

Presto Haulage The Old Mill Old Malden Lane Worcester Park KT4 7QS

Demolition of existing buildings, and erection of 80 new dwellings with access, associated parking and landscaping works

Ward:	Cuddington Ward;
Contact Officer:	John Robinson

1 Plans and Representations

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

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PKYY8NGYLVJ00>

2 Summary

- 2.1 The application seeks permission for the demolition of existing buildings and the erection of 80 new dwellings with access, associated parking and landscaping works.
- 2.2 The application would comply with residential policies contained in the Development Management Policies Document 2015.
- 2.3 **The application is therefore recommended for conditional permission subject to the completion of a S106 and S278 agreement.**

3 Site description

- 3.1 The 1.07 ha application site comprises an old mill (circa 19th century) and a number of industrial warehouses (circa 670m²) and is largely covered in hardstanding. The site is mostly level, generally sloping towards the Hogsmill river to the north.
- 3.2 The site was formerly occupied by a powder mill served by the Hogsmill River and Worcester Park Lodge. By 1910 the site was then used as a watercress farm, again served by the Hogsmill River. Worcester Park Lodge burnt down in 1948. In recent years, the site, accessed via Old Malden Lane, has been used by a haulage company which has been established over time.

- 3.3 The north-west boundary of the site faces the River Hogsmill which is also the boundary of the borough. Land beyond lies within the administrative boundary of Kingston upon Thames. The site sits approximately 4m above the Hogsmill river level in low flow, and is wholly located within Flood Zone 1.
- 3.4 The site is surrounded by a number of trees, along its southern boundary and to the west of the site, which are covered by a group Tree Preservation Order (TPO) made in 1947 to protect several Lime and Elm trees.
- 3.5 The opposite side of Old Malden lane is also wooded with large areas of woodland, scrub and grassland; therefore, the site is part of a wider network of woodland and other habitats.

4 Proposal

- 4.1 The application seeks permission for the demolition of existing buildings and the erection of 80 new dwellings with access, associated parking and landscaping works. The scheme would comprise 26 x one bed and 36 x two bed flats, and 18 x three bed houses.
- 4.2 A new access would be provided off Old Malden Lane, leading to a central linear road running parallel to the Hogsmill river and Old Malden Lane boundaries. Three storey dwellings would be orientated to overlook the entrance road.
- 4.3 Four storey apartment buildings would provide frontage to the internal street network and also over the Hogsmill River. On the opposite side of the central access road, three storey "town houses" in a crescent formation, would follow the line of Old Malden Lane, with existing and new planting to the rear boundary.
- 4.4 Block A is a 4 storey block comprising of 27 flats (11 x 1 bed and 16 x 2 bed). Block A would be 41.5 metres in width, 19.02 metres in depth, 10.94 metres in height to the top of the eaves and 16.04 to the top of the ridge.
- 4.5 Block B is a 4 storey block comprising of 19 flats (11 x 1 bed and 8 x 2 bed). Block B would be 25.74 metres in width, 17.31 metres in depth, 10.96 metres in height to the top of the eaves and 16.04 to the top of the ridge.
- 4.6 Block C is a 4 storey block comprising of 16 flats (4 x 1 bed, 12 x 2 bed). Block C would be 22.3 metres in width, 18.44 metres in depth, 10.96 metres in height to the top of the eaves and 15.44 to the top of the ridge.
- 4.7 Plots 1, 77 and 80 are 3 storey detached 3 bed houses. The detached houses would be 5.35 metres in width, 10.15 metres in depth, 7.69 metres in height to the top of the eaves and 10.64 to the top of the ridge.

- 4.8 Plots 2-3 and 78-79 are a pair of 3 storey semi-detached 3 bed houses. The semi-detached houses would be 10.64 metres in width, 10.10 metres in depth, 8.38 metres in height to the top of the eaves and 11.11 to the top of the ridge.
- 4.9 Plot 4 is a 2 storey detached 3 bed corner house. The detached house would be 9.73 metres in width, 9.60 metres in depth, 5.11 metres in height to the top of the eaves and 7.79 to the top of the ridge.
- 4.10 Plots 67-70 is 2.5 storey terrace comprising of 4 x 3 bed houses. The terrace would be 15.35 metres in width, 9.34 metres in depth, 6.22 metres in height to the top of the eaves and 9.70 to the top of the ridge.
- 4.11 Plots 71-76 is a 2.5 storey terrace comprising of 6 x 3 bed houses. The terrace would be 38.70 metres in width, 11.27 metres in depth, 7.64 metres in height to the top of the eaves and 11.20 to the top of the ridge.
- 4.12 3 single carports are proposed for plots 1, 77 and 80. The car ports would be x metres in width (2.8 metres internally), 4.68 metres in depth, 2.35 metres in height to the eaves and 4.7 metres to the top of the ridge.
- 4.13 Parking courts, some with timber pergolas, would be provided, separating apartment buildings and providing viewing corridors from within the site towards the river.
- 4.14 The proposed development would provide 98 car spaces, in addition to 8 additional unallocated parking spaces across the site for visitors. Of the total 106 parking spaces, 7 allocated residential spaces will be located within garages. Cycle parking of one space per one or two-bed homes and two spaces for three or more-bedroom homes would be provided.
- 4.15 A 5 metre landscaped buffer is proposed along Old Malden Lane to enhance privacy and to retain the tree lined nature of the lane as well as a 2 metre wide hoggin (a mixture of clay, gravel and sand) path with landscaped frontage, to allow access to the river bank. The application proposes to remove 29 trees and re-plant 40 trees. The applicant also proposes a sustainability measure to further improve the availability of alternatives to the private car, comprising an offer of 1 year's car club membership to residents (subject to implementation of an on-site car club vehicle)

5 Comments from third parties

- 5.1 The application was advertised by means of a site and press notice, as well as letters of notification to 185 neighbouring properties. To date (25.03.2019) 115 letters of objection, 14 letters of support and 5 representations have been received.
- 5.2 The 115 objections are summarised as follows:

- Increased road traffic to the surrounding area and effect drainage also generate more noise while building
- There is not a proper pavement along Church Road which has been a reason for unfortunate fatalities in the past.
- Highway Safety
- Additional pressure on local schools.
- Adverse visual impact/impact on character - a block of flats is totally out of character of the other building in Old Malden Lane.
- Impact on wildlife: Local area is a nature reserve and also houses a large bat population that will be severely affected by a large block of flats (both light and obstruction presented by flats)
- Impact on Neighbour Amenities: Local schools and doctors are already full. Such a large number of new residents will put unbearable pressure on local facilities.
- The proposed plan is totally out of keeping with the local environment. Local housing are restricted to 2 stories and the proposed 4 story apartments will badly damage the local environment and will have direct line of sight into neighbouring bedrooms and bathrooms. Completely removing all privacy.
- The plan proposes to remove substantial numbers of mature woodland that is the home for breeding bats and several endangered birds, including Lesser Spotted Woodpeckers, Little Egrets and Dunnock to name but a few. No Risk Assessments exists to manage their sustainability.
- The Plan contravenes Policy DM19 Development & Flood Risk being a site of 1ha or greater in Zone 1 and the associated FRA does not meet the outlined requirements. The proposed 'outfall' into the Hogsmill will add substantial water flow that will exasperate regular flooding downstream. The River House regularly experiences water levels that are excessive and potentially dangerous and this will add significantly to them

5.3 The 14 letters of support stated the following:

- Boost to economy
- Need for affordable housing
- New footpath along Old Malden Lane welcomed
- New homes for first time buyers

6 Consultations

6.1 Epsom & Ewell Borough Council (EEBC) Contaminated Land Officer: The proposed development is a sensitive end use, including gardens. Thus I recommend that a full contaminated land and ground gas condition be included with any consent granted.

6.2 EEBC Ecology Officer: No objection.

- 6.3 Surrey County Council (SCC) Highways: Are able to support the proposed development subject to conditions being imposed on any permission granted
- 6.4 SCC (SuDS): We are satisfied that the proposed drainage scheme meets the requirements set out in the aforementioned documents and can recommend planning permission is granted. We would however recommend that should planning permission be granted, that suitably worded conditions are applied to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development.
- 6.5 SCC (Archaeology): In line with the requirements of the National Planning Policy Framework and Local Plan policy DM8 for sites within a defined Area of High Archaeological Potential, the applicant has taken on board the archaeological implications of the proposed development and has submitted an archaeological Desk-Based Assessment (DBA) I have reviewed the DBA, which provides a good understanding of the archaeological potential of the site and find it acceptable. As it is deemed unlikely that Archaeological Assets of national significance requiring preservation in situ will be present, securing the archaeological work as a condition of any planning permission is an acceptable and proportionate response.
- 6.6 Environmental Agency: No objection
- 6.7 Natural England: Stated no comment.
- 6.8 South East Rivers Trust: The alternative of using on-site sewage treatment for the proposed scheme would very likely lead to a detrimental impact of the river and hold the potential for a significant pollution events if it should fail due to the large scale of the development. Condition should be imposed requiring the scheme to connected to mains sewerage.

