which measures 2.7 metres in height and lies hard up against the boundary of 144 Ruxley Lane. The proposal would set the built form back 1.0 metres from the shared boundary and 3.6 metres from this window. Although the proposal would be of a height greater than the existing garage at 144 Ruxley Lane, the impact upon the light levels received by this kitchen window would not be so significant upon the amenities of the occupiers of this property to warrant a reason for the refusal of this application.
- 12.6 The high level windows in the garage would not serve any primary accommodation and therefore loss of light to these windows would not significantly compromise the level of amenity enjoyed by the occupiers of 144 Ruxley Lane.

- 12.7 144 Ruxley Lane features windows in the rear elevation at both ground floor and first floor level, and the proposal would extend beyond this elevation by 5.0 metres at first floor level and 2.0 metres at ground floor level. However, the windows in the rear elevation of this neighbouring property would meet the 45° test set out in the Council's Residential Extensions SPG and the proposal would not cause any significant loss of light to these windows as a result.
- 12.8 The rear block would be located at a distance sufficient to prevent any issues of loss of daylight or sunlight upon internal living accommodation associated with this neighbouring property.
- 12.9 In terms of loss of daylight and sunlight to the rear curtilage of this neighbouring property, the application is supported by a Sunlight Study, prepared by Form Design Group, reference PL300d and PL303a, which demonstrates that the front block would cast a partial shadow over the curtilage closer to the main dwelling from 08:00 in the summer months. However, this is for a short period with the shadow receding and resulting in the rear curtilage being free from any overshadowing from the front block from 10:00 onwards.
- 12.10 The rear block would cast a marginal partial shadow of the far curtilage of 144 Ruxley Lane from 08:00 in the summer months, which again would be free overshadowing from 10:00. During the period of 08:00 – 10:00, the majority of the far rear curtilage is free from any overshadowing. It is also noted that the majority of the overshadowing of the curtilage during these hours can be attributed to the built form of the main dwelling at 144 Ruxley Lane itself.
- 12.11 In the winter months, the proposal would not cause any significant overshadowing the rear curtilage of this neighbouring property through the main periods of the day.

Overlooking/Privacy Implications

- 12.12 The front block does not contain any windows in the south west side elevation that would overlook the windows existing in the north east side elevation of 144 Ruxley Lane.
- 12.13 As the existing building on the site adjacent to 144 Ruxley Lane is a bungalow, the proposal would introduce new opportunities for overlooking from windows at first floor level and above. However, the views achieved from these windows would be directed towards the far rear curtilage associated with this neighbouring property, rather than the more private patio area, a situation considered to be typical in built up urban residential areas.

- 12.14 It is noted that balconies are proposed on the rear of the front building that may provide opportunities to overlooking into the patio areas and far rear curtilage associated with 144 Ruxley Lane. Whilst the overlooking into far rear curtilage would be a typical situation, Officers welcome the provision of privacy screening on the side elevation of the balconies, to prevent direct views into the private patio areas of this neighbouring property, and in the event permission is granted, would seek a condition to secure their detailing and retention in perpetuity.
- 12.15 The rear block contains a number of windows at first floor level in the elevation, all of which, bar one, serve primary accommodation.
- 12.16 The rear block is orientated so as not to provide any opportunities for direct overlooking into the internal areas associated with 144 Ruxley Lane and the distance of over 30 metres from these window to the windows associated with this neighbouring property would prevent any overlooking impacts.
- 12.17 In terms of overlooking into the rear curtilage associated with 144 Ruxley Lane, again the orientation and distance of the first-floor windows associated with the rear block would prevent any clear and direct overlooking into the curtilage associated with this neighbouring property.
- 12.18 In the event planning permission was granted, it would be reasonable to recommend a condition to prevent any new windows in the side elevations of both the front and rear blocks in order to protect private amenity of the neighbouring properties in the future.

Willow Court

Overbearing/Outlook Implications

- 12.19 The front block would be located 5.7 metres from the boundary shared with Willow Court and there would be an 8.3 metre distance retained between the two built forms. This retained distance would prevent any loss of outlook or overbearing impacts upon the occupiers of this neighbouring building.
- 12.20 The rear block would be located at a distance and orientation more than sufficient to prevent any issues of loss of outlook or any overbearing impacts upon the occupiers of this neighbouring building.

Daylight/Sunlight Implications

- 12.21 The south west side elevation of Willow Court contains windows at first floor level serving primary accommodation (a bedroom serving Flat 4 and a kitchen window serving Unit 5).

- 12.22 These windows are currently subjected to overshadowing from the existing two storey building at 140 Ruxley Lane from 14:00 onwards. Although the proposal would create a greater distance between built form and these neighbouring windows than the existing situation, the additional height of the proposal would negate any benefit this distance may have had on the existing overshadowing impacts. The proposal would therefore continue to replicate the existing situation in terms of overshadowing.
- 12.23 The proposal would not extend beyond the existing front balcony and serving windows associated with Flat 4 and will therefore not cause any overshadowing to this beyond any currently created from the existing situation on site.
- 12.24 There is a balcony to the rear of Willow Court, serving Unit 5. The proposal would extend beyond this balcony and it likely to cause some overshadowing impacts after 14:00. However, this balcony is already disadvantaged as a result of its orientation, design and the presence of an existing 1.8 metre high privacy screen, which prevents much sunlight from reaching it. Although the proposal would cast a shadow on this balcony from 14:00 onwards in the summer and winter months, this would not exacerbate the existing situation.

Overlooking Implications

- 12.25 The front block contains a number of windows on the north east side elevation that would serve primary accommodation.
- 12.26 These windows would face onto the south west side elevation of Willow Court containing the bedroom window associated with Flat 4 and the kitchen and balcony associated with Flat 5.
- 12.27 The bedroom window associated with Flat 4 is served by an oriel window, one side of which is obscurely glazed. Due to this design, the proposal would not provide any direct views into the living accommodation of Flat 4 through this window.
- 12.28 The kitchen window serving Flat 5 lies flush with the wall and directly faces the proposed development. However, the windows associated with the proposed development would not directly face this kitchen window (i.e. they are offset), and taking this into consideration, along with the small scale of the kitchen window and distance of 8.5 metres retained, Officers are satisfied that the proposal would not allow for direct or unreasonable views into the internal living area of this kitchen.
- 12.29 Flat 5 has a rear balcony that would be directly overlooked by windows on the north east side elevation windows of the proposed development at the same level. However, this balcony has an existing 1.8 metre high privacy screen that would prevent any direct views from future occupiers of the development upon the users of this balcony.

12.30 Although the north east side elevation windows of the proposed development also face onto a third-floor shared terrace associated with Willow Court, they are set at a height that would only afford direct views of the slope of the hipped roof, rather than the actual terrace area itself. Furthermore, as a result of a distance of over 12 metres between these windows and the terrace, the privacy of the users of the shared terrace would be preserved.

1 Alpine Road

Overbearing/Outlook Implications

12.31 The front block would be located at a distance more than sufficient to prevent any loss of outlook or overbearing impacts upon the occupiers of this neighbouring property.

12.32 The north east side elevation of the rear block would be within 7.0 metres of the front curtilage associated with this neighbouring property. The built form of the proposal would be set fully forward of the built form of 1 Alpine Close and the retained distance would prevent any issues of overbearing or loss of outlook for the occupiers of this neighbouring property.

Daylight/Sunlight Implications

12.33 The Daylight Study demonstrates that the proposed rear block would contribute to the overshadowing of the front curtilage of this neighbouring property from 16:00 onwards in the summer months, although the majority of the overshadowing would be the result of the orientation of this neighbouring property in relation to its front curtilage.

Overlooking/Privacy Implications

12.34 The balconies proposed to the rear of the front block would be over 28 metres from the windows associated with 1 Alpine Road, which would prevent any issues of direct overlooking into the private internal amenity areas associated with this neighbouring property.

12.35 The windows proposed on the north east side elevation of the rear block are not directed towards any curtilage associated with 1 Alpine Road. In the event permission is granted, it would be reasonable to recommend a condition to prevent any new windows in the side elevations of both the front and rear blocks in order to protect private amenity of the neighbouring properties in the future.

General Amenity

12.36 Officers acknowledge that as a result of the increase in built form on the site, the proposal would have a greater presence upon the occupiers of the surrounding neighbouring properties than the existing situation.

However, as demonstrated above, the material impacts would not be so harmful as to warrant a reason to refuse this application.

- 12.37 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.
- 12.38 There are third party concerns in respect of the siting of the proposed bin storage and the potential odour and noise this would create. The main bin storage point is located at the front of the site and would be an enclosed storage. Should permission be granted, Officers recommend a condition to ensure that this storage would be designed to remain closed when not in use to prevent undue odour transfer. Furthermore, the proposed bin store would be located 10 metres beyond the front elevation of 144 Ruxley Lane and its associated windows. This condition and this distance would prevent any lasting odours from the bin store from affecting the occupiers of this neighbouring property.
- 12.39 In terms of noise, it is likely that the bin store would cause some noise as a result of its intended use. However, such noise is associated with residential dwellings and is would not be so significant as to harm the amenities of the occupiers of future residents or neighbouring properties.
- 12.40 A small bin store is proposed to the rear of Unit 13, which would be located hard up against the boundary of the far rear curtilage associated with 144 Ruxley Lane. Again, should permission be granted, a secured design would be conditioned and the distance of over 21 metres from the rear windows and patio area associated with 144 Ruxley Lane would prevent any lasting odours from the bin store affecting the occupiers of this neighbouring property.
- 12.41 There are concerns that the pathway leading from the amenity space of Unit 13 to the bin store has the potential to reduce personal security and increase the risk of crime to 144 Ruxley Lane. Officers do not share the same level of concern but in the event permission is granted, Officers would seek a condition to secure details of all boundary treatment prior to occupation to ensure that appropriate security is provided within the site.
- 12.42 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.

13 Highways, Access and Parking

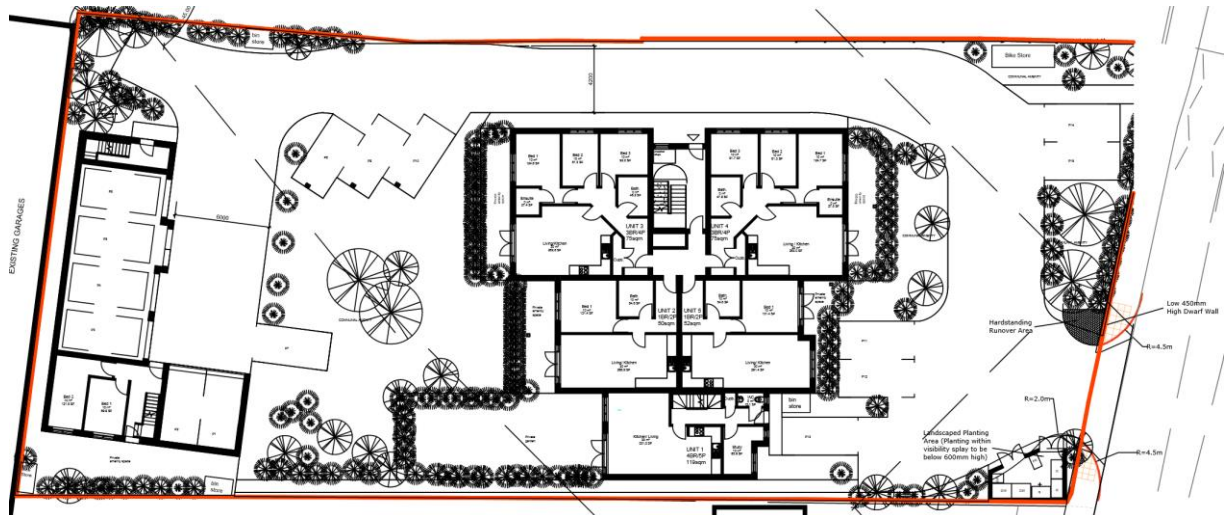
- 13.1 Policy CS16 of the CS encourages an improved and integrated transport network and facilitates a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should provide safe, convenient, and attractive accesses for all, be appropriate for the highways 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.

Site Sustainability

- 13.2 Paragraphs 104, 110 and 112 of the NPPF seek to ensure the growth of sustainable transport in managing development and approval of planning applications.
- 13.3 Paragraph 85 of the NPPF accepts that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
- 13.4 The application is supported by a Transport Statement prepared by Lanmor Consulting, reference 201249/TS/JR/RS/05 rev A and dated May 2023, which gives an account of the existing local highway network and local accidental data, as well as highlighting the accessibility benefits of the site.
- 13.5 The County Highway Authority have assessed this highway account and have confirmed that it gives a fair representation of the site and surrounding highway context.

Pedestrian and Vehicle Access and Manoeuvrability

- 13.6 Paragraph 110 of the NPPF requires safe and suitable access, paragraph 111 allows for refusal where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe and paragraph 112 seeks to minimise conflicts between pedestrians, cyclists, and vehicles. This is reinforced in Policy CS16 of the CS and DM10 of the DMPD.
- 13.7 The proposal involves closing the existing access point onto Ruxley Lane and creating a new vehicular/pedestrian access further south to the site. The new access arrangement would be in the form of a bellmouth and would incorporate tactile paving across the entrance, as shown in the diagram over:



13.8 It has been demonstrated that the visibility for the proposed access would be 43m to both left and right of the access, which meets the recommendations in Manuals for Streets for a 30mph road. Pedestrian visibility of 2.0 metres has also been provided for the new access.

13.9 Tracking plans supporting the proposal have demonstrated that vehicles, including service/delivery vehicles can leave the site in a forward gear.

13.10 The County Highway Authority have assessed the detailed design of the proposed vehicle access and internal road network and have confirmed that sufficient space would be provided within the site for vehicles to park and for vehicles to turn, in order for them to enter and leave in forward gear.

Traffic Generation

13.11 Policy DM35 of the DMPD requires consideration of the impact upon the transport network via a Transport Assessment or Statement.

13.12 In order to predict the traffic generation and flow associated with the proposed development, the Transport Statement advises that TRICS (Trip Rate Information Computer System) database has been used, using sites that are similar in characteristics with the proposed development. The TRICS database estimates a daily total of 60 vehicle trips would be associated with the proposed development.

13.13 The Transport Statement has considered the impact of this additional traffic generation on the local transport network, giving particular attention to the traffic pattern flows generated by Epsom and Ewell High School, the main access to which is directly opposite the site and is served by a dedicated right turn lane, and has concluded that the small increase in traffic flow would have a minimal impact and unnoticeable in the flow of traffic on Ruxley Lane, including in peak times.

13.14 The County Highway Authority is satisfied that the TRICS Assessment undertaken and reported within the Transport Statement provides a robust and realistic assessment of the likely impact of the proposed development on the highway network and that the residual cumulative impacts of the development would not have a material impact on the capacity of the surrounding network.

Car Parking

13.15 Policy DM37 of the DMPD and the Parking Standards for Residential Development SPD specify a minimum requirement for new residential developments.

13.16 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 bed flat units and 1.5 spaces for three bed flats. The scheme would therefore be required to provide 18 vehicle parking spaces within the site in order to be policy compliant.

13.17 The proposal would provide 15 off street vehicle parking spaces to serve the proposed development, which is a shortfall of 3 vehicle parking spaces.

13.18 The County Highway Authority have noted the in shortfall in parking provision when assessed against the Council's Residential Parking Standards and appreciates that the Council has its own vehicle parking standards to consider. From a highway safety and capacity perspective, which is the County Highway Authority's remit, they raise no objection to the shortfall in parking.

13.19 When assessing new development that does not accord with the Council's Parking Standards, Officers need to consider whether the displacement of vehicle(s) from new development would exacerbate the parking stress on surrounding areas that are currently already close to tolerance, as a result of the number of residential developments within the surrounding area.

13.20 In considering existing parking stress on the surrounding road network, whilst the immediate section of highway to the site prohibits any on street vehicle parking due to the pedestrian crossing, is noted that parts of the nearby Cox Lane is not subject of any parking restrictions and has low parking stress. The displacement of 3.0 vehicles from the development could be accommodated on Cox Lane without having a harmful impact on the surrounding area in terms of street scene or the availability of on-street parking.

13.21 Notwithstanding this, the failure to provide vehicle parking in accordance with local policy is an adverse impact in the planning balance.

13.22 In order to support the sustainable transport objectives of the NPPF as well as National and Local objectives, in the event permission is granted, the County Highway Authority have recommended a condition to secure electric vehicle charging points to serve each of the proposed vehicle parking spaces.

Cycle Parking

13.23 Policy DM36 of the DMPD requires the provision of cycle networks and facilities and Policy DM37 requires minimum provision of cycle storage as set out in Annexe 2 - Parking Standards for new development.

13.24 The Council's Parking Standards requires cycle parking provision to be in line with the minimum levels identified in the Surrey County Council Vehicle, Cycle and Electric Vehicle Parking Guidance for New Development (2021). The proposal would be expected to provide a minimum of 19 secure cycle parking spaces to meet this guidance.

13.25 Although the supporting documents appear contradictory over the cycle parking spaces to be provided on site, it is clear from all documents that a minimum of 19 secure cycle spaces can be accommodated on the site. Units 1, 13 and 14 would all have dedicated cycles stores and provision for 15 bikes would be provided in a secure, undercover and enclosed cycle store to serve units 2 – 12. Details are secured by condition.

Construction Management

13.26 In the event permission is granted, the County Highway Authority have recommended that a pre-commencement condition to secure a Construction Transport Management Plan is imposed.

14 Refuse and Recycling Facilities

14.1 Policy CS6 of the CS stipulates that development should minimise waste and encourage recycling. Annex 2 of the Sustainable Design SPD sets out that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers within 6 metres of the public highway. If more than four 240L bins are to be emptied, then the collection vehicle should be able to enter the development to avoid the risk of obstructing traffic.

14.2 It has been demonstrated within the Transport Statement by Swept Path Assessment that a refuse/recycle vehicle can enter the site, turn and exit the site in a forward gear, even in the event that the vehicle parking spaces within the site are occupied. The Swept Path Assessment has been reviewed by the County Highway Authority and the Council's Waste Manager has raised no concerns in this regard.

- 14.3 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.

15 Ecology and Biodiversity

- 15.1 The Local Planning Authority have a duty of care under Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 15.2 Paragraphs 174 and 180 of the NPPF, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 15.3 The application is supported by an Updated Ecological Survey, prepared by Aae Environmental Consultants, dated August 2023, which follows up a full Ecological Survey of the site dated March 2020. The Updated Ecological Survey concludes that there was no evidence of protected species on the site, either within the existing building or within the site itself, which includes semi mature trees, small ornamental pond and typical residential amenity grassland and perennials.
- 15.4 The Council's Ecologist is satisfied that the methodology and conclusions set out in the Ecological Survey are sound and advises that, in the event permission is granted, a condition to secure the biodiversity enhancements as set out in the Updated Ecological Survey.
- 15.5 Subject to the abovementioned condition, should permission be granted, the Local Planning Authority are satisfied that they have carried out their duty of care under Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 to protect the species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

16 Flooding and Drainage

- 16.1 Paragraphs 159 and 167 of the NPPF, Policy CS6 of the CS and Policy DM19 of the DMPD state that development at medium or high risk from flooding must ensure that there is no increase in flood risk, whether on or off site, and implementation of flood resilience and mitigation to reduce it to acceptable levels.