7 Relevant planning history

Application number	Decision date	Application detail	Decision
89/00761/FUL	02.01.1991	Reversion of use from club to offices as originally approved.	WITHDRAWN
18/01011/DEM	07.12.2018	Prior Notification of proposed demolition of 6,703 sq ft of office and warehouse accommodation	GRANTED

8 Planning Policy

National Policy Planning Framework (NPPF) (July 2018)

Chapter 2 Achieving sustainable development
Paragraphs 8 – 12 and 14

Chapter 5 Delivering a sufficient supply of homes
Paragraphs 59- 61, 64, 68 and 75

Chapter 8 Promoting healthy and safe communities
Paragraph 92

Chapter 9 Promoting sustainable transport
Paragraphs 108, 109 and 110

Chapter 12 Achieving well-designed places
Paragraphs 127, 130 and 131

Chapter 14 Meeting the challenge of climate change, flooding and coastal change

Chapter 15 Conserving and enhancing the natural environment
Paragraph 170, 171, 174, 175, 177, 178, 180, 182 and 183

Chapter 16 Conserving and enhancing the historic environment
Paragraph 197

Core Strategy (July 2007)

Policy CS1	Creating Sustainable Communities
Policy CS3	Biodiversity and Designated Conservation Areas
Policy CS5	The Built Environment
Policy CS6	Sustainability in New Developments
Policy CS8	Broad Location of Housing Development
Policy CS12	Developer Contributions to Community Infrastructure
Policy CS13	Community, Cultural and Built Sports Facilities
Policy CS16	Managing Transport and Travel

Development Management Policies Document (September 2015)

<u>Policy DM4</u>	<u>Biodiversity and New development</u>
Policy DM5	Trees and Landscape
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 DM19	Development & Flood Risk
Policy DM22	Housing Mix
Policy DM24	Employment Uses Outside of Existing Employment Policy Areas
Policy DM36	Sustainable Transport for New Development
Policy DM37	Parking Standards

Nationally Described Space Standards (March 2015)

9 Planning considerations

Principle of Proposed Development

Need for Residential and Housing Mix

- 9.1 The NPPF paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.2 The Government's standard method for calculating the objectively assessed housing need identifies a housing requirement for the Borough of 579 new homes each year. In the absence of a five year housing land supply this has been increased to 667 under the housing delivery test as published on 20th February 2019
- 9.3 Meeting any increase in the annual housing building target will be challenging. With the Borough being mostly comprised of existing built up areas, strategic open spaces or Green Belt, the supply of available development sites is now extremely limited. It is therefore important that available sites are optimised for housing delivery.
- 9.4 Policy DM11 Housing Density states that in principle, proposals for new housing that make the most efficient use of sites within the boroughs urban area will be supported in principle.
- 9.5 Policy DM22 Housing Mix states that the council considers that schemes must provide a minimum of 25% 3 bedroom units however, exceptions will be accepted dependent on location and viability. A scheme of 80 units would be expected to provide 20 x 3 bedroom units.
- 9.6 The scheme proposes 32.5% one-bed flats (26), 45% two-bed flats (36) and 22.5% three-bed houses (18). Although the proposed mix is 2 below the minimum expected, given that the mix of units includes a majority of at least 2 bedroom units (suitable for small families) and the housing numbers requirement of the borough, it is considered that the unit mix is appropriate for this scheme in this location.

Loss of Employment

- 9.7 Chapter 6 of the NPPF relates to building a strong, competitive economy. Paragraph 80 of the NPPF sets out that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

- 9.8 Policy DM24 (Employment Uses Outside of Existing Employment Policy Areas) sets out that outside of employment locations and Epsom Town Centre, proposals resulting in the loss of employment floor space will not be granted planning permission unless it can be demonstrated that:
- The existing use has a significance adverse effect on residential amenity and there is no reasonable prospect that this effect can be alleviated while retaining the use; or
 - There is genuine evidence, including that the site has been marketed without success that the site, as it stands, is no longer suitable for its existing or other employment uses. The Council will require that the site has been marketed for a minimum period of 18 months at an appropriate rate for its location and condition.
- 9.9 Where the loss of existing employment floor space can be demonstrated, new mixed-use redevelopment will be allowed provided that the development provides for a mix of uses, including a significant element of employment generating uses.
- 9.10 A Marketing History Report (dated 5 May 2017) accompanies the Planning Application. This report sets out that since the site was acquired by the applicant in February 2018, the site has been actively marketed through distributing marketing material to interested parties, through various industry-recognised online portals and placing a large, prominent marketing board on the site, inviting 'All Enquiries' to all employment generating uses.
- 9.11 The applicants state that the site was marketed between August 2017 and March 2018, prior to their acquisition of the site, adding a further 8 months on to the marketing period. Between this period, the majority of enquiries received were from residential development companies looking to develop the site into housing and very little interest from commercial occupiers. The applicant has stated with regard to the commercial enquiries that:
- “Those who did make enquiries were quick to withdraw their interest after discovering the poor state of the buildings and the potential presence of asbestos within the fabric”.*
- 9.12 The applicants have stated that despite a substantial period of sustained and widespread marketing, there has been no serious interest in the premises for commercial uses, but interest from residential developers. Additionally, they state that the Marketing Report has demonstrated that the typical requirement of commercial businesses in the local market needs to cater for more modern, high specification warehouse and office space, which the application site does not fulfil.

- 9.13 Officers consider that given the existing constraints of the location and poor state of the existing buildings on site, it is also acknowledged that the property is not suited to meeting the needs of modern businesses. It is considered that unless the existing floor space is brought to a high standard and the asbestos removed, (which the applicants submit would involve prohibitive abnormal development costs) it is unlikely to attract prospective tenants.
- 9.14 It is therefore considered that there is little prospect of the site being let on a commercial basis in the future.

Conclusion

- 9.15 Given the robust evidence submitted to support the loss of the employment space and the significant housing need in the borough, it is considered that the proposed redevelopment of this brownfield site in a sustainable location for a residential scheme is appropriate in principle, subject to the detailed consideration of the other planning considerations below.

Design, Layout and Impact on Character of the Area

- 9.16 Chapter 12 of the NPPF refers to design. Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive and accessible.
- 9.17 Paragraph 130 of the NPPF sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 9.18 Paragraph 131 of the NPPF stipulates that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

- 9.19 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.
- 9.20 Policies DM9 **and** DM10 encourage high quality development and planning permission will be granted for proposals, which make a positive contribution to the borough's visual character and appearance. Policy DM8 states that the Council will resist the loss of our Heritage Assets and every opportunity to conserve and enhance them should be taken by new development.

Layout

- 9.21 A new access is to be formed off Old Malden Lane, leading to a central access road running parallel to Old Malden Lane and the Hogsmill river to the rear of the site.
- 9.22 The layout of the site has been well-integrated and framed around the existing woodland area to the south west and the Hogsmill river, which forms the western boundary of the site. The layout of the blocks and configuration of spaces and buildings are orientated positively to the sun's path which would ensure that the apartments as well as the communal and private amenity spaces would benefit from natural sunlight throughout different parts of the day.
- 9.23 The internal layout has been carefully considered in order to encourage low vehicle speed whilst still accommodating the necessary vehicle movements. The various sections of carriageway accord with the minimum carriageway widths based on the number of dwellings served. A range of footways and footpaths would be provided within the site, although these would generally be segregated from the main spine road, which would be formed as a shared surface environment, encouraging priority to pedestrians.
- 9.24 The housing would be complemented by the proposed street layout which includes attractive areas for pedestrians and landscaping and provides strong building lines. In terms of layout, the houses nearest to the site access would make an entrance to the site creating a focal point and act as an identifiable gateway. A four storey apartment building would provide focal point to the entrance road and would "frame" the arrival space. A crescent formation of townhouses fronting the central access road would also provide a feature to the site.