- 16.2 Paragraph 167 of the NPPF, Policy CS6 of the CS 2007 and Policy DM19 of the DMPD seek the implementation of sustainable urban drainage systems (SUDS).
- 16.3 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 and outside of a Critical Drainage Area
- 16.4 The application is supported by a Flood Risk Assessment and Drainage Strategy, prepared by Lanmor Consulting, reference 201249/FRA/MK/RS/05 Rev A ,dated May 2023 and subsequent correspondence prepared by Lanmor Consulting, reference 221533/ml/KL01,dated 25 July 2023.
- 16.5 In terms of fluvial flooding, the site and therefore the 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
- 16.6 As the proposed development would lie within Flood Zone 1, neither the sequential test nor the exceptions test, as set out in the Governments guidance 'Flood risk assessment: the sequential test for applicants' 2017 needs to be carried out.
- 16.7 With respect to pluvial flooding, the site does not fall within a Critical Drainage Area. Although the site is currently developed and contains hard surfacing, the proposal would introduce a greater volume of hard surfacing, thereby increasing the impermeability of the site.
- 16.8 The geology of the site demonstrates that infiltration drainage techniques would not be suitable on the site, and it is therefore proposed to attenuate surface water runoff into underground attenuation tank through permeable paving. A hydro brake would then release the attenuated run off at a controlled rate into the existing nearby surface water public sewer network.
- 16.9 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.

17 Contamination and Remediation

- 17.1 Paragraph 183 of the NPPF and Policy DM17 of the DMPD requires consideration of ground conditions and risks to end users. The site is listed as potentially contaminated on the Council's register.

- 17.2 The site lies adjacent to a former sawmill. As such, the Council's Contaminated Land Officer has recommended contamination conditions, in the event permission is granted, in order to ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

18 Environmental Sustainability

- 18.1 Policy CS6 of the CS stipulates that development should incorporate sustainable development and reduce, or have a neutral impact upon, pollution and climate change. This includes incorporation of renewable energy, use of sustainable construction methods and sustainable building design, flood management, reduction in water use and improvement of water quality and minimisation of noise, water and light pollution.
- 18.2 The application is supported by a Design and Access Statement, prepared by Form Design Group, reference 1726 and dated July 2021 which (at Section 6.26 – 6.38) demonstrates how the proposed development would incorporate a number of sustainability and energy efficiency measures, such as thermal bridges to ensure heat loss is reduced, mechanical ventilation systems to introduce fresh air, cost effective condensing gas boilers, water efficient measures and sustainable construction measures, to minimise distances and ensure locally sourced and environmentally certified materials where possible.
- 18.3 The proposal indicates siting for proposed solar panels on the roofs of both buildings. In the event permission is granted, it would be reasonable to secure further details of these panels by way of a condition and to ensure they are installed prior to occupation of the proposed development.
- 18.4 Subject to a condition to secure these sustainable measures as part of a detailed design in the event permission is granted, the proposal would be able to secure a sustainable development outcome and would therefore accord with Policies CS1 and CS6 of the Core Strategy.

19 Accessibility and Equality

- 19.1 Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient and attractive access to be incorporated within the design of the development. The proposal would meet 13 of the 16 Lifetime Home Standards, making the units more easily adaptable for lifetime use. The three criteria not met is due to the nature of the nature of flatted development. The criteria is set out on page 22 of the supporting Design and Access Statement, prepared by Form Design Group, reference 1726 and dated July 2021. On this basis, no objection is raised.

- 19.2 The Council is required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There would be no adverse impacts as a result of the development.

20 Climate Change

- 20.1 On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.
- 20.2 The site lies within a sustainable location within reasonable walking distance of six bus stops that provide good connections to wider public transport serves, such as rail services and is within reasonable walking distance of local facilities and services.
- 20.3 Furthermore, the proposal seeks to provide all vehicle parking spaces with Electric Vehicle Charging points.

21 Community Infrastructure Levy

- 21.1 Paragraphs 55 and 57 of the NPPF requires consideration of whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, but only where they are necessary, related to the development, fair and reasonable.
- 21.2 The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is liable for CIL payments because it involves additional floor area in excess of 100m². It is payable at £125/m² index linked.

CONCLUSION BALANCE

22 Planning Balance

- 22.1 As the Council cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11 (d) of the NPPF is engaged as the policies which are most important for determining the application are out-of-date. There are no footnote 7 policies which would provide a clear reason for refusing permission and which would prevent the tilted balance from being applied.
- 22.2 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.

- 22.3 Section 2 of the NPPF has an underlying presumption in favour of sustainable development which is carried through to the Development Plan. Policy CS1 of the CS expects development to contribute positively to the social, economic, and environmental improvements in achieving sustainable development whilst protecting and enhancing the natural and built environment.
- 22.4 Officers are satisfied that the proposal would resolve the reasons for refusal set out under paragraphs 1.6 and 1.7 of this report.

Social Benefits

- 22.5 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. Given the pressing need for housing in the Borough, as demonstrated by the extent of the Council's housing shortfall and how long the deficit is likely to persist, this benefit is given significant weight.
- 22.6 The proposal would create a choice and mix of housing, thereby contributing towards the Borough being comprised of balanced and sustainable communities. This benefit is given moderate weight.

Economic Benefits

- 22.7 The proposal would provide economic benefits through employment during the construction phase and the additional expenditure in the local economy at both construction and following occupation. The construction phase is temporary and therefore this would amount to a minor benefit.
- 22.8 Whilst there is no evidence to suggest that the local economy would be disadvantaged without the expenditure generated from the proposed development, it is not unreasonable to conclude that future occupiers of the development would create additional expenditure to the Borough and therefore this would amount to a minor benefit.

Environmental Benefits

- 22.9 The proposed landscaping scheme would provide nesting opportunities for birds once established and flowering plants would be of benefit to invertebrate species.
- 22.10 Biodiversity would also be further enhanced by the provision of roosting and nesting opportunities through installing bird and bat boxes on suitable vegetation or in suitable locations in the new build.

22.11 Whilst the proposal would result in the loss of eight trees, it is proposed to plant a 33 replacement trees, including 11 larger specimen sized trees.

22.12 However, the proposal would increase the amount of hardstanding and built form on the site, beyond the existing situation. The benefits of the additional landscaping would therefore amount to a minor benefit.

Social Adverse Impacts

22.1 Whilst the proposal would fail to provide any on site housing or off-site commutable sum, it has been robustly justified that the scheme would not be viable to do so. However, a review mechanism is recommended to capture any positive viability changes in costs and values. As such, this adverse impact is attributed minor adverse weight.

22.2 The conflict with the Strategic Housing Market Assessment Update 2019 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.

Environmental Adverse Impacts

22.1 The shortfall of on-site car parking spaces would not be policy compliant. However, there is robust justification for the shortfall, given that the displacement of the shortfall can be accommodated within the existing unrestricted road network without having a harmful impact on the surrounding area in terms of street scene or the availability of on-street parking. The site is also sustainably located with alternative modes of transport providing good connections to services and facilities. This policy conflict is therefore attributed minor adverse weight.

Overall Balance

22.2 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.

RECOMMENDATION

PART A

To grant planning permission subject to the S106 Legal Agreement to secure a viability review mechanism in the event that the development has not reached first floor slab level on both buildings within 20 months of the decision date.

PART B

In the event that the Section 106 Agreement referred to in Part A is not completed by 18 March 2024, the Head of Place Development is authorised to refuse the application for the following reason:

“In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990 as amended, the applicant has failed to comply with Policy CS9 of the Core Strategy 2007.”

Conditions

1. Time Limit

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. Approved Details

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

Site Location Plan at 1:1250 Drawing Number PL10-002

Drawing Number PL10-003fa
Drawing Number PL10-004a
Drawing Number PL13-001e
Drawing Number PL13-001f
Drawing Number PL13-002g
Drawing Number PL13-003d
Drawing Number PL13-004g
Drawing Number PL13-100g
Drawing Number PL13-101d
Drawing Number PL13-103b
Drawing Number PL13-104c
Drawing Number PL13-120c
Drawing Number PL13-101d
Drawing Number PL30-001e
Drawing Number PL31-001o
Drawing Number PL101z
Drawing Number PL102g
Drawing Number PL40n
Drawing Number PL103g
Drawing Number PL28-001d
Drawing Number DPA-5046-04h
Drawing Number 201249/TR/41 Rev E

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

Pre-Commencement Conditions

3. Construction Transport Management Plan

No development shall commence unless and 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) HGV deliveries and hours of operation
- (f) measures to prevent the deposit of materials on the highway
- (g) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (h) no HGV movements to or from the site shall take place between the hours of 7:45 and 9.15 am and 3.00 and 4.30 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Ruxley Lane or Cox Lane during these times
- (i) 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 for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

Post Demolition/Pre-Above Ground Conditions

4. Materials

No development (except demolition) shall commence unless and until details of the external materials to be used for the development are 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.

5. Access and Cross Over Provision

No development (except demolition) shall commence unless and until the proposed access has been constructed, as a heavy duty crossover providing simultaneous two-way entry and exit, 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 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

6. Tracking Details

No development (except demolition) shall commence unless and until full tracking details for vehicles (particularly refuse, delivery and emergency) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

7. SuDS Details

No development (except demolition) shall commence unless and until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- (a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm, 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 2.3 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.

Only the approved details shall be implemented during the construction of the development and maintained thereafter.

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

8. Landscaping

No development above ground level shall commence unless and until 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 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.

9. Ground Contamination

Following any necessary demolition and prior to the commencement of any further development above ground, the following shall be undertaken in accordance with current best practice guidance:

- (i) a desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including hydrocarbons) and contaminants (including asbestos) with the potential to impact sensitive receptors on and off-site. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and
- (ii) if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. Only the approved details shall be implemented during the construction of the development.

and 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: 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.

Pre Occupation Conditions

10. Access Closure and Remediation

The development hereby approved shall not be first occupied unless and until any existing access from the site to Ruxley Lane have 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) and Policy CS16 of the Core Strategy 2007.

11. 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 purposes.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

12. Visibility Splay

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 proposed access to Ruxley Lane, 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.

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 2023 and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

13. Electric Vehicle Charging Points

The development hereby approved shall not be occupied unless and until each of the proposed dwellings 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 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 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

14. Refuse/Recycling Store Details

The development hereby approved shall not be first occupied unless and until details of the facilities for the secure and covered refuse/recycle stores within the development site have been provided in accordance a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter the said approved facilities shall be provided prior to first occupation and retained and maintained to the satisfaction of the Local Planning Authority.

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

15. Cycle Store Details

The development hereby approved shall not be first occupied unless and until the facilities for the secure and covered cycle storage within the development site have been provided in accordance a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter the said approved facilities shall be provided prior to first occupation and 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 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

16. Solar Panels

The development hereby approved shall not be first occupied unless and details of the proposed solar panels are submitted to and approved in writing by the Local Planning Authority, and thereafter the said approved solar panels shall be provided prior to first occupation and retained and maintained to the satisfaction of the Local Planning Authority.

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

17. Drainage Verification Report

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 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

18. Ground Contamination Remediation Scheme

Prior to any occupation of the site, the approved remediation scheme prepared under Condition 9 must be carried out in accordance with its terms. Following completion, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

19. Boundary Treatment Detail

Prior to any occupation of the development hereby permitted, details of all boundary treatment for the development shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be installed in accordance with the approved plans and maintained in such a condition before the units are brought in

Reason: To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 of the Development Management Policies Document Adopted October 2015.

20. Privacy Screening Details

Prior to any occupation of the development hereby permitted, details of privacy screening for the development shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be installed in accordance with the approved plans and maintained in such a condition before the terrace is first brought into use.

Reason: To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 of the Development Management Policies Document Adopted October 2015.

During and post development conditions

21. Groundwater Remediation Strategy

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. In that event, an investigation and risk assessment must be undertaken and where remediation is deemed necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

22. Compliance with Tree Protection

The tree protection measures are to be carried out in strict accordance with the Arboricultural Report and Method Statement prepared by DPA dated April 2023.

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

23. Compliance with Ecological Report

The proposal shall be carried out in strict accordance with the conclusions and recommendations of the Updated Ecological Survey, prepared by Aae Environmental Consultants, dated August 2023.

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. Compliance with Sustainable Design Measures

The development shall be carried out in strict accordance with the sustainable design measures contained in Section 6.26 – 6.38 of the Design and Access Statement, prepared by Form Design Group, reference 1726 and dated July 2021, 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.

25. Hours of Work

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.

26. No Additional Windows/Openings

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no windows or other openings shall be formed in the development hereby approved without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 of the Development Management Policies Document Adopted October 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 groundworks within 6 metres of an adjoining building.

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

4. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. Please refer to:
www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs
5. 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/permits-and-licences/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.

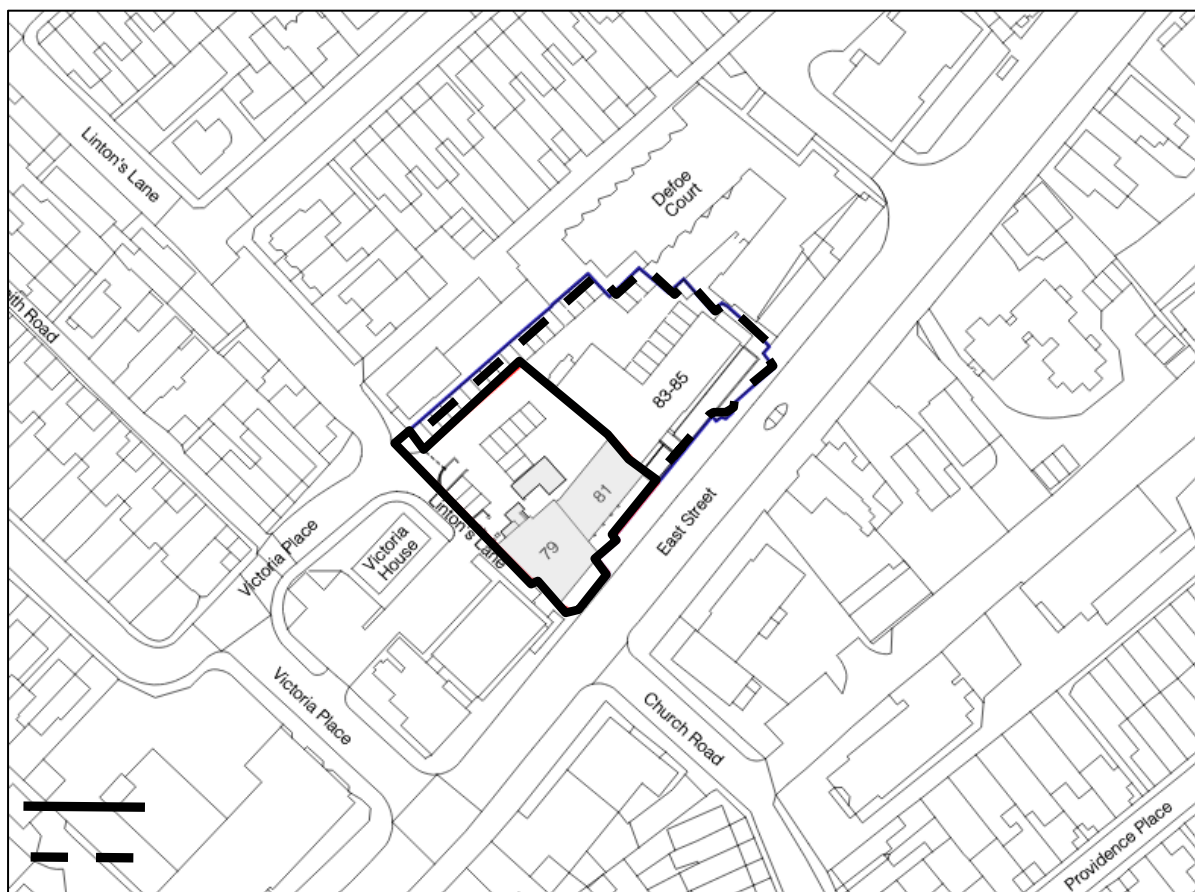
6. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.
7. The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to streetlights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
8. 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).
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. A build over agreement with Thames Water is required before development commences as Thames Water believe that the proposed development is within three meters of a public sewer (of which the internal diameter is less than or equal to 150mm). The applicant is advised to contact Thames Water to apply.

11. Thames Water do not permit driven piles within 15m of a public sewer.

79-81 East Street, Epsom, Surrey, KT17 1DT

Application Number	22/01953/FUL
Application Type	Full Planning Permission (Major)
Address	79-81 East Street, Epsom KT17 1DT
Ward	Town Ward
Proposal	Demolition of 79-81 East Street and the construction of a part 5, part 6 storey building containing 31 residential units (10 x 1-bed, 17 x 2-bed and 4 x 3-bed) (Class C3) together with car parking, landscaping and access arrangements and associated works
Reason for Committee	Major development
Recommendation	Approval, subject to conditions, informatives and s106 legal agreement
Expiry Date	18 December 2023
Case Officer	Gemma Paterson
Contact Officer	Simon Taylor
Plans and Documents	Found at the following link: 79-81 East Street
Glossary of Terms	Found at the following link: Glossary and Terms



SUMMARY

1 Summary and Recommendation

- 1.1 The application is recommended for approval, subject to the completion of a Section 106 agreement to deliver affordable housing, to prevent occupation or use of the development by a person or persons(s) in possession of an Epsom and Ewell Residents Parking Zone Permit, and conditions and informatives. If the Section 106 Agreement is not completed by 14 June 2024 (ie within six months), the Head of Place is authorised to refuse the application.
- 1.2 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.
- 1.3 The application seeks planning permission for the demolition of the existing building and the construction of a part 2, part 5 and part 6 storey building containing 31 residential units, together with car parking, landscaping and access arrangements.
- 1.4 The proposed development would contribute 31 new houses towards delivering the Council's housing target and would therefore be consistent with the NPPF and Council policy in so far as it seeks to significantly boost the supply of homes.
- 1.5 The proposal would also create a choice and mix of housing, thereby contributing towards the Borough being comprised of balanced and sustainable communities.
- 1.6 The proposal would exceed the policy requirement for onsite affordable housing, proposing to deliver 50% of affordable housing (16 units) in a mix and tenure that would contribute towards one of the Borough's greatest affordable housing needs. This weighs strongly in the planning balance.
- 1.7 Whilst the proposal would cause less than substantial harm to the setting of the Linton's Lane Conservation Area and the listed buildings at 1, 3, 10 and 12 Linton's Lane, even when giving great weight to the desirability of preserving the setting of the surrounding heritage assets, the public benefits would outweigh the less than substantial harm identified.
- 1.8 The proposal would meet the requirements of the National and local requirements for internal floor area and the provision of private communal amenity space within this scheme is regarded to be sufficient to meet the recreation needs of future occupiers.

- 1.9 The site is located within a main settlement, town centre location that is near 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.
- 1.10 As a low car free development, the proposal would not meet the Council's parking standards, with a shortfall of 21 vehicle parking spaces. Notwithstanding a recommendation to secure a clause within a Section 106 Agreement to prevent occupation or use of the development by a person or persons(s) in possession of an Epsom and Ewell Residents Parking Zone Permit, the failure to provide any robust justification to consider the proposal as an exception to policy is an adverse impact in the planning balance.
- 1.11 Although the height of the proposed development would be notably taller than the existing buildings it surrounds, taken within the wider context, it would be identifiable as part of the gradual transitional passage between the suburban character of the far east of East Street (heading towards Ewell) and the larger, close-knit built form to the west of East Street, denoting the approach into the town centre.
- 1.12 The overall design of the development is acceptable, using a contrast of glazing, recessed balconies and materials to provide features of visual interest on the building.
- 1.13 It has also been satisfactorily demonstrated that a development of this scale could be provided on the site that does not have a significant harmful impact on neighbouring residential amenity, subject to conditions to secure details of privacy screening and to prevent new windows in the future.
- 1.14 The proposal would accord with the Council's policies in relation to trees, ecology, noise, land contamination and environmental sustainability.
- 1.15 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, 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 as a whole.
- 1.16 Overall, whilst there are adverse effects in respect of this application, (the less than significant harm to the heritage assets and shortfall in on site car parking), these would not significantly and demonstrably outweigh the benefits, (these primarily being delivery of additional housing and a policy exceedance with affordable housing) 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.