- 9.25 Parking would be accommodated by 90 degree bays accessed directly off the street, as well as in parking courts which would separate the proposed buildings, enabling viewing corridors towards the Hogsmill River. The visual impact of the street parking would be successfully mitigated by the introduction of street trees and the curvilinear orientation of the roads, as well as the introduction of timber pergolas (with planting) to the main car parking areas.
- 9.26 The taller apartment blocks would be located towards the rear of the site and would be viewed against the backdrop of the existing tree line. To prevent streetscene views of the scheme appearing as a substantial wall of development, mitigation in the form of articulation to the buildings and street tree planting is proposed. The crescent formation of townhouses would be set back from Old Malden Lane, and their rear gardens, planted with additional trees, as well as a proposed 5 metre landscaped buffer along Old Malden Lane, would provide additional screening as well as retaining the tree lined nature of the lane.
- 9.27 The permeability of the site would be enhanced by the provision of a new walkway along the banks of the Hogsmill River as well as an enhanced footpath through the retained Woodland.
- 9.28 Overall it is concluded the layout has been carefully considered and on balance would provide an acceptable balance between hard and soft landscaping, whilst preserving the semi-rural character of the wider area.

Design

- 9.29 The design of the scheme has taken into account the existing character of Old Malden Lane, whilst also respecting its historic use as a gunpowder mill. As illustrated in the Design and Access Statement, the apartment buildings would have an aesthetic similar to converted warehouses and mills traditionally found along the edge of rivers, which were formally working buildings.
- 9.30 The houses at the entrance to the site would create a focal point to the scheme and act as an identifiable gateway to the development with a hanging bay (a typical mill feature) seen on these housetypes. The crescent-formation townhouses would provide a central feature with key details utilised for their front elevations to create a bespoke housing typology. The remaining houses within the scheme would utilise the same pattern of mill-inspired, contemporary features and materials to create a development that would provide a sense of place and considered design.

Apartment Blocks

- 9.31 The design influence for the apartment blocks is predominantly converted mill buildings which have a number of signature features. These would include materials such as red brick, white horizontal timber boarding, dark-coloured painted steel balconies, brick window headers, and hanging bays. Window styles and sizes would be of Victorian influence, with Georgian pane details utilised to create a traditional aesthetic in some areas. Pitched roofs in varying styles would help to recreate the traditional mill-building aesthetic, as would the varying heights of 4 and 4.5 storeys seen across the three apartment blocks.

House Types

- 9.32 The proposed house types would utilise a more contemporary approach to the mill-style typology. The proposed houses would be between two and three storeys and would have a variety of pitched-roof styles with elements such as parapet gable walls and dormer windows creating more of a small-scale residential aesthetic while still using the industrial influence also seen in the apartment building design.
- 9.33 Similar materials such as brick, white timber boarding and slate roofs would be utilised, including features such as glass balconies, non-bar windows and bi-fold doors.

Conclusion

- 9.34 Overall, the proposed design would be of a high quality, with high quality materials. Boundary treatment and well considered building detailing will be secured by way of conditions. The buildings would form a locally distinctive residential precinct, whilst enhancing the street scene and the character of the area generally.
- 9.35 It is therefore concluded that the proposed scheme in terms of its design, scale and massing would not have a harmful impact on the character and appearance of both the immediate and wider area and would therefore accord with the NPPF and Policies DM8, DM9 and DM10 of the Local Plan

Neighbour Amenity

- 9.36 Policy CS5 of the Core Strategy and Development Management Policy DM10 seeks to safeguard residential amenities in terms of privacy, outlook, sunlight/daylight, avoidance of visual intrusion and noise and disturbances.

- 9.37 The proposal has been designed to avoid issues of overlooking of both existing properties to the east and proposed residents. In addition, the site benefits from substantial green buffering along its south-western boundary, between the proposed development and the existing settlement boundary, and therefore is unlikely to impact views of residents to the south west of the site.
- 9.38 Concerns have been raised regarding overlooking and loss of privacy. The closest habitable room window of the nearest proposed buildings, plots 1-4, would be 10 metres from the boundary of the nearest residential property, Mill House, and 12 metres from the closest (blank) flank elevation of Mill House. The closest apartment block, block A, would be 20 metres from the boundary and 36.6 metres from the nearest elevation. There would be an acceptable separation distance of 46.5 metres from the flank elevation of Block a to the rear elevation of No 2, The Powder Mills.
- 9.39 The separation distances from plots 1-4 to the nearest residential properties of Mill House is considered to be an acceptable distances and would be considered to not cause a significant detrimental overlooking, overbearing or sunlight/daylight impact.
- 9.40 To allay the local residents concerns, the applicants have proposed to include screening on the balconies from the balconies on apartment block A, closest to the north eastern boundary of the site to ensure that there would not be any overlooking issues. However, given the significant separation distances, this is not considered to be necessary by officers, but it is welcomed and will be conditioned.
- 9.41 It is therefore concluded that in terms of height, bulk and siting the proposed scheme would not have an overlooking, overbearing or impact on daylight/sunlight to any neighbouring residential properties. The proposed scheme would therefore comply with Policy DM10 and considered to be acceptable in terms of impact on neighbouring amenities.

Quality of Accommodation

- 9.42 The Nationally Described Space Standards, sets clear internal minimum space standards for new dwellings. The space standards are intended to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures. The Standards provide separate standards for bedrooms within new dwellings stating that a single bedroom should be no smaller than 7.5 m² and a double bedroom should be no smaller than 11.5 m². All new units should be designed in accordance with the National Space Standards.

- 9.43 Paragraph 3.36 of Policy DM12 states that to provide adequate private amenity space for development of flats, a minimum of 5m² of private outdoor space for 1-2 person dwellings should be provided and an extra 1m² should be provided for each additional occupant. For 3 or more bed houses, a minimum total private outdoor space of 70m² is required
- 9.44 The proposal seeks to provide 80 dwelling units comprising:
- 26 one bed (2p) flats
 - 14 two bed (3p) flats
 - 22 two bed (4p) flats
 - 1 three bed (5p) house
 - 17 three bed (6p) houses
- 9.45 The proposed 3 bed (5p) house would have a Gross Internal Area (GIA) of 104m², the 3 bed (6p) house an area of 123m², the 2 bed (4p) flats an area between 70m²- 72m², the 2 bed (3p) flats an area between 65m²- 71m², and the 1 bed (2p) flats an area of between 50m²-52m². All units bedrooms would be in excess of 7.5m² and 11.5m² for single and double bedrooms respectively.
- 9.46 Each unit would therefore comply with the appropriate Nationally Described Space Standard technical requirements (93m², 108m², 70m², 61m², and 50m² respectively) in compliance with Policy DM12
- 9.47 As confirmed in the submitted Sustainability and Energy Statement, the site layout seeks to set out the majority of homes with either a southeast/northwest or northeast/southwest orientation. This would minimise the number of homes with a solely northerly aspect and maximise the homes with an orientation from southwest through to southeast. The provision of dual aspect has been achieved with to regard the majority of units, with only 27.5% (22 units) having a single aspect. All of the houses would be dual aspect, only apartments would have a single aspect in some cases. Of those that are single aspect, only 10 would face South East and 12 face North West. The applicants submit that all windows in all units would be fully openable, and on this basis, regardless of their aspect, no units would experience overheating.

- 9.48 All ground floor flats would have access to private amenity space, and the upper floor flats would have access to either balconies or terraces. All balconies on apartment blocks A and B would be 3.82m² in extent. Whilst just below the Council's requirement for private amenity space, the scheme would provide a substantial amount of communal open space, approximately 2,860m² which is specific to the apartment blocks, and therefore, on balance, this shortfall in size is acceptable. The houses would meet the required 70m² private amenity space. Overall, this would be adequate in terms of both size and quality to suit the needs of small family accommodation, and would comply with policy DM12's requirement for amenity space for flatted developments.

Highway Safety Car Parking and Access

- 9.49 Chapter 9 of the NPPF relates to the promotion of sustainable transport. Paragraph 108 sets out that in assessing applications for development, it should be ensured that:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users; and
 - any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.50 Paragraph 109 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.51 Policy CS16 (Managing Transport and Travel) encourages development proposals that foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should (inter alia) provide safe, convenient and attractive accesses for all, including the elderly, disabled, and others with restricted mobility. Development proposals should be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. Furthermore, development proposals must ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, not materially increase other traffic problems.

- 9.52 Policy DM36 (Sustainable Transport for New Development) sets out that to secure sustainable transport patterns across the Borough, the Council will (inter alia) prioritise the access needs of pedestrians and cyclists in the design of new developments and require new development to provide on-site facilities for cyclists as appropriate, including showers, lockers and secure, convenient cycle parking, in accordance with standards.
- 9.53 Policy DM27 sets out that developments will have to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.

Trip Generation

- 9.54 A full Transport Assessment (TA) accompanies the application.
- 9.55 The TA states that the proposed 80 residential dwellings are anticipated to generate a reduction in levels of daily traffic to the existing permitted uses of the site, with comparable traffic during the peak hours. However, the key benefit would be the change in the composition of traffic, with a significant reduction in the number of Ordinary Goods Vehicles (OGV) generated, which currently inhibit two-way vehicle movements when travelling along the existing narrow sections of Old Malden Lane and surrounding residential streets that provide access to the wider highway network.
- 9.56 The Highways Officer commented on the trip rates as follows;
- The development is likely to lead to an increase in 11 vehicle movements during the morning peak and an increase of 127 movements in the pm peak. Throughout the day there would be an increase of 119 movements. These movements can be accommodated safely within the highway.
- 9.57 Officers consider that the additional 119 vehicle movements would not constitute a severe impact on the local highway network. Importantly, the proposals would result in a change in the composition of traffic with a reduction in the OGV movements, particularly given the nature of the existing uses on the site.
- 9.58 It is therefore concluded that the proposals, in transport terms, would provide a good opportunity to promote the removal of an existing industrial use, which arguably is not well located for its intended use due to its heavy dependence on the use of Heavy Goods Vehicles, the constrained road layout, alignment and width restrictions that exist on the adjacent highway. In contrast, the residential use would generate car traffic, conducive to the local road conditions. As demonstrated by the submitted TA, there would be a potential reduction of around 220 two-way trips from OGVs that could otherwise be generated by a fully-functional road haulage business on the site.

Sustainable Travel

9.59 The existing industrial use of the site is limited in its requirements to utilise public transport or travel to local amenities such as schools and shops. However, the proposed residential use would represent a considerably more sustainable use of the site, with greater requirements for the use of facilities in the surrounding area.

9.60 The TA states that:

"The site's redevelopment however, provides a good opportunity to introduce an on-site pedestrian link to existing infrastructure at the western end of the site at the junction of Old Malden Lane/Cromwell Road. This appears to be the optimum location to link the site with the good existing footways and provide connections to Tolworth and Worcester Park railway stations, as well as bus routes on the A240 (Kingston Road). The positioning of the pedestrian crossing connecting to the existing footway provides the optimum location with respect to visibility."

9.61 The proposed development therefore seeks to introduce a package of measures, including a series of off-site highway works to maximise connections. An overview of these measures is illustrated on drawing 2017/4007/005. The following enhancements are proposed:

i) safe and convenient access to all residential properties and car parking areas within the site, with the internal road network providing a shared surface with priority for all non-car users;

ii) construction of a segregated footpath (2 metre width) across the southern boundary of the site to provide a continuous east-west pedestrian connection for existing pedestrians that currently walk within the carriageway;

iii) construction of an uncontrolled crossing point over Old Malden Lane at its western end to link with existing infrastructure, including a build-out of the carriageway to maximise space for pedestrians (and provide traffic-calming to vehicle traffic on Old Malden Lane) (drawing 2017/4007/004;

iv) uncontrolled crossing point over Cromwell Road – 2017/4007/005;

v) construction of a 'river walk' along the northern periphery of the site as a recreational route for the general public and linking with the existing Thames Down Path at its western end.

9.62 Additionally, occupiers of the site would benefit from a Residential Travel Plan including a package of incentives to encourage sustainable travel options, which are available to them. This would include access to an on-site Car Club, whereby the applicant proposes to offer one year's membership to residents, subject to its implementation.

9.63 The Highway Authority commented as follows:

- *The proposed development is located 800m from the nearest bus stops on Kingston Road A240 and over 1km from the the closed railway station at Tolworth. The recommended maximum walking distance to a bus stop is 400m and to a train station is 800m. In addition the site is not within walking distance of a large choice of employment, leisure and retail land uses.*
- *The developer has agreed to provide a range of highway works, a financial contribution, a travel plan and car club to mitigate the impact of the development in terms of the transportation environmental impacts of the proposed development. These measures do not make the site sustainable but they do mitigate the impact of the development and should be considered alongside the social, environmental and economic impacts of the development.*
- *In terms of the highway works the developer is proposing to widen the existing footway on the south side of Old Malden Lane from less than one metre wide to 2.0m wide. This footway would extend to the Old Malden Lane junction with Cromwell Road where dropped kerbs and tactile paving would be provided to the footway on the south side of Worcester Park Road. The widened footway opposite the proposed development would have tactile paving and dropped kerbs to allow pedestrians with mobility impairments to cross from the 2.0m wide footway proposed on the south side of the development to the widened southern footway of Old Malden Lane.*
- *The proposed footway improvements would encourage users of the development to walk along footways that meet 2m wide minimum widths as set out in the Manual for Streets.*
- *The developer has agreed to provide a shelter and Real Time Passenger at the two closest bus stops to the development on Kingston Road A240. One bus stop serves south east bound buses towards Epsom. The developer has agreed to provide shelter here. The bus stop opposite serving north west bound buses to Kingston already has shelter.*
- *The developer has also agreed to a contribution of £18,000 toward provision of Real Time Passenger Information (RTPI) at the bus stops serving north west and south east bound services.*
- *The aforementioned shelter and RTPI contribution would provide users of the site with shelter after they have walked 800m from the proposed development to the bus stop and times of buses when they arrive. This contribution and shelter are considered necessary to mitigate the distance of 800m between the site and the two bus stops.*

- *The developer has offered to provide a car club within the development. There are concerns that the car club would not be sustainable in the long term location. This is because the developer is proposing to exceed Epsom and Ewell minimum parking standards which state that the developer should be providing a minimum of 98 spaces but the developer is proposing 106 spaces. There is no objection to this quantum of parking spaces but it does make it difficult to promote the use of a car club because residents are likely to have car given the location of the proposed development and the quantum of spaces proposed. However it is hoped the car club would encourage residents who not have a second from purchasing a second vehicle, therefore car leaving more parking space for visitors.*
- *In addition the site is located in an existing residential area where most if not all residents have one or more cars. It is therefore unlikely that nearby residents would choose to use the car club. However it is hoped the presence of the car club would encourage those remaining residents who have one car to not purchase a second car.*
- *Another negative point to the car club being successful is that the car club would be further than the maximum walking distance from a residential development to bus stops and a train station. This means that it is unlikely that people from outside the ward in which the development is located would choose to walk those distances to use the car club.*
- *I recommend that the developer keeps the car club for a minimum of two years as set out in the car club condition, and promotes the car club as set out the travel plan condition.*

9.64 The proposed access and off-site works would be fully deliverable within land under the applicant's control or within the public highway, where they would be implemented by way of a Section 278 Agreement. The Travel Plan and Car Club would be secured by a S106 agreement.

9.65 It is therefore concluded that the additional sustainable transport measures proposed by the applicant would enhance the sustainability of the proposed development in accordance with the NPPF.

Car and Cycle Parking

9.66 The Council's adopted Parking Standard for Residential Development Supplementary Planning Document requirement for minimum parking standards for residential development in Epsom and Ewell are 1 space for 1-2 bedroom flats, 1.5 spaces for 3+ bedroom flats, 2 spaces for 3 bed houses and 3 spaces for 4 bed houses.

- 9.67 The proposed development would therefore be required to provide 98 parking spaces. The proposed development would comply with this by providing 98 car parking spaces across the site. The proposed parking spaces would be provided within private driveways for the houses and within communal parking areas for the flats. In addition, the proposals would include a further 8 unallocated car parking spaces across the site for visitors of the proposed flats, should any additional demand arise.
- 9.68 Cycle parking would be provided on-site, in accordance with Surrey County Council minimum requirements (1 space per 1 or 2-bedroom units and 2 spaces for 3+ bedroom units). 98 cycle parking spaces are required on site which the scheme would provide.
- 9.69 The proposed levels of car and cycle parking are considered to be acceptable and meet the minimum standards.
- 9.70 The Highway Authority has raised no objection and commented as follows;
- *The developer is proposing to provide 106 parking spaces, where 98 is the minimum requirement. This mean that all parking demand would be accommodated within the site.*
 - *The developer is proposing a site layout hat would accommodate large vehicles that would need to enter and leave the site in forward gear.*
 - *The proposed access would have sight lines of 43 metres that are considered adequate for Old Malden Lane which has a speed limit of 30mph.*

Conclusion

- 9.71 The proposed development whilst resulting in a slight increase in vehicle movements, would result in a significant reduction in HGV's from the site. This would result in an improvement to the highway network from what the current use could generate at full capacity.
- 9.72 It is considered that the proposed development would meet the policy requirement for car parking and would result in some highway betterment. No objection has been raised by SCC Highways and the proposed development is considered to be acceptable in highways terms.