KEY INFORMATION

	Existing	Proposed
Site Area	0.1 hectare	
Land Use	Bar and music academy	Residential
Units	0	31
Floorspace	522m2	2487m2
Height	2 storeys	5-6 storeys
Density	N/A	310 dwellings per hectare
Affordable Housing Units	0	16
Car Parking Spaces	10	3
Cycle Parking Spaces	0	38

SITE AND PROPOSAL

2 Description of Site

- 2.1 The application site contains 2 no. two storey buildings – 79 East Street, a disused bar and 81 East Street, a music academy. The site has an area of 1036sqm and is bounded by East Street along the main frontage, with Victoria Place, Linton’s Lane and residential gardens of the north.
- 2.2 The built form surrounding the site is diverse in scale, varying up to a maximum of 5 storeys. There are a mix of uses surrounding the site, including residential, commercial, office, supported living and educational premises, accommodated in built form of varying heights, between 2 and 5 storeys.
- 2.3 The site is adjacent to the Linton’s Lane Centre Conservation Area boundary to the north and west of the site. Providence Place Conservation Area extends towards the north east beyond main East Street highway. To the north west of the site there are multiple listed buildings with a direct view of the site. Locally listed buildings lie beyond the East Street highway

3 Description of Proposal

- 3.1 The proposal involves the following:
- The demolition of the existing two storey buildings and the erection of part two, part five and part six storey building accommodating 31 residential units (Planning Use Class C3) and comprising 10 no. one bedroom units and 17 no. two bedroom units and 4 no. three

bedroom units. The ground floor layout would incorporate integral storage for refuse and cycles.

- The building would have a vertical emphasis, broken with concrete horizontal bands and glazing, and features a recessed sixth floor, measuring 19.0 metres in height from ground level with the fifth storey floor measuring 15.7 metres in height.
- The proposed development would provide 4 no. vehicle parking spaces, three of which would be for Blue Badge holders. In addition, an on street car club space is proposed.

CONSULTATIONS

Internal Consultees

Conservation	No objection subject to conditions
Contamination	No objection subject to conditions
Ecology	No objection subject to conditions
Waste	No objection subject to conditions
Trees	No comments received

External Consultees

Environment Agency	No comment to make on this application
Highway Authority	No objections subject to securing off site highway improvements through a Section 278 Agreement and the imposition of conditions
Lead Local Flood Authority	No objection subject to conditions
Fire Service	No objection, subject to informatives
Crime By Design	Expects all doors, windows and locks to be fully compliant with current building regulations
Thames Water	No comments received

Public Consultation

Neighbours	<p>The application was advertised by means of a site notice, press notice, and neighbour letters. 41 submissions were received, four of which were from the same two addresses. They raised the following summarised issues:</p> <ul style="list-style-type: none"> • Overdevelopment of a small site • Proposals exceed the density in an area of already high density • Negative visual impact on the street scene • Excessive height and bulk
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	<ul style="list-style-type: none"> • Out of character with the area • Sets a precedent for East Street • Proposal does not respect the Listed Buildings nor the Conservation Area and their settings • Building will dominate the Conservation Area • Inadequate parking provision on site • Proposal will prevent residents with permits from parking in local area • Reducing the car parking capacity putting existing residents under stress • Impact of additional traffic on extremely busy East Street • Impact of additional traffic on Linton Lane and Victoria Place would be enormous • Exacerbation of existing situation with access junction and two way traffic on the corner of Lintons Lane • Pollution risks from additional traffic • No shading of windows • Noise and disruption during the construction period • Noise and disturbance from increased traffic • Loss of light to Kingshott House • Loss of privacy to existing residents in area • Noise from adjacent gym would not be compatible to residential dwellings • Lack of landscaping • Lack of biodiversity • Additional waste cannot be supported • Financial impacts from tenant not renewing tenancy as result of proposal • Loss of view <p><u>Officer comment</u></p> <p>The third party comments relating to loss of a view and financial loss by way of a tenancy agreement is not a material planning consideration and is therefore not considerations in the assessment of this application.</p> <p>All other concerns raised by third parties form material planning considerations and are discussed in the body of the report.</p>
Epsom Civic Society	<ul style="list-style-type: none"> • Height is out of keeping with other 'tall' buildings • Overshadows dwellings in Lintons Lane and Victoria Place

	<ul style="list-style-type: none"> • Tenants and visitors will park in surrounding roads • No soft landscaping proposed • No demonstration of sustainable construction and design • Safeguards for key demolition works in the CMP • Investigate whether the single staircase adequate for fire escape purposes <p><u>Officer comment</u></p> <p>The Fire Service have assessed the application and raised no objection. The remaining concerns are discussed in the body of the report.</p>
<p>Epsom Town Residents Association</p>	<ul style="list-style-type: none"> • Building is too oppressive and out of keeping • Proposal will detract and overshadow Conservation Area • Inadequate amenity space, particularly for family sized homes • Parking is inadequate • Concern with location of Club Car Space, taking up residential parking permit space • No improvements for pedestrians/cyclists • Loss of tree from Lintons Lane /no meaningful landscaping • Need to secure affordable housing • Affordable housing not an excuse for bad design <p><u>Officer comment</u></p> <p>These concerns are discussed in the body of the report.</p>

PROPERTY HISTORY

App No	Description	Status
79 East Street		
17/00188/FUL	Redevelopment to provide ground floor commercial A1/B1 unit and 6x 2 bed apartments with parking ancillary accommodation together with 1	Approved 27 September 2017
05/00247/FUL	Proposed replacement windows to ground and first floor	Approved 7 July 2025
05/00250/ADV	One non-illuminated hanging sign and three externally illuminated fascia signs	Approved 7 July 2005
81 East Street		
17/01193/FUL	Demolition of existing building and redevelopment to form 6 apartments (4 x 2 bedroom and 2 x 1 bedroom)	Refused 24 April 2019
15/01082/PDCOU	Change of Use from offices (Class B1(a)) to a Dwellinghouse (Class C3) comprising 5 self-contained flat units	Prior Approval Refused 2 December 2015

App No	Description	Status
79 East Street		
07/00320/COU	Use for music recording, rehearsal and training; storage of music equipment and administrative offices for concert promotion, band management, music equipment hire and music tuition. (Sui Generis)	Approved 17 July 2007

SITE CONSTRAINTS

- Built Up Area
- Town Centre
- Adjacent to Listed Building (Grade II)
- Adjacent to Linton Lane Conservation Area
- Site of Special Scientific Interest Risk Area

PLANNING POLICY AND GUIDANCE

National Planning Policy Framework 2021 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 4: Decision-Making
- Section 5: Delivering a Sufficient Supply of Homes
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport
- Section 11: Making Effective Use of Land
- Section 12: Achieving Well-Designed Places
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15: Conserving and Enhancing the Natural Environment
- Section 16: Conserving and Enhancing the Historic Environment

Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS7: Housing Provision
- Policy CS14: Epsom Town Centre
- Policy CS16: Managing Transport and Travel

Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM4: Biodiversity and New Development
- Policy DM8: Heritage Assets
- Policy DM9: Townscape Character and Local Distinctiveness

- Policy DM10: Design Requirements for New Developments
- Policy DM11: Housing Density
- Policy DM12: Housing Standards
- Policy DM13: Building Heights
- Policy DM17: Contaminated Land
- Policy DM19: Development and Flood Risk
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

Epsom Town Centre Area Action Plan 2011 (Plan E)

- Policy E1: Town Centre Boundary
- Policy E2: Housing Capacity in the Town Centre

Supplementary Planning Documents and Guidance

- Parking Standards for Residential Development Supplementary Planning Document 2015
- Surrey County Council Vehicular and Cycle Parking Guidance 2018
- Surrey Transport Plan 2022–2032
- Sustainable Design Supplementary Planning Document 2016

Other Documentation

- Technical Housing Standards – Nationally Described Space Standards 2015
- Community Infrastructure Levy Charging Schedule 2014
- Strategic Housing Market Assessment Update 2019
- Manual for Streets 2007

APPRAISAL

4 Presumption in Favour of Sustainable Development

- 4.1 Paragraph 11 of the NPPF 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. Currently, the Council does not have an up-to-date development plan on account of not being able to demonstrate a five-year supply of housing.
- 4.2 Paragraph 11(d) is engaged as the Council's policies which are most important for determining the application are out-of-date. The practical application and consequence of this is that unless the site is 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 as a whole.

5 Principle of Development

Location of Development

- 5.1 The site is located within the built-up area of Epsom and Epsom Town Centre where the principle of development is acceptable in terms of the principles, objectives and policies in the CS, the DMPD and supporting guidance and documents.

Change of Use

- 5.2 79 East Street has a lawful Class E (b) use (restaurant), whilst 81 East Street has a lawful sui generis use for music recording, rehearsal, and training; storage of music equipment and administrative offices for concert promotion, band management, music equipment hire and music tuition.
- 5.3 There are no policies within the Core Strategy 2007, the Epsom Development Management Policies Document 2015 or within Plan E, Epsom Town Centre Action Plan 2011 that seek to retain Class E (b) uses within the Town Centre boundary and therefore there is no objection to the loss of the existing use of both 79 and 81 East Street as a result of the proposed development.

Housing Delivery

- 5.4 The Council has calculated its five-year housing land supply position as being 1.56 years. The Council is presently falling significantly short of this requirement and cannot presently demonstrate five years housing land supply.
- 5.5 Policy E1 of Plan E, Epsom Town Centre Area Action Plan 2011 permits, in principle and subject to other relevant policies, higher density housing.
- 5.6 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.
- 5.7 Given the significant housing need within the Borough, the residential use of the site within a sustainable location is acceptable in principle, subject to the below other material planning considerations.

6 Impact on Heritage Assets

- 6.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 190, 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.

- 6.2 The application of the statutory duties within Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 combined with the guidance contained in the NPPF means that when harm is identified, whether that be less than substantial or substantial harm, it must be given considerable importance and great weight.
- 6.3 Additionally, the NPPF 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.
- 6.4 Paragraph 200 of the NPPF 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
- 6.5 Paragraph 201 of the NPPF 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.

- 6.6 Paragraph 202 of the NPPF 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.
- 6.7 Whilst there is no statutory protection for the setting of a Conservation Area, paragraph 200 of the NPPF 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.
- 6.8 This is further supported by paragraph 206 of the NPPF which states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”
- 6.9 Appendix 2 Glossary of the NPPF defines setting of a heritage assets as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 6.10 Policy DM8 of the DMPD 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.
- 6.11 The site shares a boundary with Linton Lane Conservation Area. This designated heritage assets is largely characterised by two streets of late 19th century post railway residential development. Key aspects which reveal this include the uniformity of house types (including scale and massing), rectilinear street pattern, the predominant use of brick and slate on earlier buildings and a variety of materials on later buildings on Middle Lane.
- 6.12 The dwellings on Linton’s Lane in the Conservation Area pre-date the railway housing and are evident in their reduced scale and traditional materials including flint and weatherboarding. This was a much earlier byway than the rest of the Conservation Area which accounts for the older

dwelling on this road, which include 1, 3 and 10-12 (Grade II) and 7-9, 11 and 15-17 (locally listed).

- 6.13 To the south of the site is Providence Place Conservation Area, which consists of two streets containing terraced cottages from c1865 and c1880. The appraisal for the area notes they are a good example of the type of development which followed the building of the railway through Epsom in the mid-19 Century.
- 6.14 106 – 110 East Street are locally listed buildings comprising a set of mid-19th century dwellings which have been significantly altered.
- 6.15 This application is accompanied by a Heritage Statement, prepared by Heritage Information Ltd, dated December 2022 which concludes that the whilst the demolition of the existing buildings on site would have no impact on the setting of nearby designated heritage assessment, the increased height, scale and bulk of the new building may be perceived as causing less than significant harm to the setting of the surrounding designated heritage assets.
- 6.16 The Council's Conservation Officer highlights that whilst the proposed development would not have a significant impact upon the East Street streetscene, it's scale and bulk would overshadow and overwhelm the scale of the listed houses in the Linton's Lane Conservation Area, especially 10-12 Linton Lane, which would only be located 12.0 metres from the proposed development.
- 6.17 The Council's Conservation Officer acknowledges that the proposed development would be likely to dominate the streetscape from views within Conservation Area, in particular impacting negatively on a significant view as identified on the Lintons Lane Townscape Appraisal Map accompanying the Lintons Lane Conservation Area Appraisal.
- 6.18 The Council's Conservation Officer concludes that the scale and bulk of the proposed development would be in complete contrast with the characteristics of this Conservation Area and would also affect the setting of 1 and 3 and 10 and 12 Linton's Lane.
- 6.19 Notwithstanding this, the Council's Conservation Officer, in taking into account the currently poor appearance of the site and existing views from within the Conservation Area of 83 East Street, is of the opinion that the proposed development would result in a moderate degree of less than substantial harm to the setting of the Linton's Lane Conservation Area and the Grade II Listed 1 and 3 Linton's Lane and 10 and 12 Linton's Lane.
- 6.20 With respect to the identified locally listed buildings within the Linton's Lane Conservation Area, the Council's Conservation Officer attributes the proposed development resulting in a small degree of less than substantial

harm to their setting because of the intervening screening between these buildings and the proposed development.

- 6.21 The Council's Conservation Officer acknowledges that the new building would also be from visible from Providence Place and Church Road which are within the Providence Place Conservation Area. Where it can be viewed, it is likely to dominate views and have a significant impact upon the skyline.
- 6.22 Notwithstanding this, the Council's Conservation Officer notes that such views would be limited from within the Providence Place Conservation Area and the proposal would not form part of any key views as identified in the Providence Place Townscape Appraisal Map accompanying the Providence Place Conservation Area Appraisal, and therefore considers the impact of the proposed development upon the setting of Providence Place Conservation Area to be a low level of less than substantial harm.
- 6.23 Whilst it is acknowledged that the Courts have made it clear that there is no spectrum of degree of harm within the less than substantial harm category (James Hall v City of Bradford Metropolitan 2019), as the Council's Conservation Officer has identified less than substantial harm to the significance of the setting of the Linton's Lane Conservation Area and 1, 3, 10 and 12 Lintons Lane, in accordance with paragraph 202 of the NPPF 2023, 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.
- 6.24 The NPPF identifies that public benefits could be anything that delivers economic, social or environmental progress, as described in paragraph 7. The NPPG 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).
- 6.25 The public benefits of the proposed development are:
- The contribution of net gain residential development to the Borough housing figures at a time that the Council cannot identify a five-year housing land supply and in considering the extent of the Council's housing shortfall and how long the deficit is likely to persist, given the timetable for the emerging Local Plan. Officers consider that significant weight is attached to this public benefit.
 - The significant contribution of affordable housing to the Borough, at a scale beyond the policy requirement and of a tenure that meets one of the Boroughs greatest affordable housing needs. Officers consider that significant weight is attached to this public benefit.

- The social benefits from an increase in choice and types of homes for different members of the community in proximity to the town and railway station. Officers consider that significant weight is attached to this public benefit.
- The generation of economic benefits from the employment during the construction phase of the proposed development. However, as this benefit is temporary, limited weight is attached to this public benefit.
- The direct economic and social benefits from investment into the nearby town centre from future residents, adding to the vitality and viability of the town centre. Although and there is no evidence to suggest that the local economy would be disadvantaged without the expenditure generated from the proposed development, it is likely to provide some minor investments. For this reason, limited weight is attached to this public benefit.

6.26 Officers give considerable importance and weight to the desirability of preserving the setting and the features of special architectural and historic interest of the surrounding heritage assets. However, notwithstanding the considerable importance and weight that the less than substantial harm attracts, in this case, the accrued public benefits are considered to outweigh the less than substantial harm arising from the proposal.

6.27 Should permission be granted, conditions to secure details of materials are recommended. Given that the use of high quality materials and detailing is key to the proposed development appearing appropriate adjacent to a historic and architectural setting, it would be reasonable to recommend this condition on any granted permission.

7 Affordable Housing

7.1 Paragraph 63 of the NPPF states that affordable housing should be on site, unless a contribution is robustly justified and that it contributes to the objective of creating mixed and balanced communities.

7.2 Paragraph 65 requires major development to expect at least 10% of the total number of homes to be available as affordable homes, 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.

7.3 Notwithstanding the expectations of paragraph 65 of the NPPF, Policy CS9 of the CS specifies that residential developments of 15 or more dwelling should include at least 40% of the houses as affordable.

7.4 There is high demand for affordable housing throughout the Epsom & Ewell Borough for all types of housing. As of November 2023, there are 1327 households in housing need on the Council's housing register.

- 7.5 The Council has a high number of households in temporary accommodation (currently 240) to whom it owes an ongoing housing duty. This figure includes 80 households, who are housed in expensive nightly paid accommodation out of Borough. The total cost of temporary accommodation for 2023/24 is anticipated to exceed £1.5m.
- 7.6 The high demand for and the very low supply of social rented housing is a major contributing factor of homelessness in the Borough, with less than 90 social housing properties becoming available each year. This is especially the case for family sized accommodation, where the average waiting time for applicants with a high housing need in Band B is 18 months for those requiring a one bedroom property; 4-5 years for a two bedroom property and over 10 years for a 3 or larger bedroom property.
- 7.7 The proposal would provide 50% of the units proposed as affordable rent, which equates to 16 units. In addition, the applicant has agreed to limit the rent level to 70% of open market rent (including service charge), a reduction in the standard 80% rent level. This would be secured in perpetuity through a Section 106 Agreement and would ensure that the proposed affordable housing units are more affordable to potential tenants.
- 7.8 The Council's Affordable Housing policy requires a tenure split of 70% rented, and 30% intermediate housing. In meeting the policy requirement, this would equate to the proposed development having to deliver 8 rented units and 4 intermediate units, which would likely be in shared ownership. Rented housing best meets the needs of those on the housing register, as shared ownership is unattainable for almost all on the housing register. The provision of 16 units at rented housing therefore best meets this need.
- 7.9 Furthermore, whilst the Council has a need for all forms of affordable housing, the highest need is for two and three bedroom properties. The 50% affordable housing provision would meet these high needs by delivering 9 no two bed units and 2 no three bedroom units as part of the affordable housing provision.
- 7.10 The proposal would therefore exceed the CS9 of the CS policy requirement and would secure a significant amount of affordable housing at a tenure and form that would meet one of the Council's greatest housing needs, at a further reduced rent level of 70% open market rent. This would be a significant benefit of the scheme to be weighed in the planning balance.
- 7.11 Whilst the applicant has advised that it is their intention to deliver 100% of the scheme as affordable rent (at a maximum rent level of 70%), due to the requirements of the Registered Providers, this cannot be secured via a Section 106 Agreement and can therefore be given limited weight in the planning balance.

8 Density

- 8.1 Policy DM11 of the DMPD aims for the most efficient use of development sites with a demonstration of how density would contribute towards maintaining and enhancing the visual character and appearance of the wider townscape and lead to no net loss of biodiversity. Density is generally limited to 40 dwellings per hectare or alternatively, where it is allocated at a higher density, there is good site sustainability, and it conforms to the surrounding townscape.
- 8.2 Given the Borough's objectively assessed housing need, 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.
- 8.3 Although the proposed housing density per hectare of the site is 310 dwellings per hectare, 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.
- 8.4 However, the failure to provide a policy compliant density is a minor adverse impact of the scheme to be weighed in the planning balance.

9 Housing Mix

- 9.1 Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community including families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.
- 9.2 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. Chapter 3 of EEBC's Strategic Housing Market Assessment Update 2019 recommends the breakdown of dwellings by size, as follows:

Beds	Required	Provided
1	10%	32%
2	50%	55%
3	30%	12%
4+	10%	0%

- 9.3 Although the proposal development involves a higher proportion of smaller units than encouraged within the Council’s Strategic Housing Market Assessment Update 2019 and would not accord with Policy DM22 of the Development Management Policies Document 2015, Officers consider that the provision of a higher percentage of smaller units within a highly sustainable location would be appropriate, as it would result in a more efficient use of land.
- 9.4 Notwithstanding this, the failure to provide a policy compliant housing mix is a minor adverse impact of the scheme to be weighed in the planning balance.