Refuse and Recycling

- 9.73 Policy CS6 (Sustainability in New Developments) sets out that proposals for development should result in a sustainable environment. To conserve natural resources, waste should be minimised and recycling encouraged. Development should incorporate waste management processes.

- 9.74 Waste collection will be undertaken within the site. There would be three communal refuse and recycling stores within the site. A refuse vehicle is able to enter and exit the site in forward gear, with no impact on the public highway. A Tracking Plan was provided to Surrey County Council by the applicant, demonstrating that a council refuse vehicle can turn on site, and enter and exit the site in forward gear, with no impact on the public highway.

Ecology/Biodiversity

- 9.75 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality.
- 9.76 Paragraph 175 of the NPPF sets out that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.77 Policy CS3 (Biodiversity and Nature Conservation Areas) of the Core Strategy (2007) sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of National and Local biodiversity action plans in terms of species and habitat. Development that would harm Grade 3 Sites of Nature Conservation Interests (SNCIs) will not be permitted unless suitable measures are put in place and it has been demonstrated that the benefits of a development would outweigh the harm caused.
- 9.78 Policy DM4 (Biodiversity and New development) 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
- 9.79 The development proposal does not meet the scale and size triggers as set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as such the proposal did not require a screening opinion or environmental impact assessment.
- 9.80 The application is supported by an Ecological Impact Assessment (EIA), which demonstrates that a number of surveys for roosting bats, badgers and water voles have been undertaken prior to the submission in line with Policy DM4. Suitable biodiversity enhancements, in addition to the retention of existing habitats of ecological value, the woodland and Hogmsill River, are also outlined in the EIA including; habitat creation, tree and hedgerow planting, wildflower planting, a sensitive lighting strategy for foraging, commuting and rooster bats and hedgehog highways along the fence lines.

- 9.81 The proposals would also improve the water quality of the Hogsmill River, remove inorganic rubbish and debris from the previous use, which is harmful to both humans and flora and fauna, and remove the Japanese Knotweed on site.
- 9.82 It is proposed to retain a large proportion of the existing trees on the site, as well as introduce new tree planting. It is also proposed to retain existing areas for foraging, feeding and movement pathways and connectivity with surrounding landscape, whilst creating new habitat potential and a more diverse range of species on site.
- 9.83 Overall, the development would subsequently result in a net gain in biodiversity in line with both national and local policy and would achieve additional net gains through a number of enhancement opportunities. The proposals are therefore considered to conform with Policies CS3 and DM4.

Flood Risk

- 9.84 Chapter 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. Paragraph 155 stipulates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraph 163 sets out that when determining any planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment (FRA).
- 9.85 Policy CS6 (Sustainability in New Developments) of the Core Strategy (2007) sets out that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development – both new build and conversion. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development (inter alia):
- has no adverse effects on water quality, and helps reduce potential water consumption for example by the use of water conservation and recycling measures and by minimising off-site water discharge by using methods such as sustainable urban drainage; and
 - avoids increasing the risk of, or from, flooding.
- 9.86 The application site falls within Flood Zone 1 (Low Probability of Flooding)

- 9.87 The FRA confirms there have been no historical surface water flood events at or within close proximity to the site and the proposed development would remain at low risk from flooding due to the nature of the site. The site is also located at an area of low risk of flooding and mitigation measures have been provided to ensure that the site does not increase the risk of flooding elsewhere through attenuation drainage and porous paving in parts of the site.
- 9.88 Attenuation drainage would be provided on site in the central parking area and surface water drainage would be provided through tanked porous paving along the site access roads, before discharging to a hydro brake control structure and to a new outfall to the river, as agreed by the Environmental Agency.
- 9.89 An 8-metre green buffer between the Hogsmill River and any built development is also provided to ensure that the proposals “make space” for water, allow increased access to the river, improve the river environment and manage flood risk and climate change in line with EA guidelines
- 9.90 The Environmental Agency (EA) initially objected to the Proposal, on 18 October 2018 in relation to the proposed development’s proximity to the existing watercourse. As a standard requirement, the Environmental Agency seeks a minimum 8m buffer and having reviewed the plans, the Environmental Agency was not satisfied that an appropriate buffer was proposed, to offset from the river.
- 9.91 In a letter dated 3 April 2019, the EA commented as follows:

We have reviewed the additional information submitted by The Ashill Group on the 27th March. Based on this we are now in the position to remove our objection. Drawing number 35/011 clearly identified the point the applicant has taken as the top of the river bank. The email dated the 27 March clarifies that the applicant does not intend to carry out any works on the river bank, beyond the site boundary.

We would like to highlight that we do not currently intend to undertake the eco planting in the area shown as Eco planting within EA ownership or install woody debris as detailed in the drawing titled The Old Mill Opportunity along the Hogsmill River (ref 1540-003A dated February 2019). However we may do so as part of our enhancements to the Hogsmill in the future.

In the email dated the 27 March the applicant states that they are very supportive of these proposals and would be prepared to make a financial contribution towards the implementation costs via a Section 106 Agreement. We would be keen to discuss this further with the applicant and the Local Planning Authority to enable the development to mitigate for where encroaches into the area shown as the 8 metre buffer and enhance the river corridor for the environment and the future residents.

We have reviewed the document 'Geo-environmental Site Assessment' by RSK (reference 29721 R01 (01) dated 4th December 2018). The site has an industrial historic usage and is located above a Secondary Aquifer and adjacent to the Hogsmill River. There exist on site an above ground fuel (oil) tank (AST) and an underground petrol storage tank (UST, reportedly decommissioned but no documentary evidence of this appears to have been provided in the report). Elevated concentrations of lead and PAHs were identified in the made ground and hydrocarbon impacted material at the UST. Remedial measures have been proposed. We would expect the AST to be removed and also the UST if there is no evidence to confirm it has been appropriately decommissioned.

- 9.92 The EA concludes that the proposed scheme would be acceptable subject to appropriate conditions being imposed on any permission granted
- 9.93 Regulation 122 of the CIL Regulations sets out the limitations on the use of Planning Obligations. It is unlawful for a Planning Obligation to be taken into account when determining a planning application for a development, which does not meet all of 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.
- 9.94 Officers consider that the financial contribution towards the Hogsmill river bank improvement is Regulation 122 compliant. Whilst not strictly meeting the first two criteria, it is fairly and reasonable related in scale and kind to the development. As such, the contribution is appropriate.
- 9.95 It is therefore concluded that the application has demonstrated through the FRA that the proposals would reduce risk both to and from the development, and flood resilient and resistant design and appropriate adaptation and mitigation would be implemented to ensure that the level of risk is reduced in accordance with Policy DM19.

Trees/Landscaping

- 9.96 Chapter 15 of the NPPF concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.
- 9.97 Policy DM5 (Trees and Landscape) of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia):

- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and
- Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.

9.98 A Landscape Masterplan 1540/001 Rev M accompanies this Application. This sets out planting landscape specifications proposed for the Site. Garden trees would be planted within the rear gardens of 8 properties, which are adjacent to Old Malden Lane (plots 67, 71 – 76 and 80). This would provide for an additional line of planting, which Officers consider would enhance the sylvan character of the road, in an area where this is not currently the case.

9.99 It also indicates the inclusion of large specimen shrubs along Old Malden Lane, to fill in the 'gap' close to plot 67. It also proposes a total of 69 new trees to be planted as part of the development proposals

9.100 An updated Tree Survey and Impact Assessment was provided by the applicant on 25.03.2019. This sets out that the proposals seek to retain trees in key locations and remove trees to allow space for the development.. A Tree Protection Plan accompanies the application, ref: SJA TPP 17373-01E. This sets out that 29 trees that were surveyed will be removed as part of the application. Of these 29, 5 are Category B and 24 are Category C (no category A trees are to be removed).

9.101 In support of the proposals, the applicant's Tree Consultant states the following :

I have considered the feasibility of retaining additional trees along Old Malden Lane, beyond what is shown in the proposals, and in particular sycamore no. 101 and common limes nos. 108, 111 and 114 growing at the eastern end of the woodland. Two of those trees (nos. 108 and 111) were assigned category 'B'; the only other trees assessed as category 'B' and shown for removal are common limes nos. 5 and 106 and grey poplar no. 112, which are also growing in the eastern section of the woodland but farther from the road. (There are no category 'A' specimens within the woodland.) In my professional opinion, is it impossible or inadvisable to retain any of those individuals within the present layout comprising 80 units.

In the 80-unit layout put forward for consideration (Omega site layout no. 2683-A-1005-R), the footprint of the parking bays for plot 67 extend into the trunk of lime no. 111, making its retention impossible. The same parking bays, together with an internal road, building foundations and hard landscaping at plot 67 and plausible construction margins, create a combined root protection area (RPA) incursion for lime no. 108 of 30%, which is would likely lead to the decline and early loss of this tree. Moreover, a construction margin for the building foundations only 200mm would cause severance of structural root plate, which could be expected to create instability and increase the likelihood of windthrow. (The other cat. 'B' trees to be removed, nos. 5, 106 and 112, all have trunks located within the footprints of the same proposed structures.)

9.102 *The much smaller cat. 'C' lime (no. 114) shows a large RPA incursion of 33%, created by the proposed internal road. This is considerably larger than the maximum RPA incursion (20%) by new hard surfacing recommended in the British Standard BS 5837:2012, and would foreseeably lead to the decline and early loss of the tree. The small, cat. 'C' sycamore (no. 101) shows a more manageable RPA incursion (3% - created by the proposed building foundations), but would have a canopy only 1m from the new build elevations. Due to the necessary removal of the surrounding woodland to accommodate the 80-unit layout, this tree (and, to a lesser degree, no. 114) would be isolated from the remaining woodland and would appear incongruous and unattractive due to their low quality and defective structures (which are not remediable).*

9.103 *With regard to the Tree Preservation Order covering part of the woodland, there is an inherent lack of clarity about which trees exactly are covered by the Order. This is because the TPO (Epsom & Ewell ref. 6/A37) protects only the "several Lime and Elm trees" which were growing in this woodland when the TPO was made (i.e. in 1962). It is impossible to know for certain how old any of these trees are without taking a core, but it seems likely that trees nos. 108, 111 and 114 (as well as nos. 5 and 106) are covered by the TPO, whereas no. 101 (and no. 112) are not*

In any case, two things are certain: (1) the great majority of the trees growing in this woodland are not covered by the TPO and (2) the nature of this woodland has changed greatly from when the TPO was made, as none of the original elm specimens remain (in fact, only one understorey elm was found) and the TPO description does not mention grey poplar, hornbeam, sycamore or horse chestnut (which together form more of the present overstorey than the limes). It seems to me that it would be more appropriate to judge the trees within this woodland on their own, extant merit rather than on the presence of the TPO (which reflects a wholly different and already lost landscape), and that it would be appropriate to vary the TPO to account for the increased landscape value of the younger trees in the western section of the woodland.

The collective decision of the design team to propose some cat. 'B' and/or TPO trees for removal, while retaining others of higher value, was not made lightly and was in response to other constraints on the site – in particular, to achieve a requisite number of units. The cat. 'B' and large cat. 'C' trees near Old Malden Lane to be retained (especially nos. 36, 37, 42, 65, 70, 119, 120, 122, 124 and 128) are much more visible from public areas than those trees to be removed, and their retention (together with understorey specimens and the woodland's riverside trees) maintains a closed canopy with the off-site woodland to the south of Old Malden Lane and wholly protects the site's woodland aspect in views from the junction with Worcester Park Road, the houses along Cromwell Road, the carvery and the public footpath over the Hogsmill River. Most of the woodland, as well as its amenity value, will be unchanged.

9.104 The applicants submit that on the basis of the above, the result would be a net gain of 40 trees and specimen shrubs across the site, which they submit, is a significant benefit associated with the proposals. They further submit that the proposal to replace and enhance the trees and greenery lost, would outweigh any perceived harm.

9.105 Epsom and Ewell's Arboricultural Officer initially objected to the proposed development, due to the loss category B trees, the most detrimental arboricultural implication being the further mature tree loss in the tree belt area adjoining Old Malden Lane to the south of plots 67-70. However following the submission of a revised landscape Masterplan he is broadly satisfied and comments as follows:

- The latest outline scheme now increases the tree numbers by 8 trees with these new trees planted in the rear gardens of plot 67, 80 and 71 to 76. These trees although welcome are smaller ornamentals
- Generally though I am happy with the palette of trees selected across. There is a good use of native stock and trees capable of larger growth proportions. It will be necessary that the larger canopied trees are selected from the open space and boundary tree list to provide maximum impact to the Old Malden Lane frontage. These trees should also be selected from semi-mature stock to provide more instant impact planting.
- I still raise a concern that the planting strip for the roadside trees in Old Malden Lane will not be sufficiently wide enough to design sufficiently large volume tree planting pits/troughs.
- Planting pit volumes are also likely to be limited for the tree planting internal to the site between parking bays (it is noted these trees are shown as semi-mature stock). The same planting pit size in point 2 above would be required. It should be noted that specially blended tree soil would be desirable for the tree pits (and root cells) given the contaminated underground conditions.

- Parking areas lack much provision for soft landscaping and will appear visually harsh.

- 9.106 It is necessary to finely balance the proposed loss of trees on site and potential damage to retained trees with the overall scheme benefits. In order to facilitate the development 29 trees are proposed to be lost, the majority of which are of low significance (Cat C). The accompanying Tree Survey and Impact Assessment sets out that measures can be deployed to minimise risk to retained root protection areas, which are subject to a condition.
- 9.107 The proposal does seek to replant trees, to provide a diverse portfolio of tree cover, to ensure that the development comprises green infrastructure. Furthermore, the scheme proposes a Woodland Management Plan. The purpose of producing this plan is to ensure that the landscape and habitat values of the riparian and roadside woodland within the site are retained and, where possible enhanced. It would ensure the successful retention and integration of the woodland in the context of the proposed development and ensure the retention and protection of the landscape and arboricultural and associated ecological connectivity between this woodland and the woodland along the Hogsmill river corridor.
- 9.108 The proposed development offers an opportunity to redevelop a site that currently comprises vacant buildings, which are no longer viable in their current use. The site in its current form does not offer a functional space, nor is it visually appealing. The proposal offers an opportunity to optimise and bring this site back into use. This in turn would create a sense of place. The proposal seeks to provide private amenity space for residents, but also enhanced pedestrian walkways, which both residents and the public can enjoy. The retained trees would continue to protect the site's woodland aspect in views from the junction with Worcester Park Road, the houses along Cromwell Road, the carvery and the public footpath over the Hogsmill River. Most of the woodland, as well as its amenity value would be unchanged.
- 9.109 The application proposes additional planting along Old Malden Lane which would be considered to be an improvement to that section of the public road, with the planting of trees in the rear gardens of the properties backing onto Old Malden Lane, providing a further line of trees and further enhancing the sylvan properties of the road by providing an additional tree line buffer to the development.
- 9.110 In summary, the proposed tree removal and replanting of trees, including 40 trees and the heavy planting along the boundary between the site and Old Malden Lane is considered acceptable and in particular, when balanced against the benefits of the proposed scheme on the local area and housing numbers.

- 9.111 Details of hard and soft landscaping includes tree planting pit/root cell details, species selection, size of plants and aftercare maintenance.

would need to be secured by an appropriate condition. The Woodland Management Plan would be secured by a legal agreement. In this respect the proposal would, on balance, not fall contrary to Policy DM5.

Sustainability

- 9.112 Chapter 2 of the NPPF relates to achieving sustainable development. Paragraph 8 of the NPPF sets out that there are three strands to achieving sustainable development, including an environmental objective. This is for development to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy
- 9.113 Policy CS6 (Sustainability in New Developments) sets out that proposals for development should result in a sustainable environment. The Council will ensure that new development (inter alia) minimise the use of energy in the scheme by using an appropriate layout, building design and orientation, minimises the energy requirements of construction and encourages the use of renewable energy by the incorporation of production facilities within the design of the scheme.
- 9.114 The application is supported by a Sustainability and Energy statement, which outlines how the development proposals have considered the sustainability issues relating to the site, and how these can be enhanced in a marketable and feasible manner. The statement demonstrates that the development will be highly sustainable, meeting relevant sustainable criteria and exceeds them in a number of areas in accordance with national and planning policy.
- 9.115 The statement also outlines the results of an overheating assessment which relates to the factors that contribute to internal temperature, demonstrating that all the proposed dwellings pass building regulations and have been designed with at least dual aspects.
- 9.116 The emissions from the dwellings would be reduced by 6,007 kg CO₂ per year as a result of the energy efficiency measures incorporated into the building. This would equate to a reduction of 6.15%.
- 9.117 The proposed scheme has sought to integrate sustainability into the design of the proposal and it is considered to comply with Policy CS6.