10 Quality of Accommodation

- 10.1 Paragraph 130 of the NPPF 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.
- 10.2 Policy DM12 of the DMPD 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.
- 10.3 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.
- 10.4 The following table provides and analysis of the internal floor area against technical standards:

Flat Number (bed/person)	National Standard	Proposed Internal Area
A001 (1b/2p)	50m ²	52.7m ²
A002 (1b/2p)	50m ²	53.1m ²
A003 (1b/2p)	50m ²	53 m ²
A004 (1b/2p)	50m ²	54.5m ²
A101 (3b/4p)	74m ²	83.m ²
A102 (2b/3p)	61m ²	63.9m ²
A103 (2b/3p)	61m ²	63m ²
A104 (2b/3p)	61m ²	62.2m ²
A105 (2b/4p)	70m ²	71m ²
A106 (2b/4p)	70m ²	70.9m ²
A201 (1b/2p)	50m ²	50.6m ²
A202 (1b/2p)	50m ²	50.5m ²
A203 (2b/3p)	61m ²	63m ²
A204 (2b/3p)	61m ²	62.2m ²

A205 (2b/4p)	70m ²	71m ²
A206 (2b/4p)	70m ²	70.9m ²
A301 (1b/2p)	50m ²	50.6m ²
A302 (1b/2p)	50m ²	50.5m ²
A303 (2b/3p)	61m ²	63m ²
A304 (2b/3p)	61m ²	62.2m ²
A305 (2b/4p)	70m ²	71m ²
A306 (2b/4p)	70m ²	70.9m ²
A401 (1b/2p)	50m ²	50.6m ²
A402 (1b/2p)	50m ²	50.5m ²
A403 (2b/3p)	61m ²	63m ²
A404 (2b/3p)	61m ²	62.2m ²
A405 (2b/4p)	70m ²	71m ²
A406 (2b/4p)	70m ²	70.9m ²
A501 (3b/4p)	74m ²	77.3m ²
A502 (3b/4p)	74m ²	78.9m ²
A503 (3b/4p)	74m ²	79.9m ²

10.5 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.

10.6 Officers are satisfied that the proposed units would have an acceptable level of internal amenity, complying with Policy DM12 of the DMPD and the Nationally Described Space Standards 2015.

10.7 Paragraph 3.36 of the supporting text for Policy DM12 of the DMPD 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 1m² 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.

10.8 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
A001 (1b/2p)	5m ²	10.7m ²
A002 (1b/2p)	5m ²	7.3m ²
A003 (1b/2p)	5m ²	8.4m ²
A004 (1b/2p)	5m ²	8.4m ²
A101 (3b/4p)	7m ²	11.6m ²
A102 (2b/3p)	6m ²	6m ²
A103 (2b/3p)	6m ²	6m ²
A104 (2b/3p)	6m ²	6m ²
A105 (2b/4p)	7m ²	7m ²

A106 (2b/4p)	7m ²	7m ²
A201 (1b/2p)	5m ²	6m ²
A202 (1b/2p)	5m ²	5.1m ²
A203 (2b/3p)	6m ²	6m ²
A204 (2b/3p)	6m ²	6m ²
A205 (2b/4p)	7m ²	7m ²
A206 (2b/4p)	7m ²	7m ²
A301 (1b/2p)	5m ²	6m ²
A302 (1b/2p)	5m ²	5.1m ²
A303 (2b/3p)	6m ²	6m ²
A304 (2b/3p)	6m ²	6m ²
A305 (2b/4p)	7m ²	7m ²
A306 (2b/4p)	7m ²	7m ²
A401 (1b/2p)	5m ²	6m ²
A402 (1b/2p)	5m ²	5.1m ²
A403 (2b/3p)	6m ²	6m ²
A404 (2b/3p)	6m ²	6m ²
A405 (2b/4p)	7m ²	7m ²
A406 (2b/4p)	7m ²	7m ²
A501 (3b/4p)	7m ²	13.2m ²
A502 (3b/4p)	7m ²	13.2m ²
A503 (3b/4p)	7m ²	7.7m ²

10.9 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 DMPD.

10.10 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.

11 Trees and Landscape Character

11.1 Paragraph 131 of the NPPF, Policy CS3 of the CS, Policy DM5 of the DMPD and the Householder SPG seek the retention, protection and enhancement of existing and new trees, hedgerows, and other landscape features, with removal of trees supported by sound justification and appropriate replacement planting of native species.

11.2 The application is accompanied by an Arboricultural Report, prepared by DPA consultants, dated December 2022 which confirms that there are no trees existing on the site and that whilst trees adjacent to the site are not the subject of a Tree Presentation Order, they are within a Conservation Area where all trees and hedges are protected.

11.3 The Arboricultural Report identifies that the proposal would not result in the loss of any off site trees and these would be retained and protected during construction works. No concerns are raised relating to the future

health of the trees to be retained and the footprints of the proposed building.

- 11.4 The proposal provides very little in respect of landscaping. The site currently has no vegetation to East Street and the proposal would provide raised planters, similar to those existing outside Kingshott House and Duke House, which would make a small contribution to the verdancy along East Street.
- 11.5 Further minimal landscaping is proposed within the car parking area, to provide some small contribution towards the softening of the hard surfacing.
- 11.6 In the event planning permission is granted, full tree protection details and landscape details would be secured by way of conditions.

12 Design and Visual Impact

Built Form, Pattern and Layout

- 12.1 Paragraphs 125, 130 and 134 of the NPPF refer to the need for functional and visually attractive development that is sympathetic to local character and history. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area.
- 12.2 Policy DM9 of the DMPD requires a positive contribution to and compatibility with the local character and the historic and natural environment and Policy DM10 of the DMPD requires good design that respects, maintains or enhances the prevailing house types and sizes, density, scale, layout, height, form and massing, plot width and building separation, building lines and key features.
- 12.3 East Street is a mixed use area with a strong building line on both sides of main highway. The majority of the built form faces the highway, providing active frontages. There is no uniformity in plot size, although the predominant plot character is a good distribution of frontage built form, with hard surfacing to accommodate rear vehicle parking. A number of the new developments along East Street also feature some frontage landscaping strips or accommodate trees, to bring some verdancy to this densely built form area.
- 12.4 To the west of East Street, moving towards the High Street, the built form to the south of the highway is tall and close knit, commencing with the three storey commercial units at 2a – 16a East Street and extending to the four storey Emerald House (14 East Street), part three/four storey Post Office (18 East Street) and the four storey retail unit at 20 - 40 East Street.

- 12.5 In comparison, two storey built form lines the north of East Street highway, until Crossway House and Bradford House (39 and 39a East Street), which are both five storey developments. Beyond this is the four storey Newport House (40 East Street) and then a further run of two storey built form.
- 12.6 As you move further east towards Ewell Village and particularly past the Kiln Lane junction, the built form relaxes into three and two storey development and benefits from more landscaping and greater pockets of spaciousness.
- 12.7 The existing built form on the site comprises 2 no two storey buildings of no great architectural merit, with the heights ranging from 6.0 metres to 8.6 metres.
- 12.8 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. As defined in the Proposals Map in Plan E, the site lies in an area subject to a building height maximum of 12 metres.
- 12.9 Policy E7 of Plan E, Epsom Town Centre Area Action Plan 2011 seeks to restrict buildings outside of identified opportunity sites (of which the current site is not one) to a height of 12 metres.
- 12.10 However, 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.
- 12.11 As Policy E7 of Plan E, Epsom Town Centre Area Action Plan 2011 is similar to Policy DM13 of the Development Management Policies Document 2015 in that it also restricts opportunity for growth within the Borough, it is not unreasonable to also afford it limited weight in the decision-making process and in regard to the presumption of sustainable development.
- 12.12 The built form along East Street is diverse in scale and height, with a number of buildings extending over 12 metres in height as identified in the table below:

Building Number/Name	No. of Floors	Overall Height
The Proposal	6	18.8m
22/01954/FUL (83-85 East Street)	5	15.8 m (17.8 m to top lift shaft)

18 East Street	3/4	16.3m
20 – 40 East Street	4	14.3m
Crossways House (39)	5	15.7m
Bradford House (39A)	6	18.4m
Newplan House (41)	4	15.0m (to eaves)
55 East Street	4	13.6m
64-74 East Street	4	17.62m
87 East Street	3/4	14m
144 East Street	4	13m

12.13 To the east of the site lies 83-85 East Street, which is a site currently the subject of planning application 22/01954/FUL, that, if granted, would result in the erection of a building with an overall height of 15.8 metres (17.8m to top of lift shaft). However, as existing, the building at 83-85 East Street is a four storey building measuring 13 metres (15.7 metres to top of lift shaft) To the west of the site is 73-77 East Street Court, a two storey built form and to the south, beyond the highway, is the three storey form of Glen House. To the rear of the site lies the two storey residential development of Linton Lane, Victoria Place and Middle Lane.

12.14 The height of the proposed development would therefore be notably taller than these adjacent buildings, from both the East Street streetscene and from the Linton's Lane scene.

12.15 Notwithstanding the presence of smaller scale built form in the immediate vicinity, the site does not fall within the character area to the east of East Street (past the Kiln Lane junction and before the highway converts to Epsom Road), that has a low rise, open suburban character. The proposed development would instead be identifiable as part of the gradual transitional passage between this suburban character and the larger, close-knit built form to the west of East Street, denoting the approach into the town centre.

12.16 The height of the proposed development would therefore not be read in isolation with the adjacent built form, but in context of these larger buildings, which would be readily apparent in longer views when travelling along East Street towards the town centre, facilitated by a bend in the highway.

12.17 In terms of massing, whilst the proposed built form would extend further into the rear of the site than the existing built form layout on site, it would not extend significantly beyond the built form of adjacent Kingshott House and Dukes House, thereby respecting the existing pattern of development of the area in terms of distribution of frontage built form and rear hard surfacing.

12.18 As a result of its additional scale, massing and height, is clear that the proposed development would have a greater presence than the existing situation in views from parts of Victoria Place and Linton's Lane and these

views are likely to be isolated as they would not be viewed in context with the built form of East Street. Within these views, the proposed development would be viewed alongside smaller residential units and would therefore be incongruous in this regard.

- 12.19 However, there are residential roads of predominantly two storey built form that view the larger buildings of East Street in isolation from the joining junctions, such as Linden Place and Adelphi Road. The views achievable from Victoria Place and Linton Lane would be no different to these existing situations.
- 12.20 The overall design of the proposed building is considered acceptable. It would take the form of a vertical block with horizontal window patterning that would respond suitably to the setting. The contrast of the glazing on the recessed balconies, the concern horizontal banding defining each floor and the materials use in the construction of the sixth floor would provide both visual relief and features of interest on the building .
- 12.21 In light of the above, Officers are satisfied that the overall form and design of the proposed development is acceptable as it would be sympathetic to the overall character and appearance of East Street and contribute to the existing townscape.
- 12.22 Should permission be granted, it is strongly recommended that a condition to secure details 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 that marks the transition into the Town Centre.
- 12.23 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. If permission is granted, it is reasonable to advise the applicant to seek the Secure by Design accreditation by way of an informative.

13 Neighbour Amenity

- 13.1 Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise whilst Paragraph 185 of the NPPF and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 13.2 The neighbouring properties most affected by the proposed development would be the current occupiers of 83 East Street (Kingshott House), (as well as the potential future occupiers of the 3 no unit development

currently under consideration under planning application 22/01954/FUL), which bounds the north east of the site; 10-12 Linton Lane, which bounds the north of the site; 73-77 East Street Court, which lies to the south west of the site, beyond Linton's Lane; and Glen House, which is located to the south of the site, beyond the East Street highway.

Kingshott House

Outlook/Overbearing Implications

The north east elevation of the proposed development would directly face the south west elevation of Kingshott House. Whilst the proposal would have a much greater presence upon the occupiers of the 8 existing flats facing onto the development site, as a result of a retained distance of 10 – 13.2 metres between the proposed and existing built form, there would be no unacceptable issues of loss of outlook or overbearing impacts upon the existing occupiers of these flats.

Daylight/Sunlight Implications

- 13.3 The proposal is supported by a Daylight and Sunlight Report, prepared by Waterslade, dated December 2022. The report considers three measurements of daylight; Vertical Skylight Component (VSC); No-Sky Line (NSL) and Daylight Illuminance (DI)
- 13.4 The report advises that it is important to ensure that retained daylight levels (vertical sky light component (VSC) are good and commensurate with the urban nature of the site. In considering guidelines, the report makes reference to BRE guidelines which considered that a VSC of 18% is a reasonable and accepted level of daylight in many urban areas (Appendix F Figure F1 BRE Site Layout Planning for Daylight and Sunlight 2022).
- 13.5 NSL considers daylight distribution. BRE guidelines advise that if, following construction of a new development, the NSL moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.80 times its former value this will be noticeable to the occupants, and more of the room will appear poorly lit.
- 13.6 With respect to DI, the UK National Annex (Daylight in buildings. BS EN 17037. London, BSI, 2018.) gives illuminance recommendations of 100 lux in bedrooms, 150 lux in living rooms and 200 lux in kitchens.
- 13.7 Although the proposal would reduce the amount of light reaching the existing windows on the south west elevation of Kingshott House, the majority of the rooms would retain a VSC of 18% or above, with the NSL impact minimal and comfortably achieving the DI targets.

- 13.8 The exceptions to this would be the bedrooms serving the south west corner flats. As existing, these bedrooms on the ground floor and first floor are poorly located and are served by a single small window, which is a result of the design compromises of converting an office block into flats. Therefore, these two bedrooms already received very low levels of light (below 100 lux) and are already likely to supplement the achievable daylight levels with electric lighting.
- 13.9 It is a material consideration that these two bedrooms as existing are disadvantaged in terms of recipients of daylight, due to poor design. Within the context of the existing situation, the proposal would not further harm the amenities of the occupiers of these two bedrooms beyond the current situation and it would therefore be difficult to substantiate a reason of the refusal of this application on this basis.
- 13.10 It is also noted that the living rooms associated with these two flats would continue to achieve figures of circa 600 lux, which are excellent daylight figures.
- 13.11 At the second and third floor, whilst the NSL figure indicates that these bedrooms would have notable impacts on daylight distribution, the DI retained would be above 100 lux, meeting both the BRE and British Standard target of lux for bedrooms.
- 13.12 Overall, whilst there would be a noticeable reduction in daylight to this property, the remaining daylight in each unit, bar the ground floor and first floor bedrooms serving the south west corner flats, with sunlight levels remaining high for an urban location such as this.

Overlooking/Privacy Implications

- 13.13 The windows on the north east elevation of the proposed development would either be angled away from the south west elevation of Kingshott House or obscurely glazed. Furthermore, the balconies proposed would not directly face the south west elevation of Kingshott House. As such, the proposal would not create any issues of overlooking or loss of privacy upon the occupiers of Kingshott House.

Proposed Development at 83-85 East Street

Outlook/Overbearing Implications

- 13.14 The south west elevation of the proposed development would directly face the fourth floor north east elevation of the development currently considered under 22/01953/FUL. As a result of a distance of 10 – 13.2 metres retained between the two developments, there would be no issues of loss of outlook or overbearing impacts upon the future occupiers.

Daylight/Sunlight Implications

- 13.15 There are three windows and two balconies proposed on the south west elevation of the development. Two of these rooms would be dual aspect and would be served by primary front and rear windows which can gain unrestricted daylight and sunlight.
- 13.16 The proposed development considered under 22/01954/FUL would be built wholly within the footprint of 83-85 East Street and although a floor higher, would still obtain the same levels of daylight, light distribution and sunlight considered to be acceptable in the living accommodation in the floors below. As such, the proposal would not create any issues of loss of daylight/sunlight upon the future occupiers of the potential development currently considered under 22/01953/FUL.

Overlooking/Privacy Implications

- 13.17 Due to the angle of the windows proposed on the north east elevation of the proposed development and considering that any of the direct facing windows were dual aspect rooms and are therefore restricted with obscured glazing, the proposal would not create any issues of overlooking or loss of privacy upon the future occupiers of the potential development currently considered under 22/01953/FUL.

73-77 East Street

- 13.18 As 73-77 East Street is a commercial building and not in a residential use, the relationship with the proposed development is considered to be acceptable.

10 and 12 Linton's Lane

Outlook/Overbearing Implications

- 13.19 The proposed development would be between 12 - 27 metres from the built form of 10-12 Linton's Lane and between 10 - 25 metres from the rear curtilage of 10 Linton's Lane. Although the proposed development would have a greater presence upon the occupiers of 10 and 12 Linton Lane than the existing situation, the retention of such distances would prevent any issues of loss of outlook or overbearing impacts upon the occupiers of these adjacent properties.

Daylight/Sunlight Implications

- 13.20 In respect of impact on internal accommodation, the Daylight and Sunlight Report concludes that the front windows serving 10-12 Linton's Lane would not be impacted by the scheme and that there would be no overall impact of the windows associated with 12 Linton's Lane.

- 13.21 There are two ground floor windows and one first floor window in the side elevation of 10 Lintons Lane, which serve hallways (see planning permission 07/00262/LBA). Whilst the proposal would reduce the VSC to 19%, this is the BRE guidelines and the impact as measured by the NSL would be minor and compliant within the guidelines.
- 13.22 Furthermore, the sunlight impact would be small and fully compliant with the guidelines.
- 13.23 The Daylight and Sunlight Report concludes that the proposal would reduce the amount of direct sunlight to the rear curtilage associated with 10 Linton's Lane. The BRE criterion for garden or amenity area is for at least half a garden or amenity space to receive at least two hour of sunlight on 21 March 21. If, as a result of a new development an existing garden or amenity space does not meet the above, then the loss of amenity is likely to be noticeable. The Daylight and Sunlight Report demonstrates that the garden curtilages of both 10 and 12 Linton's Lane would continue to achieve 2 hours of sunlight to more than 70% of their area on the 21st of March, which is compliant with the BRE guidelines.

Overlooking/Privacy Implications

- 13.24 The proposal would introduce a large number of windows and balconies to the site, which would face towards 10 and 12 Lintons Lane.
- 13.25 There are windows serving primary accommodation located on the far north west elevation of the proposed development that would be within 13 metres of windows serving secondary accommodation in the side elevation of 10 Lintons Lane. This retained separation distance, along with the secondary nature of the accommodation that these existing windows serve, would prevent any harmful loss of amenity to the occupiers of this neighbouring property.
- 13.26 The proposed balconies on the far north west element of the proposed development have the potential to allow for direct and views into the private patio area of 10 Linton's Lane from external usable floor area. However, privacy screening along part of the north west elevation of this balcony is proposed to partially mitigate for this direct overlooking. Whilst it is not eliminated in its entirety, the provisions made to the balcony are an acceptable balance of protecting neighbour amenity and providing good internal amenity to future occupants. In the event that permission is granted, details of privacy screening can be secured by way of a condition and installed prior to occupation and retain and maintained in perpetuity.
- 13.27 The remainder of the windows on the north west elevation of the proposed development would be located over 26 metres from the curtilage associated with 10 Linton's Lane. Whilst the proposal is likely to result in the occupiers of 10 Linton's Lane having a greater presence of overlooking above the existing situation, these retained distances and

balcony screening would prevent any clear or direct views of this amenity area.

Glen House

Outlook/Overbearing Implications

- 13.28 As a result of the intervening highway, the proposed development would be located over 22 metres from this property, thereby ensuring that there would be no issues of loss of outlook or overbearing impacts upon the existing occupiers within.

Daylight/Sunlight Implications

- 13.29 Whilst the Daylight and Sunlight Report concludes that the ground and first floor front windows serving this neighbouring property would experience VSC and NSL reductions as a result of the proposal, they would retain VSC's of at least 21%. Furthermore, the sunlight impact would be minor and fully compliant with the BRE guidelines.
- 13.30 Therefore, whilst the occupiers of this property may experience a reduction in light levels and light distribution, the levels retained would be within the recommended guidelines and would therefore not be significantly harmful to the amenities of the occupiers of this neighbouring property.