S106 Contributions and Viability

9.118 Policy CS9 of the Core Strategy 2007 states that the Council has a target that overall, 35% of new dwellings should be affordable. Residential development of 15 or more dwellings gross (or on sites of 0.5ha or above) should include at least 40% of dwellings as affordable. The Council will seek to ensure that the affordable housing remains affordable to successive as well as initial occupiers through the use of planning conditions or a planning obligation.

9.119 Paragraph 3.12.11 goes on to state 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.

9.120 The applicant has undertaken a viability assessment, which has been independently reviewed by a viability assessor for the Council, which demonstrates that the scheme could not support a policy compliant level of 40% affordable housing.

9.121 Having assessed and carried out sensitivity analysis of the development proposed, the level of affordable housing is agreed at 16 units (20% affordable housing) with a split of 4 one-bedroom flats and 12 two-bedroom flats (All affordable housing is proposed to be provided as affordable rental units)

9.122 In summary the following S106 contributions are sought;

- 20% Affordable Housing (16 on-site units)
- Management Company: Landscaping/Maintenance
- Woodland Management Plan
- Travel Plan
- Financial contribution of £10,000 towards works on the Hogsmill river

As outlined earlier in this report, the planning obligation would also need to include the following provisions:

- A contribution of £18,000 toward provision of Real Time Passenger Information (RTPI) at the bus stops serving north west and southern east bound services.
- The provision of a bus shelter on the A240, at the bus stop serving south east bound buses towards Epsom.

Community Infrastructure Levy

9.123 The scheme would be CIL liable.

10 Conclusion

- 10.1 The proposal meets planning policy objectives and gives the opportunity to redevelop a brownfield site with a residential scheme that would help the borough meet its housing targets.
- 10.2 The high-quality redevelopment scheme would incorporate all the principles of good design in accordance with the NPPF and Development Management Policy DM10, to deliver 80 dwellings on the site, of which, 16 would be affordable rental on-site units.
- 10.3 The scheme would also deliver a new and attractive 2 metre wide pedestrian route along the Hogsmill river and Old Malden Lane and new pedestrian crossing points over Old Malden Lane and Cromwell Road, which would create new linkages with the wider area
- 10.4 The application is therefore recommended for **APPROVAL**

11 Recommendation

11.1 Part A

Subject to a legal agreement being completed and signed by 13th August 2019 to secure the following heads of terms:

- Provision of 16 affordable rental on-site housing units
- Management Company: Landscaping/Maintenance
- Woodland Management Plan
- Travel Plan (Including contribution of £4,600 toward auditing of the travel plan)
- Financial contribution of £10,000 towards works on the Hogsmill river
- completion of an appropriate S278 legal agreement to cover the following agreed highway works , and all related costs:
- A contribution of £18,000 towards provision of real time information at the north west and south east bound bus stops along the A240

The Committee authorise the Head of Planning to grant planning permission subject to the conditions detailed in paragraph 11.3.

11.2 Part B

In the event that the section 106 Agreement referred to in Part A is not completed by 13th August 2019, 3 months from the date of committee, the Head of Planning be authorised to refuse the application for the following reason:

In the absence of a completed legal obligation under section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy CS9 (Affordable Housing and meeting Housing Needs) in relation to the provision of on-site provision of affordable housing.

11.3 Conditions:

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

Reason: In order to comply with Section 91 of the Town and Country Planning Act, 1990. (As amended)

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

2683-A-1005X Site layout

2683-C-1210B Proposed Site Sections AA BB

2683-C-1211A Proposed Site Sections CC DD

2683-A-3000E Plots 1-4-Floor Plans

2683-A-3001C Plots 1-4-Elevations

2683-A-3002B Plots 1-4-Sections

2683-A-3005E Apartment Block A-Plots 5-31-Floor Plans

2683-A-3006E Apartment Block A-Plots 5-31-Floor Plans

2683-A-3007E Apartment Block A-Plots 5-31-Floor Plans

2683-A-3008C Apartment Block A-Plots 5-31-Elevations

2683-A-3009C Apartment Block A-Plots 5-31-Elevations & Sections

2683-A-3010E Apartment Block B-Plots 32-50-Floor Plans

2683-A-3011E Apartment Block B-Plots 32-50-Floor Plans

2683-A-3012C Apartment Block B-Plots 32-50-Elevations

2683-A-3013C Apartment Block B-Plots 32-50-Sections

2683-A-3015D Apartment Block C-Plots 51-66-Floor Plans

2683-C-3016C Apartment Block C-Plots 51-66-Elevations

2683-C-3017C Apartment Block C-Plots 51-66-Sections

2683-C-3020E Plots 67-70-Floor Plans

2683-C-3021C Plots 67-70-Elevations & Sections

2683-C-3025E Plots 71-76-Floor Plans

2683-C-3026C Plots 71-76- Elevations & Sections

2683-C-3030E Plots 77-80 Floor Plans

2683-C-3031C Plots 77-80 Elevations

2683-C-3032B Plots 77-80 Sections

2017/4007/003.Rev E Swept Path

2017/4007/013 Rev A

2017/4007/011 Rev C

1737-01-REV E Tree Protection Plan

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

(3) ground contamination and ground gas assessment

Following any necessary demolition and prior to the commencement of any further development, 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 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.

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, Policy DM17 of Development Management Policies 2015.

(4) remediation

Prior to any occupation of the site, the approved remediation scheme prepared under Condition 1 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 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, Policy DM17 of Development Management Policies 2015.

(5) 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, prior to any occupation of the site, 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, Policy DM17 of Development Management Policies 2015.

(6) No development shall take place until a scheme for the provision and management of a 8 metre wide buffer zone alongside the watercourse as shown in drawing number 1540/003 Rev A has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The scheme shall include:

- plans showing the extent and layout of the buffer zone.**
- details of any proposed planting scheme (for example, native species).**

- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
- details of any proposed footpaths, fencing, lighting, etc.

Reason: To ensure the development will enhance the river corridor for biodiversity in accordance with Policy DM4 of the Development Management Policies Document 2015

- (7) Prior to occupation of each part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation for the relevant part of the development shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

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

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

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

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

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

- (10) The development shall not be occupied until the access has been provided in accordance with the plan numbered 2017/4007/002 Rev G within the RGP Transport Statement referenced ASHL/17/4007/TA01 and dated December 2018 and thereafter the proposed visibility splay of 43 metres in both directions from 2.4 metres back from the carriageway edge shall be kept clear of any obstructions above 0.6 metres high above the ground.**

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policy DM 35 Transport and New Development of the Development Management Policies Document 2015.

- (11) The development shall not be occupied until turning space has been provided in accordance with the plan numbered 2017/4007/003 Rev E for refuse and delivery vehicles to enter and leave the site in forward gear.**

Reason; The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policy DM 35 Transport and New Development of the Development Management Policies Document 2015.

- (12) The development shall not be occupied until a bus shelter has been provided at the bus stop serving south east bound services along the A240 in accordance with a scheme to be submitted to and approved in writing with the Local Planning Authority.**

Reason; The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policies DM 35 Transport and New Development, and DM 36 Sustainable Transport for New Development of the Development Management Policies Document 2015.

- (13) Notwithstanding the submitted plan numbered 2683 A 1005 Rev X the development shall not be occupied until the 2 metres wide footway close to the southern site boundary with Old Malden Lane been constructed and made available to the general public all at the Developers own expense, in accordance with details to be submitted to and approved in writing with the Local Planning Authority.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policies DM 35 Transport and New Development, and DM 36 Sustainable Transport for New Development of the Development Management Policies Document 2015.

- (14) An individual dwelling shall not be occupied until its allocated car parking has been provided within the site in accordance with the approved plan numbered 2017/4007/011 Rev C.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policies DM 36 Sustainable Transport for New Development, and DM 37 Parking Standards, of the Development Management Policies Document September 2015.