Overlooking/Privacy Implications

- 13.31 Due to a window to window separation of over 22 metres, the proposal would not cause any significant issues of direct overlooking or loss of privacy to the occupiers of this neighbouring property.

General Amenity

- 13.32 Officers acknowledge that as a result of the increase in built form on the site, the proposal would have a greater presence upon the occupiers of the surrounding neighbouring properties than the existing situation. However, as demonstrated above, the material impacts would not be so harmful as to warrant a reason to refuse this application.
- 13.33 Whilst the proposed development is likely to generate a greater level of domestic noise this level would not be to an extent that would be incongruous within the surrounding residential context.
- 13.34 The construction phase of the development has the potential to cause disruption and inconvenience to nearby occupiers and users of the local highway network. Whilst some of these issues are transient and could be minimised through the requirements of construction hours planning conditions if permission were to be granted, given that the construction

works could impact on the vehicle access/parking serving the adjacent Kingshott House and Jukes House, any permission granted would be subject to a Construction Management Plan, which would require the applicant to carefully manage the construction impacts, including the retention of suitable access for surrounding residents during the construction works.

14 Highways, Parking and Access

- 14.1 Policy CS16 of the CS encourages an improved and integrated transport network and facilitates a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should 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.
- 14.2 The application is supported by a Transport Statement, prepared by Lime Transport and dated December 2022 and subsequent . The Transport Statement gives an account of the existing local highway network and local accidental data, as well as highlighting the accessibility benefits of the site. The County Highway Authority are satisfied that this highways account gives a fair representation of the site.

Pedestrian and Vehicle Access and Manoeuvrability

- 14.1 Paragraph 110 of the NPPF requires safe and suitable access, paragraph 111 allows for refusal where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe and paragraph 112 seeks to minimise conflicts between pedestrians, cyclists, and vehicles. This is reinforced in Policy CS16 of the CS and DM10 of the DMPD.
- 14.2 The proposal would not involve any changes or modifications to the existing vehicular and pedestrian accesses to the site.

Traffic Generation

- 14.3 The Transport Statement has predicted the additional traffic generation and traffic flow associated with the proposed development and advises that to achieve this, the TRICS (Trip Rate Information Computer System) database has been used. The methodology used to predict the traffic generation has taken into consideration the low level of parking proposed and has predicted the person trip generation by mode.
- 14.4 This has calculated that the proposed use would generate 11 vehicle movements per day, 2 of which would be during peak AM and PM times.

- 14.5 The main daily trip movements are attributed to public transport users, with a prediction of 72 daily movements, 14 of which would be during peak AM and PM times, with pedestrian movements predicted as 58 movements, 9 of which would be during peak AM and PM times.
- 14.6 For completeness, the Transport Statement has also predicted the combined additional traffic generation arising from the development proposed at 83-85 East Street, currently considered under planning application 22/01954/FUL. This exercise has predicted that the proposed development under 22/01954/FUL would generate an additional single vehicle movement, which would be outside of AM and PM peak times, with the main movements attributed to pedestrian (6 daily trips) and public transport movements (9 daily trips).
- 14.7 In combination, the predicted mode trip generation for the two developments would be 12 daily vehicle movements, 64 pedestrian movements and 79 public transport movements.
- 14.8 In terms of deliveries and service trip generation, the Transport Statement predicts that the proposal would generate 22 daily delivery and servicing vehicle trips (44 movements) and it is anticipated that these would be undertaken from the existing car park on site.
- 14.9 The County Highway Authority is satisfied that the TRICS assessment provides a robust and realistic assessment of the likely impact of the proposed development on the highway network and that the residual cumulative impacts of the development would not have a material impact on the capacity of the surrounding network.

Site Sustainability

- 14.10 Paragraphs 104, 110 and 112 of the NPPF seek to ensure the growth of sustainable transport in managing development and approval of planning applications.
- 14.11 In light of the anticipated increase in pedestrian and public transport movement generated by the proposed development, trip generation associated with the proposal, and given the need to encourage sustainable transport and offer high quality, accessible infrastructure for future occupiers, the County Highway Authority have requested that the applicant commit to providing offsite highway improvements as follows:
- Pedestrian footpath improvements, including provision of dropped kerbs and tactile paving, in a scheme to be submitted and approved in writing by the Local Planning Authority
 - Provision of Real Time Passenger information to be provided at the existing bus stops located along East Street near to the site. The works would be limited to two bus stops.

- Provision of a car club vehicle and car club vehicle parking space on the adjacent highway for five years

14.12 County Highway Authority consider these improvements to be necessary and reasonable given the scale of the proposed development and its subsequent impact on the local highway network, which requires appropriate mitigation. Such works can be secured through a Section 278 Agreement with the County Highway Authority, in the event that permission is granted.

14.13 The details supporting this application advise that a vehicle hire company has expressed interest in managing a car club parking space in the vicinity.

14.14 The County Highway Authority acknowledges the third party concern in respect of the loss of a residents parking permit vehicle space to accommodate the proposed car club vehicle and advise that as the space would be on the public highway, rather than a private road, the space is open for all the public to use and the proposed car club space would be for public use. Furthermore, the County Highway Authority advise that typically the provision of a car club vehicle can reduce private car ownership by up to 10 private vehicles, which could therefore reduce the on street parking pressure within the environs of the new development.

Car Parking

14.15 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.

14.16 The site lies within the Epsom Town Centre Boundary (as defined in Plan E: Epsom Town Centre Action Plan). Within this boundary, the Council's Parking Standards for Residential Development SPD 2015 expects the minimum parking standards for 1 and 2 bedroom flats to be 0.75 spaces per unit and for 3+ bedrooms, 1.0 space per unit.

14.17 Therefore, in order to meet the Council's Parking Standards for Residential Development SPD 2015, the site would be expected to accommodate 25.0 vehicle parking spaces within the site to serve the proposed development.

14.18 The proposal would be a low car development, providing only 4.0 dedicated parking vehicles to serve the site, 3.0 of which are to be dedicated to disabled parking. Feasibly therefore, only 1.0 vehicle parking spaces would be available to all future occupiers of the site. A further vehicle space is proposed within the site to serve a displaced vehicle parking space from neighbouring Kingshott House.

- 14.19 The proposal is therefore short of 24.0 on site vehicle parking spaces required to meet the Council's Parking Standard.
- 14.20 When assessing new development that does not accord with the Council's Parking Standards, the Council needs to consider whether the displacement of vehicle(s) from new development would exacerbate parking stress on surrounding areas that are currently already close to parking stress tolerance, as a result of the number of residential developments or parking restrictions within the surrounding area.
- 14.21 The Transport Statement highlights the sustainable nature of the site, along with 2011 Census data to establish local car ownership rates for existing residents. It should be noted that it is not yet possible to filter car ownership data from the 2021 Census by type, size or tenure, which is why 2011 Census data is used.
- 14.22 In considering existing car ownership rates, the Transport Statement addendum notes that the census data identifies existing car ownership for flats in geographical area as 0.72 cars per household, which is similar to Council's Parking Standards for flats within the area.
- 14.23 The Transport Statement addendum further notes that the census data identifies existing car ownership for affordable flats in geographical area is 0.62 vehicles per flat.
- 14.24 The Transport Statement notes that car ownership falls to just 0.35 just 500m south west in the town centre and given the close proximity of the development to the town centre. The Transport Statement attributes this decrease to the proximity of facilities and the nature of the dwellings within the town centre, with 32% being one bedroom and 46% being two bedrooms.
- 14.25 The Transport Statement also identifies that the number of affordable housing is higher in the town centre than the geographical area that the site falls within and provides two appeal decisions in which the Inspector has conclude that car ownership in social rented housing scheme is lower than that of private housing.
- 14.26 In considering that 88% of the proposed development would be one and two bedroom flats, 50% affordable rented and in close proximity to the town centre, the Transport Statement concludes that it is appropriate to assume that the demand for car ownership at the site would be closer to 0.35 vehicles per unit. This would equate to a demand for 11.0 vehicle parking spaces at the site.
- 14.27 Whilst Officers note the case put forward by the Transport Statement in respect of a lower demand of ownership, the use of the Census data statistics is considered to be reasonable to establish the existing vehicle ownership for the geographical area of the site. Whilst it is noted that

vehicle ownership may decrease closer to the town centre, this is not robust justification to apply these statistics to the site.

- 14.28 Although Officers do not accept the case that in general, car ownership in social rented housing scheme is lower than that of private housing, applying the Census data of 0.62 vehicle ownership to the proposed 16 affordable housing units would equate to a requirement to provide 10 vehicle parking spaces. In combination with the 0.74 vehicle ownership applied to the remaining 15 units, which equates to a requirements to provide 12.0 vehicle parking spaces, this results in the proposed development having a total demand for 22.0 parking spaces.
- 14.29 In light of the above, Officers are not satisfied that a robust case has been made to reduce the shortfall in parking from 21.0 vehicle parking spaces to 11.0 vehicle parking spaces.
- 14.30 Notwithstanding the case put forward for a lower demand of parking at the site, the site does not provide vehicle parking for 11.0 vehicles. Although 4.0 vehicle parking spaces are proposed within the site, 3.0 are dedicated to disabled vehicle parking and are therefore not open to all future residents at the site. This would leave a minimum shortfall of 10.0 vehicle parking spaces from the site, which would be displaced into the surrounding on street parking network.
- 14.31 There are a high number of varying parking restrictions in place within the surrounding highway network, ranging from double yellow lines to permit parking. These restriction limit the opportunities for future residents to park on street, resulting in a high demand for unrestricted kerbside in the area.
- 14.32 The application is supported by Parking Survey, which identifies that two parking beat surveys were carried out on the (weekday) nights of 12 and 13 October 2023, between 00:30 and 05:30, to ensure that the maximum demand for residential parking was captured.
- 14.33 The parking beat surveys have followed the Lambeth methodology, using a 200m survey area. The conclusion of the parking beats survey is that during the survey hours 139 vehicles were parking out of the 174 available spaces, equating to an 80% of available capacity.
- 14.34 Typically, practical capacity is reached when 85% of the spaces are occupied. Although the results of the parking beat survey demonstrated that there is capacity for 35 vehicle to be parked within the survey area, any further parking beyond 11.0 vehicle spaces would breach the 85% practical capacity.
- 14.35 However, the unrestricted parking available during the hours of the parking beat survey is as a result of the majority of the parking restrictions being lifted between the hours of 19:59 – 09:00 and at weekends. Whilst

the parking beats surveys demonstrate that there is on street capacity to accommodate the parking of the displacement of 11.0 vehicles from the site in the hours between 19:59 – 08:59, the parking restrictions operating from 09:00 – 20:00 would prevent any restricting parking during the weekday daytime hours.

- 14.36 The Transport Survey considers these restrictions to assist in enforcing a low car development. In the event permission is granted, a Section 106 Agreement would be entered into to prevent occupation or use of the development by a person or person(s) in possession of an Epsom and Ewell Residents Parking Zone Permit, to prevent any further parking stress on residential parking zones.
- 14.37 Notwithstanding the above, in reality, it is likely that future owners of the development that have a necessity to own a vehicle will seek out other unrestricted areas to park a vehicle during the weekday daytime hours.
- 14.38 Officers are aware that there is unrestricted on street parking within 800m of the surrounding highway network. However, without any demonstration that the shortfall of 21.0 vehicle spaces can be accommodated within this network, Officers cannot be satisfied that the proposal would avoid an unacceptable impact on on-street parking conditions and local traffic conditions.
- 14.39 As there is a failure to robustly demonstrate that the level of on-site parking associated with the proposed development would have no harmful effect on the surrounding area in terms of street scene or the availability of on street parking, the proposed development would not be considered as an exception to policy. This is a significant adverse impact that will need to be weighted in the planning balance.

Cycle Parking

- 14.40 Policy DM36 of the DMPD requires the provision of cycle networks and facilities and Policy DM37 requires minimum provision of cycle storage as set out in Annexe 2 - Parking Standards for new development.
- 14.41 The proposal would provide covered and secure cycle facilities for the parking of 35 bicycles, which would accord with the policy requirements.
- 14.42 In the event that planning permission is granted, the County Highway Authority have recommended a condition to secure the provision of a charging point for e-bikes with the site.

Construction Management

- 14.43 Should planning permission be granted, this would be subject to a condition to secure a Construction Management Transport Plan, which would include details of contractors parking, loading and storage of plant

and materials, as well as preventing any HGV movements to and from the site between the hours of 07:00 – 09:30 and 15:00 – 17:00.

15 Refuse and Recycling Facilities

- 15.1 Policy CS6 of the CS stipulates that development should minimise waste and encourage recycling. Annex 2 of the Sustainable Design SPD sets out that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers within 6 metres of the public highway.
- 15.2 A new integrated refuse/recycling storage area would be created at ground floor level, adjacent to the access to Linton's Lane. Whilst this would displace the existing refuse/recycling storage area for the adjacent property at 83-85 East Street, this would be relocated within the site, adjacent to the proposed refuse/recycling storage area. The waste and refuse would be collected as part of the Council's existing collection service.
- 15.3 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.

16 Ecology and Biodiversity

- 16.1 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).
- 16.2 Paragraph 180 of the NPPF states (inter alia) that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
- 16.3 Policy CS3 of the CS sets out that development that is detrimental to the Borough's biodiversity will be minimised, and where it does take place, adequate mitigating measures should be provided. Wherever possible, new development should contribute positively towards the Borough's biodiversity.
- 16.4 Policy DM4 of the DMDP seeks to ensure that new development takes every opportunity to enhance the nature conservation potential of a site and secure a net benefit to biodiversity. It sets out that development affecting any site or building that supports species protected by Law including their habitats, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the

identified species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity.

- 16.5 The application is supported by a Preliminary Ecology Appraisal and Preliminary Roost Assessment, prepared by The Ecology Partnership, dated December 2022.
- 16.6 Following a site inspection, the Assessment concludes that the existing buildings on the site are not suitable to support roosting bats and the adjacent off-site trees are immature and therefore do not support potential roosting features for bats.
- 16.7 There was no evidence of badger or great crested newt activity on the site, due to limited habitat. For this reason, the Assessment concludes that the site does not provide suitable habitat for badgers or great crested newts to be present.
- 16.8 The Council's Ecology Officer has reviewed all the reports and considers it to be appropriate in scope and methodology and recommends a condition to secure the mitigation measures as set out in Section 4.9 – 4.15 of the Preliminary Ecology Appraisal and Preliminary Roost Assessment, prepared by The Ecology Partnership, dated December 2022.
- 16.9 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.
- 16.10 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 CS 2007, Policy DM4 of the DMPD 2015 and the requirements of the NPPF.

17 Flooding and Drainage

- 17.1 Paragraphs 159 and 167 of the NPPF, Policy CS6 of the CS and Policy DM19 of the DMPD state that development at medium or high risk from flooding must ensure that there is no increase in flood risk, whether on or off site, and implementation of flood resilience and mitigation to reduce it to acceptable levels.
- 17.2 The application is supported by a SuDS Strategy, prepared by EAS, reference 4044/2022 B – Final and dated December 2022.
- 17.3 In terms of fluvial flooding, 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 and therefore the proposed development would be wholly located in Flood Zone 1. As such the development has low risk of fluvial flooding.
- 17.4 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
- 17.5 As the proposed development would lie within Flood Zone 1, neither the sequential test nor the exceptions test, as set out in the Government's guidance 'Flood risk assessment: the sequential test for applicants' 2017 needs to be carried out.
- 17.6 The site lies within Ground Water Source Protection Zones 1-3 and in a Zone 2 Inner Protection Zone. Furthermore, the site is located above a Secondary A aquifer. The site is currently developed, and the run off from the existing building flows unrestricted to the surface water sewer in East Street, whilst the car park drains unrestricted into the foul sewer in Linton's Lane.
- 17.1 Paragraph 167 of the NPPF, Policy CS6 of the CS 2007 and Policy DM19 of the DMPD seek the implementation of sustainable urban drainage systems (SUDS).
- 17.2 With respect to pluvial flooding, site is underlain by impermeable geology, making infiltration methods unviable for the site. Therefore, an attenuation strategy is required.
- 17.3 The constraints of the site prevent above ground attenuation features, such as a pond or swale. The most appropriate SuDS disposal method to support the proposed development is a green roof and within the existing carpark, an area retrofitted for porous asphalt.
- 17.4 The roof run off would provide some surface water attenuation by slowing the flow of the water from the roof, which would then be directed to the sub base of the porous asphalt and then discharged via the private surface water sewer towards East Street where it will be discharged to the adopted sewer works.
- 17.5 The Lead Local Flood Authority have confirmed that the drainage proposal satisfies the requirements of the NPPF 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.
- 17.6 As such, it is considered that the flood risk and surface water flooding have been addressed in accordance with Policy CS6 of the CS and Policy DM19 of the DMDP and the requirements of the NPPF.

18 Contamination and Remediation

- 18.1 Paragraph 183 of the NPPF 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.
- 18.2 Paragraph 184 of the NPPF 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.
- 18.3 Policy DM17 of the DMPD 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.
- 18.4 The application is supported by a Desk Study/Preliminary Land Quality Risk Assessment Report, prepared Jomas Associates Ltd, reference P3776J2662/CLP and dated October 2022. This document indicates that there are potential harmful receptors to both human health and controlled waters from potential ground contamination and recommends an intrusive investigation to further assess this.
- 18.5 The Council's Contaminated Land Officer has reviewed this document and has recommended conditions to secure a site investigation scheme to determine the extent of contaminants within the ground.
- 18.6 This condition would ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.
- 18.7 The proposal is therefore considered to accord with Policy DM17 of the DMPD and the requirements of the NPPF.

19 Noise

- 19.1 Paragraph 185 of the NPPF 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.

- 19.2 This includes, inter alia, mitigating and reducing to a minimum the potential adverse impacts resulting from noise from new development and to avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 19.3 A Noise Assessment, prepared by Love Design Studio, reference PR490_VO, dated October 2022 has been submitted in support of this application which demonstrates that suitable noise levels will be achieved inside all habitable rooms, subject to enhanced acoustic performance glazing in identified units and high trickle ventilators.
- 19.4 The proposal is therefore considered to be acceptable in terms of noise, taking into consideration the prevailing noise levels.
- 19.5 Noise and vibration impacts during the demolition and construction phases of the development can be controlled by way of a Construction Management Plan to ensure that the impacts upon neighbouring amenities can be minimised and monitored, in the event permission is granted.
- 19.6 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 due to noise, in accordance with the requirements of the NPPF.

20 Environmental Sustainability

- 20.1 Paragraph 185 of the NPPF 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.
- 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 of the DMPD 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.
- 20.3 Policy CS6 of the DMPD sets out that development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change.

- 20.4 The application is supported by an Energy and Sustainability Statement, prepared by Love Design Studio, dated December 2022. This statement outlines that the overall energy strategy for the development capitalises of passive design measures (orientation that suits daylight/sunlight, air tight, well insulated fabric shell, efficient lighting etc) to maximise the fabric energy efficiency. The scheme includes window reveals and balconies to reduce the requirement for active cooling and proposed Air Source Heat Pumps for space heating and domestic hot water, as well as meeting water consumption in requirements with the Council's Sustainable Design SPD.
- 20.5 For the construction phase, all timber and timber products used would be from legally harvested and traded sources. Construction Waste Management would also be considered during the post planning stage, should permission be granted, to ensure that site waste can be reduced, reused, recycled or recovered wherever possible.
- 20.6 Subject to a condition to secure these sustainable measures as part of a detailed design in the event permission is granted, the proposal would be able to secure a sustainable development outcome and would therefore accord with Policies CS1 and CS6 of the Core Strategy.

21 Accessibility and Equality

- 21.1 Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient and attractive access to be incorporated within the design of the development. The proposal would provide a life access to all floors and 75% of the on site parking proposed would be dedicated disabled parking.
- 21.2 The Council is required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There would be no adverse impacts as a result of the development.