- (15) An individual dwelling shall not be occupied until its allocated Electric Vehicle Charging Point provision is provided on site in accordance with the approved plan numbered 2017/4007/011 revision C

Reason; The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policies DM 36 Sustainable Transport for New Development, and DM 37 Parking Standards, of the Development Management Policies Document September 2015.

- (16) An individual dwelling shall not be occupied until bike parking has been provided in a secure and covered location in accordance with the approved plan numbered 2683-A-1005-X.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policies DM 36 Sustainable Transport for New Development, and DM 37 Parking

Standards, of the Development Management Policies Document 2015.

- (17) **The development shall not be occupied until a 2 metres wide footway has been provided on the south side of Old Malden Lane with tactile paving and dropped kerbs on the south and north sides of Old Malden Lane for pedestrians to cross the carriageway of Old Malden Lane and the footway on Cromwell Road at the junction with Old Malden Lane has been widened to 2 metres and extended to the proposed tactile paving and dropped kerbs on Cromwell Road opposite Worcester Park Road in accordance with the approved plan numbered 2017/ 4007/ 013 Rev A**

Reason; The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policies DM 35 Transport and New Development, and DM 36 Sustainable Transport for New Development of the Development Management Policies Document 2015.

- (18) **The development shall not be occupied until the developer has secured the provision of a car club vehicle for occupiers of the site in accordance with the Enterprise Car Club Proposal submitted with the RGP Travel Plan Document numbered ASHL/17/4007/TA02 and dated December 2018 and parking is made available in one of the proposed parking spaces shown on the approved plan numbered 2017/4007/011 Rev C. Upon occupation of the 40th dwelling the car club vehicle is to be made publicly available for a minimum period of two years in the car parking space outlined in green edging on the submitted plan 2017/4007/011 Rev C**

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and policies DM 35 and DM 36 of the Development Management Policies Document 2015.

- (19) **Notwithstanding the submitted Travel Plan prior to commencement of above ground works, a revised Travel Plan to include revised targets and a regime for promoting and monitoring the car club vehicle 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 2019 and Surrey County Council's "Travel Plans Good Practice Guide".**

And then the approved Travel Plan shall be implemented upon first occupation 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: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and policy DM 36 Sustainable Transport for New Development of the Development Management Policies Document September 2015.

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

(a) parking for vehicles of site personnel, operatives and visitors

(b) loading and unloading of plant and materials

(c) storage of plant and materials

(d) programme of works (including measures for traffic management)

(e) provision of boundary hoarding behind any visibility zones

(f) HGV deliveries and hours of operation

(g) vehicle routing

(h) measures to prevent the deposit of materials on the highway

(i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused

(k) on-site turning for construction vehicles

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: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and policy DM 35 Transport and New Development, of the Development Management Policies Document 2015.

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

a. Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep where appropriate, during all stages of the development (Pre, Post and during), associated discharge rates and storages volumes shall be provided using a maximum discharge rate of 5.8 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. 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.

d. Details of drainage management responsibilities and maintenance regimes for the drainage system.

e. 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.

Reason: To ensure the Sustainable Drainage System has been constructed as agreed and complies with the requirements of the national SuDS technical standards.

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

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

- (23) No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be

altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

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

- (24) Prior to above ground works full details, of both hard and soft landscape proposals, including tree planting pit/root cell details, species selection, size of plants as well as a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

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

- (25) Prior to above ground works details of the bin and cycle stores shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented such that prior to the first occupation of each unit, it shall be provided with its' bin and cycle stores and thereafter maintained for the duration of the development.

Reason: In the interest of safeguarding visual amenity in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies Document (2015).

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

Reason: In the interest of safeguarding visual amenity in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies Document (2015).

- (27) Prior to above ground works, details/sections of all eaves, parapets, windows (including head, sill and window reveal details), rainwater goods, extraction ducts, balustrades and privacy screens, 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.

- (28) No development above ground level shall take place until details of all proposed walls, fences and boundary treatment are submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details prior to the first occupation of the development for residential purposes and shall be permanently retained and maintained thereafter 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 Policies DM9 and DM10 of the Development Management Policies 2015.

- (29) All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure the provisions and maintenance of soft landscaping, in the interest of visual amenity as required by Policy DM5 of the Development Management Policies Document 2015 and in the interest of environmental sustainability as required by Policies CS1 and CS4 of the Core Strategy 2007.

- (30) Removal of permitted development rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1 Classes A, B and E**

Reason: Having regard to the size of the dwellings approved, the local planning authority wishes to retain control over any future extensions/outbuildings at the property, in order to safeguard the

character of the area and the residential amenities of adjoining properties in accordance with Policy DM 10 of the Development Management Policies Document 2015

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

Reason: To ensure that the development does not impact on local underground infrastructure or harm the future occupants of the site in accordance with Policy CS6 of the Core Strategy Plan 2007

- (32) Prior to occupation of the development hereby approved details of all external lighting to be installed is submitted to and approved in writing by the local planning authority and the agreed works carried out as approved and thereafter maintained**

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties, visual amenity and to mitigate impacts on ecology in accordance with Policy CS3, CS5 of the Core Strategy (2007) and Policies DM4, DM9 and DM10 of the Development Management Policies 2015.

- (33) Prior to occupation of the development hereby permitted the applicant shall supply details of locations of bird and bat boxes, as well as swift bricks, to be located within the proposed development. The approved details will then be retained in perpetuity or the lifetime of the development hereby approved or until the grant of planning permission explicitly states otherwise.**

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

- (34) The development hereby approved shall be constructed in accordance with the sustainable construction techniques and energy efficient measures outlined in the Sustainability Statement dated April 2018 unless otherwise agreed in writing with the local planning authority.**

Reason: In order to promote sustainable construction in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007).

- (35) The proposed development hereby approved, shall be connected to the public sewer in accordance with details to be submitted to, and approved by the local planning authority.**

Reason: To ensure that risks from contamination to the Hogsmill River are minimised in accordance with Policy CS6 of the Core Strategy 2007

- (36) 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.

- (37) Prior to carrying out above grade works of each building or part of a building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such part of a building can achieve full 'Secured by Design' accreditation. The development shall only be carried out in accordance with the approved details.**

Reason: In the interest of community safety and in accordance with Policy DM12 of the Development Control Policies Document 2015.

Informatives:

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.**
- (2) Your attention is drawn to the fact that this planning permission is liable for Community Infrastructure Levy payments (CIL).**
- (3) It is recommended that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.**
- (4) A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public**

sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via

www.thameswater.co.uk/wastewaterquality.

- (5) Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>
- (6) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- (7) If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) The applicant is advised that a permit and, 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 highway works that provide additional highway infrastructure will require payment of a commuted sum upon signing of the agreement and all highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works

proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.

- (12) When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority Local Highways Service will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces at the developers expense.
- (13) 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).
- (14) The Highway Authority advise that the proposed estate road(s) are of insufficient public utility to warrant adoption as highway maintainable at public expense.
- (15) 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.
- (16) 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 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.
- (17) The Developer would be expected to instruct an independent transportation data collection company to undertake the monitoring survey. This survey must conform to a TRICS Multi-Modal Survey format consistent with the UK Standard for Measuring Travel Plan Impacts as approved by the Highway Authority. To ensure that the survey represents typical travel patterns, the organisation taking ownership of the travel plan will need to agree to being surveyed only within a specified annual quarter period but with no further

notice of the precise survey dates. The Developer would be expected to fund the survey validation and data entry costs.

(18) The developer would be expected to agree a programme of implementation of all necessary statutory utility works associated with the development, including liaison between Surrey County Council Streetworks Team, the relevant Utility Companies and the Developer to ensure that where possible the works take the route of least disruption and occurs at least disruptive times to highway users.

(19) 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

(20) Under the Environmental Permitting (England and Wales) Regulations 2016, you must submit plans to the Environment Agency and apply for a FRAP if you want to do work:

- In, over or under a main river**
- Within 8m of the bank of a main river, or 16m if it is a tidal main river (check the location of main rivers here)**
- Within 8m of any flood defence structure or culvert on a main river, or 16m on a tidal main river**

Flood risk activities can be classified as: Exclusions, Exemptions, Standard Rules or Bespoke. These are associated with the level of risk your proposed works may pose to people, property and the environment. You should apply for a Bespoke FRAP if your work cannot be classified as one of the following:

an excluded activity, an 'exempt' activity, a 'standard rules' activity