22 Climate Change

- 22.1 On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.
- 22.2 The site lies within a sustainable location within reasonable walking distance of six bus stops that provide good connections to wider public transport serves, such as rail services and is within reasonable walking distance of local facilities and services.
- 22.3 Whilst the proposal is presented as a low car development, which is in the spirit of reducing carbon footprint, this would need to be considered in the light of other material considerations.

23 Planning Obligations and Community Infrastructure Levy

- 23.1 Paragraphs 55 and 57 of the NPPF requires consideration of whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, but only where they are necessary, related to the development, fair and reasonable.
- 23.2 Policy CS12 of the CS and the Developer Contributions SPD require that development must be able to demonstrate that the service and community infrastructure necessary to serve the development is available, either through on-site provision or a financial contribution via a planning obligation.
- 23.3 The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is liable for CIL payments because it involves additional floor area in excess of 100m². It is payable at £125/m² index linked.

CONCLUSION BALANCE

24 Planning Balance

- 24.1 As the Council cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11 (d) of the NPPF is engaged as the policies which are most important for determining the application are out-of-date.
- 24.2 Footnote 7 to paragraph 11d (ii) indicate that policies relating to designated heritage assets are relevant to its application. In undertaking the balanced exercise set out in paragraph 202 of the Framework, whilst the proposal would result in less than substantial harm to the significance of the heritage assets, it has been demonstrated that the benefits of the scheme would outweigh that harm, whilst giving considerable importance and weight preservation of the designated heritage asset. Therefore, as there is no clear heritage reason for refusing the proposal, the tilted balance in paragraph 11d (ii) remains engaged.
- 24.3 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.

Social Benefits

- 24.4 The proposed development would make a 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. Given the pressing need for housing in the Borough,

as demonstrated by the extent of the Council's housing shortfall and how long the deficit is likely to persist, this benefit is given significant weight.

- 24.1 The proposal would provide affordable housing in excess of the policy requirement, proposing to deliver 50% of affordable housing (16 units) in a mix and tenure that would contribute towards one of the Borough's greatest affordable housing needs. This benefit is given substantial weight in the planning balance.
- 24.2 The proposal would create a choice and mix of housing, thereby contributing towards the Borough being comprised of balanced and sustainable communities. This benefit is given moderate weight.

Economic Benefits

- 24.3 The proposal would provide economic benefits through employment during the construction phase and the additional expenditure in the local economy at both construction and following occupation. The construction phase is temporary and therefore this would amount to a minor benefit
- 24.4 Whilst there is no evidence to suggest that the local economy would be disadvantaged without the expenditure generated from the proposed development, it is not unreasonable to conclude that future occupiers of the development would create additional expenditure to the Brough because of the highly sustainable location close to Epsom Town Centre and therefore this would amount to a minor benefit.

Environmental Benefits

- 24.5 The scheme proposes to incorporate a sedum green roof, along with therefore enhancing biodiversity on site. This additional biodiversity gain would amount to a minor benefit.

Social Adverse Impacts

- 24.6 The failure to provide a compliant housing density is a limited adverse effect in light of the Council's decision to limit the weight to the housing density policy.
- 24.7 The failure to provide a policy compliance mix is a limited adverse effect, given the Government's aim to efficiently utilise brownfields sites in sustainable locations.

Environmental Adverse Impacts

- 24.8 The proposal would contribute to the bedrooms serving the bedroom windows on the ground and first floor south west corner flats of Kingshott House receiving low levels of light. However, consideration is given to the fact that these two bedrooms already received very low levels of light

as a result of the poor design of converting an office block into flats and are already likely to supplement the achievable daylight levels with electric lighting. Within this context, the proposal would not further harm the amenities of the occupiers of these two bedrooms beyond the current situation and therefore this adverse impact is limited.

- 24.9 The shortfall of on-site car parking spaces would not be compliant with DM37 of the DMPD. There has been some justification for the shortfall, insofar as that the site is located in a sustainable location, within walking distance to the main town centre with all its associated amenities and public transport links. Furthermore, the proposal includes securing public transport improvements to the direct serving bus shelters, in order to encourage the use of alternative transport. The proposal would also include the provision of a car club space, which would contribute towards mitigation for the shortfall of parking on site. Whilst these are material considerations, they are not so robust as to be seen as an exception to policy. This is a significant adverse impact of the scheme.

Overall Balance

- 24.10 Overall, whilst there are limited to significant adverse effects in respect of this application, there are significant to substantial benefits associated with the delivery of housing within a sustainable location and the delivery of above compliant affordable housing. Officers recognise that there is a finely balanced consideration, but the harm 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.

RECCOMENDATION

PART A

To grant planning permission subject to the S106 Legal Agreement with the following Heads of Terms:

- a) The provision of 16 affordable rented units with rent limited to 70% of the open market rent (including service charge) in a mix of 5 no. one bed, 9 no. two bed and 2 no. three bed units**
- b) A clause to prevent occupation or use of the development by a person or person(s) in possession of an Epsom and Ewell Residents Parking Zone Permit**
- c) 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 five years, 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.

and the following conditions and informatives.

PART B

In the event that the Section 106 Agreement referred to in Part A is not completed by 14 June 2024, the Head of Place Development is authorised to refuse the application for the following reason:

“In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy SC9 and CS16 of the Core Strategy 2007 and Policies DM36 and DM37 of the Development Management Policies Document 2015.”

Conditions:

1. Time Limit

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. Approved Details

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

Drawing Number 2429_PL_002_B
Drawing Number 2429_PL_100_C
Drawing Number 2429_PL_101_C
Drawing Number 2429_PL_102_C
Drawing Number 2429_PL_103_C
Drawing Number 2429_PL_104_C
Drawing Number 2429_PL_105_C
Drawing Number 2429_PL_106_C
Drawing Number 2429_PL_200_B
Drawing Number 2429_PL_201_B
Drawing Number 2429_PL_202_C
Drawing Number 2429_PL_203_C
Drawing Number 2429_PL_210_B

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

Pre-Commencement Conditions

3. Materials

No development shall commence unless and until 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 Policy DM10 of the Development Management Policies 2015.

4. Construction Transport Management Plan

No development shall commence unless and 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 East Street 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 for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

5. Ground Contamination

Following any necessary demolition and prior to the commencement of any further development above ground, the following shall be undertaken in accordance with current best practice guidance:

- (i) a desk study, site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including hydrocarbons) and contaminants with the potential to impact sensitive receptors on and off-site. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and
- (ii) if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval.

and 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: 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.

6. SuDS Details

No development shall commence unless and 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 0.8 l/s.
- (b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- (c) A plan showing exceedance flows (i.e., during rainfall greater than design events or during blockage) and how property on and off site will be protected 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.

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

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. Tree Protection Plan

No development (including demolition and all preparatory work) shall take place until a detailed tree protection plan and arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details

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

8. Construction Environmental Management Plan

No development shall commence unless and until a Construction Environmental Management Plan, to include details of, but not be limited to the following:

- (a) contact details for persons on site with overall responsibility of compliance to the CEMP
- (b) details of Resident liaison and communication, including complaints procedure
- (c) measures to prevent noise and vibrations
- (d) measures to prevent dust and protect air quality
- (e) details of any proposed artificial lighting
- (f) details of waste management and disposal of water
- (g) control of emissions
- (h) measures to prevent the loss or obstruction of access and egress for residents entering and exiting Kingshott House and Jukes House, both vehicularly and pedestrian
- (i) Emergency response procedures

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 to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies Document 2015.

Pre-Above Ground Conditions

9. Landscaping

No development above ground level shall commence unless and until 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 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.

Pre Occupation Conditions

10. Parking/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 purposes.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

11. Pedestrian Improvements

No part of the development shall be first occupied unless and until pedestrian improvements have been implemented within the vicinity of the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' of the NPPF 2023 and in meeting its objectives, as well as and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

12. Public Transport Improvements

No part of the development shall be first occupied unless and until improvement works to the nearby bus stops along East Street have been carried out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' of the NPPF 2023 an in meeting its objectives, as well as and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

13. Electric Vehicle Charging Points

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 to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' of the NPPF 2023 an in meeting its objectives, as well as and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

14. Refuse/Recycling Store Details

The development hereby approved shall not be first occupied unless and until details of the facilities for the secure and covered refuse/recycle stores within the development site have been provided in accordance a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter the said approved facilities shall be provided prior to first occupation and retained and maintained to the satisfaction of the Local Planning Authority.

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

15. Cycle Store Details

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 35 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 to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' of the NPPF 2023 an in meeting its objectives, as well as and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

16. Drainage Verification Report

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 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

17. Privacy Screening Details

Prior to any occupation of the development hereby permitted, details of privacy screening for the development shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be installed in accordance with the approved plans and maintained in such a condition before the terrace is first brought into use.

Reason: To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 of the Development Management Policies Document Adopted October 2015.

During and post development conditions

18. Compliance with Ecological Survey

The proposal shall be carried out in strict accordance with the conclusions and recommendations of the Section 4.9 – 4.15 of the Preliminary Ecology Appraisal and Preliminary Roost Assessment, prepared by The Ecology Partnership, dated December 2022.

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.

19. Compliance with Noise Report

The proposal shall be carried out in strict accordance with the recommendations of the Noise Assessment, prepared by Love Design Studio, reference PR490_VO, dated October 2022.

Reason: To protect the amenities of future occupiers in accordance with Policy DM10 of the Development Management Policies Document Adopted October 2015.

20. Compliance with Sustainable Design Measures

The development shall be carried out in strict accordance with the sustainable design measures contained in the Energy and Sustainability Statement, prepared by Love Design Studio, dated December 2022, reference 1726 and dated July 2021, 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.

21. Hours of Work

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. Obscure Glazing

The windows identified on approved drawing numbers 2429_PL_102_C, 2429_PL_103_C and 2429_PL_1024_C as being installed with translucent glazing shall be non-opening below 1.7 metres above finished floor level and installed, retained and maintained with obscure glazing to the extent that intervisibility is excluded.

Reason: To protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 of the Development Management Policies Document Adopted October 2015.

23. No Additional Windows/Openings

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no windows or other openings shall be formed in the development hereby approved without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 of the Development Management Policies Document Adopted October 2015.

Informatives:

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

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

4. The permission hereby granted shall not be construed as authority to carry out any works (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/permits-and-licences/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.

5. 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. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.
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 or organisation responsible for the damage.
8. 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.
9. 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.
10. Sub ground structures should be designed so they do not have an adverse effect on groundwater.

11. 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.
12. 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. These publications are available from Government Services and Information website at: <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents>.
13. 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.
14. Fire safety information in accordance with Regulation 38 of the Building Regulations 2010 should be provided to the responsible person at the completion of the project or when the building or extension is first occupied. This information should take the form of a fire safety manual and form part of the information package that contributes to the fire risk assessment that will need to be carried out under the Regulatory Reform (Fire Safety) Order 2005.
15. 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. Surrey Fire and Rescue Service recommend 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.
16. Surrey Fire and Rescue Service 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.

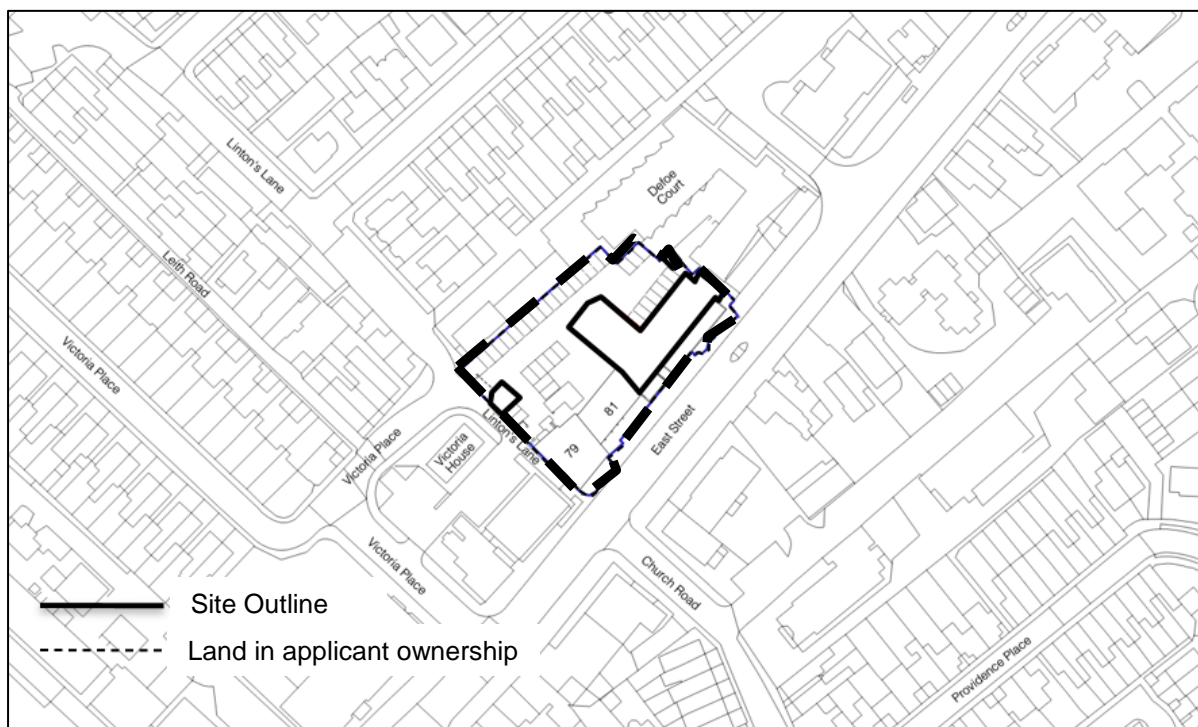
The use of AWSS can add significant benefit to the structural protection of

buildings in the event of a fire. Other benefits include supporting business recovery and continuity if a fire happens.

17. 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

Kingshott House, 83 - 85 East Street, Epsom, Surrey, KT17 1FA

Application Number	22/01954/FUL
Application Type	Full Planning Permission (Minor)
Address	Kingshott House 83 East Street Epsom KT17 1FA
Ward	Town Ward
Proposal	Fourth floor roof extension to 83-85 East Street to provide three new residential apartments (comprising 1 x 1-bed unit; 1 x 2-bed unit; 1 x 3-bed unit) together with works to stair and lift cores and other associated works
Reason for Committee	Call in by Ward Member
Recommendation	Approval, subject to conditions, informatives and s106 legal agreement
Expiry Date	18 December 2023
Case Officer	Gemma Paterson
Contact Officer	Simon Taylor
Plans and Documents	Found at the following link: 83-85 East Street
Glossary of Terms	Found at the following link: Glossary and Terms



SUMMARY

1 Summary and Recommendation

1.1 The application is recommended for approval, subject to the completion of a Section 106 agreement to prevent future residents being in possession of a parking permit and conditions and informatives. If the Section 106 Agreement is not completed by 14 June 2024 (ie within six months), the Head of Place is authorised to refuse the application.

1.2 The application has been called to committee by the Local Ward Member in accordance with the Epsom and Ewell Borough Council's Scheme of Delegation. The reasons given were:

Although it is only 3 new residential units it was a converted office block under the government allowed scheme and there will now be over 10 units, the definition of a major.

There is also the complexity of the current owner/occupiers who are very concerned, and some of their concerns will not be planning issues, but for transparency I believe that the debate and decision should be in the public arena.

I am also concerned with the connection of the application next door, effectively on the same site as the owner owns both sites.

I am surprised that they are allowed to split the development scheme into two (or more to come?).

1.3 The application seeks planning permission for the erection of a fourth floor roof extension to 83-85 East Street to provide three new residential apartments (comprising 1 x 1-bed unit; 1 x 2-bed unit and 1 x 3-bed unit) together with works to stair and lift core.

1.4 The proposal also involves the erection of a cycle store and the extension of the existing refuse/recycle storey adjacent to Linton's Lane.

1.5 The proposed development would contribute 3 new houses 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. The proposal would also create a choice and mix of housing, thereby contributing towards the Borough being comprised of balanced and sustainable communities.

1.6 Whilst the proposal would cause less than substantial harm to the setting of the Linton's Lane Conservation Area and the listed buildings at 1, 3, 10 and 12 Linton's Lane, even when giving great weight to the desirability of preserving the setting of the surrounding heritage assets, the public benefits would outweigh the less than substantial harm identified.

- 1.7 The proposal would meet the requirements of the National and local requirements for internal floor area and the provision of private communal amenity space within this scheme is regarded to be sufficient to meet the recreation needs of future occupiers.
- 1.8 The site is located within a main settlement, town centre location that is near 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.
- 1.9 The proposed development would not result in adverse traffic generation or result in any issues to highway safety or to the operation of the highway network.
- 1.10 As a car free development, the proposal would not meet the Council's parking standards, with a shortfall of 3.0 vehicle parking. Notwithstanding a recommendation to secure a clause within a Section 106 Agreement to prevent occupation or use of the development by a person or persons(s) in possession of an Epsom and Ewell Residents Parking Zone Permit, the failure to provide vehicle parking in accordance with local policy is an adverse impact in the planning balance.
- 1.11 The proposed development would be constructed above the existing host building to create a fifth floor. Whilst the resulting height would be notably taller than the existing buildings it surrounds, taken within the wider context, the resulting development would be identifiable as part of the gradual transitional passage between the suburban character of the far east of East Street (heading towards Ewell) and the larger, close-knit built form to the west of East Street, denoting the approach into the town centre.
- 1.12 The overall design of the proposed fourth floor is considered to be acceptable, as the extension would be set back from the main mass of the host building and a façade of panels and columns and contrasting materials would add some visual interest to the existing building.
- 1.13 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, subject to conditions to secure details of privacy screening and to prevent new windows in the future.
- 1.14 The proposal would accord with the Council's policies in relation to ecology and environmental sustainability.
- 1.15 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 2023, 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 2023 as a whole.

- 1.16 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.

KEY INFORMATION

	Existing	Proposed
Site Area	0.04 Hectares	
Units	32	35 (net increase of 3)
Density	800 dwellings per hectare	875 dwellings per hectare
Height	13-15.7m (four storeys)	15.8-17.8m (five storeys)
Affordable Housing Units	0	0
Car Parking Spaces	27	27 (no net increase)
Cycle Parking Spaces	0	3

SITE AND PROPOSAL

2 Description of Site

- 2.1 The application site contains an existing four storey residential building (Kingshott House and Jukes House). The site is bounded to the north west by 81 East Street, a two storey music academy, and Dafoe Court to the north east, supporting living accommodation ranging from 2 – 4 storeys in height.
- 2.2 The built form surrounding the site is diverse in scale, varying up to a maximum of 5 storeys. There are a mix of uses surrounding the site, including residential, commercial, office, supported living and educational premises, accommodated in built form of varying heights, between 2 and 5 storeys.
- 2.3 The site is located adjacent to the Linton's Lane Centre Conservation Area boundary to the north west of the site. Providence Place Conservation Area extends towards the south east beyond main East Street highway. To the north west of the site there are multiple listed buildings with a direct view of the site. Locally listed buildings lie beyond the East Street highway.

3 Description of Proposal

3.1 The proposal involves the following:

- The erection of an extension above the fourth floor of the building, wholly contained within the existing footprint.
- The extension would measure 10.5 – 26.0 metres in width, 3.4 metres (5.0 m to top of lift shaft) 9.0 metres 0 20.5 metres in depth and would have a height of 3.4 metres (4.9m to top lift shaft). The overall height from ground level would be of 15.8 m (17.8 m to top lift shaft)
- The erection of a secure cycle storage facility and extension to existing bin storage area (details of both to be secured via condition in the event planning permission is granted)

CONSULTATIONS

Internal Consultees	
Conservation	No objection subject to conditions
Ecology	No comments received
Contaminated Land	No comments received
Trees	No comments received
Waste	No comments received
External Consultees	
Highway Authority	No objection subject to conditions
Flood Authority	No objection subject to condition
Environment Agency	No comments received
Police	No comments received
Public Consultation	
Neighbours	<p>The application was advertised by means of a site notice, press notice, and notification to adjoining neighbouring properties. 26 submissions were received, three of which were from the same address and an additional two of which were from the same address. They raised the following issues:</p> <ul style="list-style-type: none"> • Design not in keeping with current building • Building already too large • Building to height and out of character with rest of neighbourhood • Additional mass an overdevelopment of area • Impact on buildings within the Conservation Area

- More traffic generation
- Car park is currently oversubscribed
- Impact on parking for existing residents with parking permits having to find parking further afield
- Existing lift will be unavailable for a lengthy period of time
- Disruption to local residents
- Noise/dust/pollution/temporary loss of some amenities during construction process
- Loss of light to houses behind the site
- Loss of light and overshadowing from cranes and scaffolding
- Terrace directly opposite 5 Jukes House, causing noise/disturbance
- No immediate needs for this building to be redeveloped following previous conversion
- Additional waste cannot be supported
- Breach of the GPDO Class A, Part 20
- Buildings converted from office are no purpose built, not structurally sound for extension
- Existing issues with roof of Kingshott and Dukes House, causing damp, mould and flooding. Additional storey likely to damage the roof further.
- Proposal will cause additional strain on existing faulty windows causing severe damage
- Breach of Lease; right to quiet enjoyment

Officer comment: Whilst the conversion of the existing buildings from Offices to Residential was carried out under the prior approval process, this does not prevent the submission of a full planning application of this nature being pursued and the submission of a full planning application does not represent a breach of the permissions that were completed on site under the prior approval process.

	<p>With respect to the structural integrity and of the existing roof, this is a matter for building regulations to assess and cannot therefore be considered as a material planning consideration. The matter pertaining to the existing windows and the impact of the proposed development upon the structural integrity of these windows are also matter for building regulations and cannot be considered as a material planning consideration.</p> <p>The breach of a tenancy lease is a matter for the relevant third parties and is not a material planning consideration</p> <p>All other concerns raised by third parties form material considerations and are discussed in the body of the report.</p>
Ward Member	Comments as per paragraph 1.2 of this report
Residents Association	No comments were received.

PROPERTY HISTORY

App No.	Description	Status
16/00504/ PDCOU	Change of use of the building from B1 (office) into 16 residential flats (C3)	Prior Approval Required and Permitted 23 August 2016
15/00872/ PDCOU	Change of use of No.85 from B1 (office) into 8 residential flats (C3)	Prior Approval Required and Permitted 06 November 2023
15/00494/ PDCOU	Change of use of the building from B1 (office) into 16 residential flats (C3)	Prior Approval Required and Permitted 18 August 2023

SITE CONSTRAINTS

- Built Up Area
- Town Centre
- Adjacent to Listed Building (Grade II)
- Adjacent to Linton's Lane Conservation Area
- Site of Special Scientific Interest Risk Area

PLANNING POLICY AND GUIDANCE

National Planning Policy Framework 2021 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 4: Decision-Making
- Section 5: Delivering a Sufficient Supply of Homes
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport
- Section 11: Making Effective Use of Land
- Section 12: Achieving Well-Designed Places

- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15: Conserving and Enhancing the Natural Environment
- Section 16: Conserving and Enhancing the Historic Environment

Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS7: Housing Provision
- Policy CS14: Epsom Town Centre
- Policy CS16: Managing Transport and Travel

Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM4: Biodiversity and New Development
- Policy DM8: Heritage Assets
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM11: Housing Density
- Policy DM12: Housing Standards
- Policy DM13: Building Heights
- Policy DM17: Contaminated Land
- Policy DM19: Development and Flood Risk
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

Epsom Town Centre Area Action Plan 2011 (Plan E)

- Policy E1: Town Centre Boundary
- Policy E2: Housing Capacity in the Town Centre

Supplementary Planning Documents and Guidance

- Parking Standards for Residential Development Supplementary Planning Document 2015
- Surrey County Council Vehicular and Cycle Parking Guidance 2018
- Surrey Transport Plan 2022–2032
- Sustainable Design Supplementary Planning Document 2016

Other Documentation

- Technical Housing Standards – Nationally Described Space Standards 2015
- Community Infrastructure Levy Charging Schedule 2014
- Strategic Housing Market Assessment Update 2019

APPRAISAL

4 Presumption in Favour of Sustainable Development

- 4.1 Paragraph 11 of the NPPF 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. Currently, the Council does not have an up-to-date development plan on account of not being able to demonstrate a five-year supply of housing.
- 4.2 Paragraph 11(d) is engaged as the Council's policies which are most important for determining the application are out-of-date. The practical application and consequence of this is that unless the site is 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 as a whole.

5 Principle of Development

Location of Development

- 5.1 The site is located within the built-up area of Epsom and Epsom Town Centre where the principle of development is acceptable in terms of the principles, objectives and policies in the CS, the DMPD and supporting guidance and documents.

Housing Delivery

- 5.2 Paragraph 60 of the NPPF aims to significantly boost the supply of homes in areas where it is needed and addressing specific needs. Policy CS7 of the CS seeks to meet housing requirements in accordance with Policy H1 of the South East Plan which is at least 2,715 homes within the period 2007-2022 or 181 new dwellings per annum.
- 5.3 The Council has calculated its five-year housing land supply position as being 1.56 years. The Council is presently falling significantly short of this requirement and cannot presently demonstrate five years housing land supply.
- 5.4 Policy E1 of Plan E, Epsom Town Centre Area Action Plan 2011 permits, in principle and subject to other relevant policies, higher density housing.
- 5.5 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.

- 5.6 Given the significant housing need within the Borough, an increased residential use of the site within a sustainable location is acceptable in principle, subject to the below other material planning considerations.

6 Impact on Heritage Assets

- 6.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that in considering applications which affect Listed Buildings, Local Planning Authorities must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.2 The application of the statutory duties within Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 combined with the guidance contained in the NPPF means that when harm is identified, whether that be less than substantial or substantial harm, it must be given considerable importance and great weight.
- 6.3 Additionally, the NPPF 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.
- 6.4 Paragraph 200 of the NPPF 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
- 6.5 Paragraph 201 of the NPPF 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.
- 6.6 Paragraph 202 of the NPPF 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.
- 6.7 Whilst there is no statutory protection for the setting of a Conservation Area, paragraph 200 of the NPPF 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.
- 6.8 This is further supported by paragraph 206 of the NPPF which states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”
- 6.9 Appendix 2 Glossary of the NPPF defines setting of a heritage assets as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 6.10 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.
- 6.11 The site shares a boundary with Linton Lane Conservation Area. This designated heritage asset is largely characterised by two streets of late 19th century post railway residential development. Key aspects which reveal this include the uniformity of house types (including scale and massing), rectilinear street pattern, the predominant use of brick and slate

on earlier buildings and a variety of materials on later buildings on Middle Lane.

- 6.12 The dwellings on Linton's Lane in the Conservation Area pre-date the railway housing and are evident in their reduced scale and traditional materials including flint and weatherboarding. This was a much earlier byway than the rest of the Conservation Area which accounts for the older dwellings on this road, which include 1, 3 and 10-12 (Grade II) and 7-9, 11 and 15-17 (locally listed).
- 6.13 To the south of the site is Providence Place Conservation Area, which consists of two streets containing terraced cottages from c1865 and c1880. The appraisal for the area notes they are a good example of the type of development which followed the building of the railway through Epsom in the mid-19 Century.
- 6.14 106 – 110 East Street are locally listed buildings comprising a set of mid-19th century dwellings which have been significantly altered.
- 6.15 This application is accompanied by a Heritage Statement, prepared by Heritage Information Ltd, dated December 2022 which concludes that the proposal would create architectural and visual interest on an otherwise bland and unattractive building that would have a minimum and neutral to positive impact on the setting of the Conservation Area and nearby heritage assets.
- 6.16 The Council's Conservation Officer notes that the existing building already has a harmful impact on the setting of the Linton's Lane Conservation Area. The Conservation Officer agrees with the conclusion of the Heritage Statement in that the height, bulk, scale and massing of the extension will cause a minimal to moderate and neutral to negative contribution to the setting of the Linton's Lane Conservation Area and other nearby heritage assets.
- 6.17 The Council's Conservation Officer agree that this contribution translates into a low level of less than substantial harm. For clarity, the Council's Conservation Officer advises that this is only a low level of harm because of the limited views of the building and the fact that this is an extension to it, rather than a wholly new development.
- 6.18 However, the Council's Conservation Officer does not agree with the Heritage Statement in that the visually lightweight nature of the development would result in improvements to the existing building that would otherwise outweigh low level of less than substantial harm. This is because of the resulting greater height and solid proportions on the elevations visible from the rest of the building, in comparison to the more lightweight elements facing East Street.

- 6.19 In conclusion, the Council's Conservation Officer considered that the proposal would cause a low degree of less than substantial harm to significance of the setting of Linton's Lane Conservation Area and 1, 3, 10 and 12 Linton's Lane. This harm is through the poor design of the development, which would further increase the bulk and massing of a building which already causes harm to the setting of these heritage assets.
- 6.20 The Council's Conservation Officer has also taken in to account the separate application under 22/01953/FUL at 79-81 East Street and has confirmed that with or without this proposed adjacent development, the proposal would still be accorded a low level of less than substantial harm, as it would be a visible feature that would increase the scale, bulk and massing of the existing building.
- 6.21 Whilst it is acknowledged that the courts have made it clear that there is no spectrum of degree of harm within the less than substantial harm category (James Hall v City of Bradford Metropolitan 2019), as the Council's Conservation Officer has identified less than substantial harm to the significance of the setting of the Linton's Lane Conservation Area and 1, 3, 10 and 12 Lintons Lane, in accordance with paragraph 202 of the NPPF, 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.
- 6.22 The NPPF identifies that public benefits could be anything that delivers economic, social or environmental progress, as described in paragraph 7. The NPPG 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).
- 6.23 The public benefits of the proposed development are considered to be:
- The contribution of net gain residential development to the Borough housing figures at a time that the Council cannot identify a five-year housing land supply and in considering the extent of the Council's housing shortfall and how long the deficit is likely to persist, given the timetable for the emerging Local Plan. Officers consider that significant weight is attached to this public benefit.
 - The social benefits from an increase in choice and types of homes for different members of the community in proximity to the town centre and railway station. Officers consider that significant weight is attached to this public benefit.

- The generation of economic benefits from the employment during the construction phase of the proposed development. However, as this benefit is temporary, limited weight is attached to this public benefit.
- The direct economic and social benefits from investment into the nearby town centre from future residents, adding to the vitality and viability of the town centre. Although and there is no evidence to suggest that the local economy would be disadvantaged without the expenditure generated from the proposed development, it is likely to provide some minor investments. For this reason, limited weight is attached to this public benefit.

6.24 Officers give considerable importance and weight to the desirability of preserving the setting and the features of special architectural and historic interest of the surrounding heritage assets. However, notwithstanding the considerable importance and weight that the less than substantial harm attracts, in this case, the accrued public benefits are considered to outweigh the less than substantial harm arising from the proposal.

6.25 Should permission be granted, conditions to secure details of materials are recommended. Given that the use of high-quality materials and detailing is key to the proposed development appearing appropriate adjacent to a historic and architectural setting, it would be reasonable to recommend this condition on any granted permission.

7 Quality of Accommodation

7.1 Paragraph 130 of the NPPF 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.

7.2 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.

7.3 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.

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

Flat Number (bed/person)	National Standard	Proposed Internal Area
B401 (3b/5p)	86m ²	92.7m ²
B402 (1b/2p)	50m ²	53.1m ²
B403 (2b/3p)	61m ²	64m ²

7.5 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.

7.6 Officers 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.

8 Proposed Amenity Space

8.1 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 1m² should be provided for each additional occupant. A 3 person flat should have 6m² provision of private amenity space and a 5 person flat should have 8m².

8.2 The private amenity space provided to serve all units are in the form of balconies as follows:

Flat Number (bed/person)	Policy Minimum	Proposed Amenity Area
B401 (3b/5p)	8m ²	8.8m ²
B402 (1b/2p)	5m ²	8.3m ²
B403 (2b/3p)	6m ²	9.6m ²

8.3 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.

8.4 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 DM12 of the Development Management Policies Document 2015.

9 Design and Character

Built Form, Pattern and Layout

- 9.1 Paragraphs 125, 130 and 134 of the NPPF refer to the need for functional and visually attractive development that is sympathetic to local character and history. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area. Policy DM9 of the DMPD requires a positive contribution to and compatibility with the local character and the historic and natural environment and Policy DM10 requires good design that respects, maintains or enhances the prevailing house types and sizes, density, scale, layout, height, form and massing, plot width and building separation, building lines and key features.
- 9.2 East Street is a mixed use area with a strong building line on both sides of main highway. Most of the built form faces the highway, providing active frontages. There is no uniformity in plot size, although the predominant plot character is a good distribution of frontage built form, with hard surfacing to accommodate rear vehicle parking. A number of the new developments along East Street also feature some frontage landscaping strips or accommodate trees, to bring some verdancy to this densely built form area.
- 9.3 To the west of East Street, moving towards the High Street, the built form to the south of the highway is tall and close knit, commencing with the three storey commercial units at 2a – 16a East Street and extending to the four storey Emerald House (14 East Street), part three/four storey Post Office (18 East Street) and the four storey retail unit at 20 - 40 East Street.
- 9.4 In comparison, two storey built form lines the north of East Street highway, until Crossway House and Bradford House (39 and 39a East Street), which are both five storey developments. Beyond this is the four storey Newport House (40 East Street) and then a further run of two storey built form.
- 9.5 As you move further east towards Ewell Village and particularly past the Kiln Lane junction, the built form relaxes into three and two storey development and benefits from more landscaping and greater pockets of spaciousness.
- 9.6 The existing built form on the site comprises a four storey building of no great architectural merit. The proposal would extend the height of the existing building from 13 metres (15.7 metres from lift shaft) to 15.8 metres (17.8 metres to the lift shaft).
- 9.7 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. As defined in the Proposals Map in Plan E, the site lies in an area subject to a building height maximum of 12 metres.

- 9.8 Policy E7 of Plan E, Epsom Town Centre Area Action Plan 2011 also seeks to restrict buildings outside of identified opportunity sites (of which the current site is not one) to a height of 12 metres.
- 9.9 However, 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 the presumption of sustainable development.
- 9.10 As Policy E7 of Plan E, Epsom Town Centre Area Action Plan 2011 is similar to Policy DM13 of the Development Management Policies Document 2015 in that it also restricts opportunity for growth within the Borough, it is not unreasonable to also afford it limited weight in the decision-making process and in regard to the presumption of sustainable development.
- 9.11 The built form along East Street is diverse in scale and height, with a number of buildings extending over 12 metres in height as identified in the table below:

Building Number/Name	No. of Floors	Overall Height
The Proposal	5	15.8 m (17.8 m to top lift shaft)
18 East Street	3/4	16.3m
20 – 40 East Street	4	14.3m
Crossways House (39)	5	15.7m
Bradford House (39A)	6	18.4m
Newplan House (41)	4	15.0m (to eaves)
55 East Street	4	13.6m
64-74 East Street	4	17.62m
87 East Street	3/4	14m
144 East Street	4	13m

- 9.12 To the west of the site lies 79-81 East Street, which is a site currently the subject of planning application 22/01953/FUL, that, if granted, would result in the erection of a building with an overall height of 18.8 metres. However, as existing, the building at 79-81 East Street is a part two storey, part three storey building. To the east of the site is Defore Court, a four storey building extending to 12.6 metres in height. To the rear of the site lies the two storey residential development of Linton Lane, Victoria Place and Middle Lane.

- 9.13 Within this immediate context, the resulting height of the development would be notably taller than the existing buildings it surrounds and are likely to have a greater presence than the existing situation from some surrounding viewpoints, in particular from Victoria Place and Linton Lane, where the views would be somewhat isolated as they would not be read in full context with the built form of East Street.
- 9.14 However, there are residential roads of predominantly two storey built form that view the larger buildings of East Street in isolation from the joining junctions, such as Church Road, Linden Place and Adelphi Road. The views achievable from Victoria Place and Linton Lane would be no different to these existing situations.
- 9.15 Furthermore, notwithstanding the presence of smaller scale built form in the immediate vicinity, the site itself does not fall within the character area to the far east of East Street (past the Kiln Lane junction and before the highway converts to Epsom Road), which is characterised by its low rise, open suburban character. The proposed development would instead be identifiable as part of the gradual transitional passage between this suburban character and the larger, close-knit built form to the west of East Street, denoting the approach into the town centre.
- 9.16 The height of the proposed development within the East Street streetscene would therefore not be read in isolation with the adjacent built form, but in context of these larger buildings, which would be readily apparent in longer views when travelling along East Street towards the town centre, facilitated by a bend in the highway. When travelling along East Street away from the town centre, the proposed development would be seen in context with the gradual decline of larger buildings, until the junction of Kiln Lane, when the more suburban character emerges.
- 9.17 The overall design of the proposed fourth floor is considered to be acceptable. The extension would be set back from the main mass of the host building and a façade of panels and columns and contrasting materials would add some visual interest to the existing building.
- 9.18 In light of the above, Officers are satisfied that the overall form and design of the proposed development is acceptable as it would be sympathetic to the overall character and appearance of East Street and contribute to the existing townscape.
- 9.19 Should permission be granted, it is strongly recommended that a condition to secure details 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 that marks the transition into the Town Centre.

10 Neighbour Amenity

- 10.1 Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise whilst Paragraph 185 of the NPPF and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 10.2 The neighbouring properties most affected by the proposed development would be those at third floor level at both Kingshott and Dukes House, Defoe Court, 10-12 Linton Lane and the proposed development at 79-81 East Street, currently under consideration under planning application 22/01953/FUL.

Kingshott House/Jukes House

Outlook/Overbearing Implications/Daylight/Sunlight/Overlooking/Privacy

- 10.3 As the proposed development would be wholly located within the existing footprint of the host building, it would not create any issues of loss of outlook or overbearing impacts upon the occupiers of the existing properties below.

Operational Noise/Disturbance

- 10.4 The proposal would create three new residential dwellings above existing dwellings which, when operational, would create new domestic noise and disturbance to the occupiers below. However, the levels of noise and disturbance from the proposed internal living areas would not be to a level considered unreasonable for flatted development and when built to meet Building Regulations to eliminate noise transfer between walls and floors of flats, no objection is raised.
- 10.5 The proposal would introduce 3 balcony terraces to the host dwelling, all of which would be located above existing primary accommodation associated with the existing properties below. The use of a balcony external amenity area is considered to be no different to the use of primary internal accommodation, as future occupiers would utilise the space for entertaining in a similar manner and whilst the proposal would create new domestic noise and disturbance to the occupiers below, the levels of noise and disturbance would not be to a level considered unreasonable for flatted development.

Defoe Court

Outlook/Overbearing Implications

- 10.6 The proposed development would retain a distance of 7.3 metres to the south west elevation of Defoe Court and 14 metres to the north west

elevation. Such distances would prevent any issues of loss of outlook or overbearing impacts upon the occupiers of this adjacent building.

Daylight/Sunlight Implications

10.7 Whilst the built form of Defoe Court facing onto East Street is four storeys in height, the rear built form of Defoe Court is two storey in scale. The existing built form of Kingshott House, Dukes House and four storey element of Defoe Court would currently result in a loss of daylight and sunlight to the living accommodation within the two storey element of Defoe Court and the proposed development is would not exacerbate this existing situation.

Overlooking/Privacy Implications

10.8 As a result of the height of the proposed development in comparison to the two storey built form of Defoe Court and a retained distance of 14.7 – 20 metres, the north and east facing windows of the proposal would not allow for any clear or direct views into the windows associated within this neighbouring property.

10.9 Whilst the proposal would create further opportunities to overlook the associated courtyard area of Defoe Court, this is currently overlooked by a number of properties at both Kingshott House, Dukes House and the four-storey element of Defoe Court, and the addition of further views from two additional residential units would not be significantly harmful, particularly given that this courtyard area does not offer any private amenity space of the residents of Defoe Court.

10-12 Linton's Lane

Outlook/Overbearing Implications

10.10 The proposed development would be 17 metres from the built form of 10-12 Lintons Lane and 11 metres from the rear curtilage of 10 Linton's Lane. The retention of such distances would prevent any issues of loss of outlook or overbearing impacts upon the occupiers of these adjacent properties.

Daylight/Sunlight Implications

10.11 The proposal may result is some small loss of sunlight to the far rear curtilage of 10 Linton's Lane in the for one hour early in the morning during the winter months, this would not affect the private patio area, which would continue to receive the same amount of sunlight as existing through the year.

Overlooking/Privacy Implications

- 10.12 The proposal would introduce a further two windows and a balcony to the north west (rear) elevation of the host building, to serve Unit B403. With regards to the proposed windows, these would obtain views of the far rear curtilage associated with 10 Linton's Lane, rather than the more private patio area, a situation already existing on site. Although the additional windows would exacerbate the overlooking situation slightly beyond the current levels of overlooking obtained from the site, this would not be so significant as to warrant a reason for the refusal of this application.
- 10.13 The proposed balcony however would allow for direct and views into the private patio area of 10 Linton's Lane from external floor area. However, appropriate privacy screening along the north west elevation of this balcony would mitigate for this direct overlooking. In the event that permission is granted, details of privacy screening can be secured by way of a condition and installed prior to occupation and retain and maintained in perpetuity.

Proposed Development at 79 – 81 East Street

Outlook/Overbearing Implications

- 10.14 The south west elevation of the proposed development would directly face the fourth floor north east elevation of the development currently considered under 22/01953/FUL. As a result of a distance of 10 – 13.2 metres retained between the two developments, there would be no issues of loss of outlook or overbearing impacts upon the future occupiers.

Daylight/Sunlight Implications

- 10.15 Due to the angle of the windows proposed on the north east elevation of the development considered under 22/01953/FUL and considering that any of the direct facing windows serve dual aspect rooms, which can gain unrestricted daylight and sunlight, the proposal would not create any issues of loss of daylight/sunlight upon the future occupiers of the potential development currently considered under 22/01953/FUL.

Overlooking/Privacy Implications

- 10.16 Due to the angle of the windows proposed on the north east elevation of the development considered under 22/01953/FUL and considering that any of the direct facing windows serve dual aspect rooms and are therefore restricted with obscured glazing, the proposal would not create any issues of overlooking or loss of privacy upon the future occupiers of the potential development currently considered under 22/01953/FUL.

General Amenity

- 10.17 Officers acknowledge that as a result of the increase in built form on the site, the proposal would have a greater presence upon the occupiers of the surrounding neighbouring properties than the existing situation. However, as demonstrated above, the material impacts would not be so harmful as to warrant a reason to refuse this application.
- 10.18 Whilst the proposed development is likely to generate a greater level of domestic noise this level would not be to an extent that would be incongruous within the surrounding residential context.
- 10.19 The construction phase of the development has the potential to cause disruption and inconvenience to nearby occupiers and users of the local highway network. Whilst some of these issues are transient and could be minimised through the requirements of construction hours planning conditions if permission were to be granted, given that the construction works could impact on the amenities within the host building, such as the lift and network access, any permission granted would be subject to a Construction Management Plan, which would require the applicant to carefully manage the construction impacts, including the retention of suitable access for all existing residents during the construction works.

11 Highways, Parking and Access

- 11.1 Policy CS16 of the CS encourages an improved and integrated transport network and facilitates a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should 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.
- 11.2 The application is supported by a Transport Statement, prepared by Lime Transport and dated December 2022. The Transport Statement gives an account of the existing local highway network and local accidental data, as well as highlighting the accessibility benefits of the site. The County Highway Authority are satisfied that this highways account gives a fair representation of the site.

Pedestrian and Vehicle Access and Manoeuvrability

- 11.1 Paragraph 110 of the NPPF requires safe and suitable access, paragraph 111 allows for refusal where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe and paragraph 112 seeks to minimise conflicts between pedestrians, cyclists, and vehicles. This is reinforced in Policy CS16 of the CS and DM10 of the DMPD.

- 11.2 The proposal would not involve any changes or modifications to the existing vehicular and pedestrian accesses to the site.

Traffic Generation

- 11.3 The Transport Statement has predicted the additional traffic generation and traffic flow associated with the proposed development and advises that to achieve this, the TRICS (Trip Rate Information Computer System) database has been used. This has calculated that the proposal would generate an additional single vehicle movement, which would be outside of AM and PM peak times, with the main movements attributed to pedestrian (6 daily two way trips) and public transport movements (9 daily two way trips).
- 11.4 The County Highway Authority is satisfied that the TRICS assessment and the method of calculating existing traffic flows undertaken and reported within the Transport Statement provides a robust and realistic assessment of the likely impact of the proposed development on the highway network and that the residual cumulative impacts of the development would not have a material impact on the capacity of the surrounding network

Car Parking

- 11.5 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 a harmful impact on the surrounding area in terms of street scene or the availability of on street parking. The Council's Parking Standards for Residential Development SPD 2015 specify a minimum requirement for new residential developments.
- 11.6 In order to meet the Council's Parking Standards for Residential Development SPD 2015, the site would be expected to accommodate a further 3.0 vehicle parking spaces within the site to serve the proposed development.
- 11.7 The proposal would be a car free development. When assessing new development that does not accord with the Council's Parking Standards, the Council needs to consider whether the displacement of vehicle(s) from new development would exacerbate parking stress on surrounding areas that are currently already close to parking stress tolerance, as a result of the number of residential developments or parking restrictions within the surrounding area.
- 11.8 There are a high number of varying parking restriction in place within the surrounding highway network, ranging from double yellow lines to permit parking. These restriction limit the opportunities for future residents to park on street, resulting in a high demand for unrestricted kerbside in the area.

- 11.9 The application is supported by Parking Survey, which identifies that two parking beat surveys were carried out on the (weekday) nights of 12 and 13 October 2023, between 00:30 and 05:30, to ensure that the maximum demand for residential parking was captured.
- 11.10 The parking beat surveys have followed the Lambeth methodology, using a 200m survey area. The conclusion of the parking beats survey is that during the survey hours 139 vehicles were parking out of the 174 available spaces, equating to an 80% of available capacity.
- 11.11 Typically, practical capacity is reached when 85% of the spaces are occupied. Although the results of the parking beat survey demonstrated that there is capacity for 35 vehicle to be parked within the survey area, any further parking beyond 11 vehicle spaces would breach the 85% practical capacity.
- 11.12 However, the unrestricted parking available during the hours of the parking beat survey is as a result of the majority of the parking restrictions being lifted between the hours of 19:59 – 09:00. Whilst the parking beats surveys demonstrate that there is on street capacity to accommodate the parking of the displacement of 3.0 vehicles from the site in the hours between 19:59 – 08:59, the parking restrictions operating from 09:00 – 20:00 would prevent any restricting parking during the daytime hours.
- 11.13 The Transport Survey considers these restrictions to assist in enforcing a car free development. In the event permission is granted, a Section 106 Agreement would be entered into to prevent occupation or use of the development by a person or person(s) in possession of an Epsom and Ewell Residents Parking Zone Permit, to prevent any further parking stress on residential parking zones.
- 11.14 Notwithstanding the above, in reality, it is likely that future owners of the development that have a necessity to own a vehicle will seek out other unrestricted areas to park vehicle during the daytime hours.
- 11.15 However, there is unrestricted on street parking within 800m of the surrounding highway network (Mill Road, Windmill Lane, Bridge Road) outside of the 200m parking survey area that could accommodate for the displacement of 3.0 vehicles from the development without harmful impact on the surrounding area in terms of street scene or the availability of on street parking.
- 11.16 On balance, taking into consideration the sustainable nature of the site, the minor short fall of the parking requirement and the availability of unrestricted on street parking within 800m of the surrounding highway network, there is robust justification in this instance to consider that car free development and exception to policy.

11.17 It is noted that the County Highway Authority have recommended a condition to secure Electric Vehicle Charging Points on three 'available' parking spaces. Although there is vehicle parking shown within the location plan supporting this application, they are located outside of the development site and therefore do not form part of this current application. It is understood that these existing spaces are already dedicated to existing residents of Kingshott House. As these existing vehicle parking spaces do not form part of this application and no further parking spaces are proposed as part of the scheme, it would be unreasonable to recommend such a condition (for off-site provision), as it would not be relevant to the development to be permitted and would therefore not satisfy one of the six tests set out in paragraph 55 of the NPPF.

Cycle Parking

11.18 Policy DM36 of the DMPD requires the provision of cycle networks and facilities and Policy DM37 requires minimum provision of cycle storage as set out in Annexe 2 - Parking Standards for new development.

11.19 The proposal would provide secure storage for up to 4 bicycles within the site, in a dedicated cycle store located to the north of the building. Subject to a condition to secure details of the proposed cycle storage, along with the provision of a charge point for e-bikes in the event permission is granted, Officers are satisfied that the cycle storage meets the provision for cycle storage as set out in Annexe 2 - Parking Standards for new development.

Construction Management

11.20 In the event permission is granted, the County Highway Authority have recommended that a pre-commencement condition to secure a Construction Transport Management Plan is imposed.

12 Refuse and Recycling Facilities

12.1 Policy CS6 of the CS stipulates that development should minimise waste and encourage recycling. Annex 2 of the Sustainable Design SPD sets out that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers within 6 metres of the public highway.

12.2 The proposal involves extending the existing refuse/recycling storage area serving Kingshott House, which is located adjacent to Lindon's Lane, in order to accommodate the additional waste and recycling generated by the proposed three units. The additional waste and refuse would be collected as part of the Council's existing collection service.

- 12.3 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.

13 Ecology and Biodiversity

- 13.1 Paragraphs 174 and 180 of the NPPF, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 13.2 The site is within a SSSI Impact Risk Zone Area. However, due to the nature of the proposal being constructed above an existing footprint, there is no foreseeable harm to protected species and no objection raised. An informative is included to cease works if protected species are encountered during construction, should permission be granted.
- 13.3 The proposal involves the provision of an extensive green roof, which would contribute towards the Borough's biodiversity. Further biodiversity measures, such as bird and bat boxes would prove impractical given the existing and proposed built form, the scale and nature of the development and proximity to the town centre.

14 Flooding and Drainage

- 14.1 Paragraphs 159 and 167 of the NPPF, Policy CS6 of the CS and Policy DM19 of the DMPD state that development at medium or high risk from flooding must ensure that there is no increase in flood risk, whether on or off site, and implementation of flood resilience and mitigation to reduce it to acceptable levels.
- 14.2 The application was supported by a SuDS Strategy, prepared by EAS and date December 2022.
- 14.3 In terms of fluvial flooding, 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 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

- 14.4 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
- 14.5 With respect to pluvial flooding, the site lies within Ground Water Source Protection Zones 1-3 and in a Zone 2 Inner Protection Zone. Furthermore, the site is located above a Secondary A aquifer. The site is currently developed, and the run off from the existing building flows unrestricted to the surface water sewer in East Street, whilst the car park drains unrestricted into the foul sewer in Linton's Lane.
- 14.6 With regards to the most appropriate SuDS disposal method to support the proposed development, given that the proposal represents a vertical extension to the existing building, the most practical SuDS option is a green roof. This would provide some surface water attenuation by slowing the flow of water from the roof area before it enters a main drainage system. The main drainage area would be reached by extending the existing downpipes to serve the extension.
- 14.7 The Lead Local Flood Authority have confirmed that the drainage proposal satisfies the requirements of the NPPF 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.
- 14.8 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 2023

15 Environmental Sustainability

Policy CS6 of the CS stipulates that development should incorporate sustainable development and reduce, or have a neutral impact upon, pollution and climate change. This includes incorporation of renewable energy, use of sustainable construction methods and sustainable building design, flood management, reduction in water use and improvement of water quality and minimisation of noise, water and light pollution.

- 15.1 The application is supported by an Energy and Sustainability Statement, prepared by Love Design Studio, dated December 2022. This statement outlines that the overall energy strategy for the development capitalises of passive design measures (orientation that suits daylight/sunlight, air tight, well insulated fabric shell, efficient lighting etc) to maximise the fabric energy efficiency. The scheme includes window reveals and balconies to reduce the requirement for active cooling and proposed Air Source Heat Pumps for space heating and domestic hot water, as well as meeting

water consumption in requirements with the Council's Sustainable Design SPD.

- 15.2 For the construction phase, all timber and timber products used would be from legally harvested and traded sources. Construction Waste Management would also be considered during the post planning stage, should permission be granted, to ensure that site waste can be reduced, reused, recycled or recovered wherever possible.
- 15.3 Subject to a condition to secure these sustainable measures as part of a detailed design in the event permission is granted, the proposal would be able to secure a sustainable development outcome and would therefore accord with Policies CS1 and CS6 of the Core Strategy.

16 Accessibility and Equality

- 16.1 Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient and attractive access to be incorporated within the design of the development.
- 16.2 The Council is required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief.
- 16.3 The proposal would be served by a lift, making it fully accessible.
- 16.4 There is third party concern that the proposal would result in the temporary closure of the existing lift as a result of the proposed development, which could have adverse impacts upon protected characteristics.
- 16.5 In the event permission is granted, it would be subject to as condition to secure a Construction Management Plan, which would require the applicant to carefully manage the construction impacts, including the retention of suitable access for all existing residents during the construction works. Such a condition would prevent any adverse impacts as a result of the development.

17 Climate Change

- 17.1 On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.
- 17.2 The site lies within a sustainable location within reasonable walking distance of six bus stops that provide good connections to wider public transport serves, such as rail services and is within reasonable walking distance of local facilities and services.
- 17.3 Furthermore, the proposal as presented would be a car free development.

18 Planning Obligations and Community Infrastructure Levy

- 18.1 Paragraphs 55 and 57 of the NPPF requires consideration of whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, but only where they are necessary, related to the development, fair and reasonable.
- 18.2 Policy CS12 of the CS and the Developer Contributions SPD require that development must be able to demonstrate that the service and community infrastructure necessary to serve the development is available, either through on-site provision or a financial contribution via a planning obligation.
- 18.3 The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is liable for CIL payments because it involves additional floor area in excess of 100m². It is payable at £125/m² index linked.

CONCLUSION

19 Planning Balance

- 19.1 As the Council cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11 (d) of the NPPF is engaged as the policies which are most important for determining the application are out-of-date.
- 19.2 Footnote 7 to paragraph 11d (ii) indicate that policies relating to designated heritage assets are relevant to its application. In undertaking the balanced exercise set out in paragraph 202 of the Framework, whilst the proposal would result in less than substantial harm to the significance of the heritage assets, it has been demonstrated that the benefits of the scheme would outweigh that harm, whilst giving considerable importance and weight preservation of the designated heritage asset. Therefore, as there is no clear heritage reason for refusing the proposal, the tilted balance in paragraph 11d (ii) remains engaged.
- 19.3 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.

Social Benefits

- 19.4 The proposed development would make a 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. Given the pressing need for housing in the Borough,

as demonstrated by the extent of the Council's housing shortfall and how long the deficit is likely to persist, this benefit is given significant weight.

- 19.5 The proposal would create a choice and mix of housing, thereby contributing towards the Borough being comprised of balanced and sustainable communities. This benefit is given moderate weight.

Economic Benefits

- 19.6 The proposal would provide economic benefits through employment during the construction phase and the additional expenditure in the local economy at both construction and following occupation. The construction phase is temporary and therefore this would amount to a minor benefit
- 19.7 Whilst there is no evidence to suggest that the local economy would be disadvantaged without the expenditure generated from the proposed development, it is not unreasonable to conclude that future occupiers of the development would create additional expenditure to the Borough and therefore this would amount to a minor benefit

Environmental Benefits

- 19.8 The scheme proposes to incorporate a sedum green roof, therefore enhancing biodiversity on site. This additional biodiversity gain would amount to a minor benefit.

Environmental Adverse Impacts

- 19.9 The proposal would cause less than substantial harm to the setting of the Linton's Lane Conservation Area and 1, 3, 10 and 12 Linton's Lane. Whilst Officers have given great weight to the desirability of preserving the setting of the surrounding heritage assets, in this case, the public benefits would outweigh the less than substantial harm identified.
- 19.10 The shortfall of on-site car parking spaces would not be compliant with DM37 of the Development Management Policies Document 2015. However, it is considered that robust justification exists to consider the proposed car free development as an exception to policy, given the sustainable nature of the site, the low short fall to the policy and in considering the availability of unrestricted on street parking within 800m of the surrounding highway network. The proposal would therefore have no harmful impact on the surrounding area in terms of street scene or the availability of on-street parking in the surrounding highway network. This amounts to a minor adverse effect of the scheme.

Overall Balance

- 19.11 Overall, whilst there is an adverse effect 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.

RECOMMENDATION

PART A

To grant planning permission subject to the S106 Legal Agreement securing the following Heads of Terms:

- a) A clause to prevent occupation or use of the development by a person or person(s) in possession of an Epsom and Ewell Residents Parking Zone Permit

and the following conditions and informatives

PART B

In the event that the Section 106 Agreement referred to in Part A is not completed by 14 June 2024, the Head of Place Development is authorised to refuse the application for the following reason:

“In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply with Policy SC9 and CS16 of the Core Strategy 2007 and Policies DM36 and DM37 of the Development Management Policies Document 2015.”

Conditions:

1. Time Limit

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. Approved Details

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

Drawing Number 2429_PL_051_C
Drawing Number 2429_PL_150_B
Drawing Number 2429_PL_151_B
Drawing Number 2429_PL_250_B
Drawing Number 2429_PL_251_B

Drawing Number 2429_PL_252_B
Drawing Number 2429_PL_253_B

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

Pre-Commencement Conditions

3. Materials

No development shall commence unless and until 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 Policy DM10 of the Development Management Policies 2015.

4. Construction Transport Management Plan

No development shall commence unless and 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 East Street 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 for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

5. Construction Environmental Management Plan

No development shall commence unless and until a Construction Environmental Management Plan, to include details of, but not be limited to the following:

- (a) contact details for persons on site with overall responsibility of compliance to the CEMP
- (b) details of Resident liaison and communication, including complaints procedure
- (c) measures to prevent noise and vibrations
- (d) measures to prevent dust and protect air quality
- (e) details of any proposed artificial lighting
- (f) details of waste management and disposal of water
- (g) control of emissions
- (h) measures to prevent the loss or obstruction of access and egress for existing residents, including the use of the lift
- (i) Emergency response procedures

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 to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies Document 2015.

Pre Occupation Conditions

6. Refuse/Recycling Store Details

The development hereby approved shall not be first occupied unless and until details of the facilities for the secure and covered refuse/recycle stores within the development site have been provided in accordance a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter the said approved facilities shall be provided prior to first occupation and retained and maintained to the satisfaction of the Local Planning Authority.

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

7. Cycle Store Details

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 4 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 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 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

8. Privacy Screening Details

Prior to any occupation of the development hereby permitted, details of privacy screening for the development shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be installed in accordance with the approved plans and maintained in such a condition before the terrace is first brought into use.

Reason: To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 of the Development Management Policies Document Adopted October 2015.

During and post development conditions

9. Retention of Parking/Turning Areas

The existing vehicle parking (and turning) area at the premises (as shown on the application drawings) shall be permanently retained and maintained for their designated purposes.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

10. Compliance with Sustainable Design Measures

The development shall be carried out in strict accordance with the sustainable design measures contained in the Energy and Sustainability Statement, prepared by Love Design Studio, dated December 2022, reference 1726 and dated July 2021, 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.

11. Hours of Work

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.

12. No Additional Windows/Openings

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no windows or other openings shall be formed in the development hereby approved without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 of the Development Management Policies Document Adopted October 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.

4. 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".

5. 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. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.

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 or organisation responsible for the damage.