

Development Site at 65 London Road Ewell Surrey KT17 2BL

Ward:	Stoneleigh Ward
Site:	65 London Road Ewell Surrey KT17 2BL
Application for:	Construction of a three to six storey building comprising 45 flats (Use Class C3) with associated car and cycle parking, refuse storage and ancillary works.
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=QEJOEZGYIFN00>

2 Summary

- 2.1 The application is referred to Planning Committee as the proposal is classified as a "major planning application", in accordance with Epsom and Ewell Borough Council's Scheme of Delegation
- 2.2 The application seeks permission for the construction of a three to six storey building comprising 45 flats (Use Class C3) with associated car and cycle parking, refuse storage and ancillary works.
- 2.3 The scheme would provide twelve affordable units, at a proposed tenure mix of five shared ownership and seven social rented units, as well as a commuted sum of £149,000 in lieu of the on-site provision of an affordable unit. This provision would represent the maximum contribution the scheme could provide in viability terms.

- 2.4 33 car parking spaces would be provided on-site (inclusive of two disabled parking spaces and a car club space) In addition, there would be 54 cycling spaces. The Local Planning Authority's car parking standard require 50 car parking spaces for the development. The development would therefore not meet the Council's parking standards
- 2.5 As the parking provision proposed is below the Councils adopted Parking Standards, the applicant proposes a number of sustainability measures to further improve the availability of alternatives to the private car. These would include:
- A proposal to subsidise an 'on-site' car club space for the period of 3 years, which the developer would also provide 2-year memberships for all residents as an incentive to make use of the car club and not rely on owning their own car.
- 2.6 The architectural character of the development is considered to respond positively to the site's surroundings, but with a more contemporary and sustainable context.
- 2.7 When employing the presumption in favour of sustainable development, the adverse impacts of this development are not held to significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework.
- 2.8 **The application is recommended for APPROVAL**

3 Site description

- 3.1 The application site, approximately 0.32ha in extent, is located in a prominent corner position at the junction of the A24 (London Road) and the A240 (Ewell By- Pass), and comprises vacant brownfield land. The former use of the site was as the 'Organ and Dragon pub and restaurant', which ceased trading in July 2012 and was demolished in 2014.
- 3.2 The site is irregular in shape on a northeast south-west axis parallel to London Road. The site generally falls from the southeast to the northwest direction, with a level difference from London Road to the site maintained by an existing retaining boundary wall. There is also a rise in level in the grassed areas to both sections to the north of the site.
- 3.3 Vehicular access to the site is off London Road opposite a petrol filling station.
- 3.4 Adjacent to the site on the Ewell By-Pass is a group of houses with extensive back gardens, which bound the north of the application site, along with the back gardens of those properties on Elmwood Drive.

- 3.5 Adjacent to the site on London Road, is Stability House, a former dwelling now converted into offices, with residential accommodation on the upper floor.
- 3.6 The site is within a mixed- use area around the junction. There is a designated local shopping parade on the opposite corner of the junction (Ewell By-Pass) which contains around 15 shops in various retail and service uses. Other uses in the area include a car showroom, petrol filling stations, storage warehouse, Territorial Army centre, United Reform Church and offices.
- 3.7 The application site does not fall within the designated shopping parade.
- 3.8 Surrounding this predominately, commercial area, are the residential areas of Ewell and Stoneleigh, consisting of primarily detached and semi-detached inter-war period houses. The prevailing height in the immediate locality is of two-three storey buildings. Directly opposite the site, at Ewell By-pass Local Centre is made up of 3 storey buildings. Nonsuch Park lies approximately 400m to the northeast of the site.
- 3.9 The site is not within a Conservation Area and nor are there any statutory Listed buildings within it. A number of Grade II Listed buildings are, however, in close proximity to the site, with the closest being '79-85 London Road' adjacent at the north-east boundary, the 'Ewell Honda' garage 45m to the south west, 'Ivy Cottage' 70m to the north-east and 'Woodgate' 100m to the south-west.

4 Background-Revisions

- 4.1 Formal pre-application advice was sought on this application, and advice was given on design improvements, and on the scale and massing, prior to the submission of the application.

5 Proposal

- 5.1 This application seeks permission for the construction of a three to six storey building comprising 45 flats (Use Class C3) with associated car and cycle parking, refuse storage and ancillary works.
- 5.2 The proposed residential mix would comprise 21 x one-bedroom, 15 x two-bedroom and 9 x three-bedroom flats. All flats would comply with space standards in the 'Technical housing standards – nationally described space standard' published in 2015
- 5.3 The scheme would comprise two buildings, separated by the vehicular access drive to the development.

- 5.4 The main building would have an “L” shaped footprint, fronting both London Road and the Ewell By Pass. The building would be broken down into a number of block types. It would have a flat roof form with a varied roofline of setbacks and integral balconies (upper floors) and private terraces (ground floor).
- 5.5 The corner block would be raised up to 6 floors (19.5m), dropping down to 3 floors on London Road (9.5m) and 4 floors on Ewell by-Pass (12.37m), towards the edges of the site. The stepped 'blocks' would be separated by recessed balconies and reduced, scale and massing. Top floors to the blocks at the edges of the site would be stepped back.
- 5.6 The main material for the elevations would be brick, with two colours of bricks proposed, a yellow buff and a red tone. The elevations would be articulated by recessed brick balconies set deep into the block elevations, with bronze coloured balustrade; semi-recessed bronze coloured metal balconies with balustrades; projecting bronze coloured metal balconies with balustrades; and a brick parapet to the setback top floors creating terraces with planting.
- 5.7 All residential units have private amenity space in the form of terraces and balconies. A communal children’s play space would be provided to the north of the site, which would provide shared amenity space for parents and children.
- 5.8 A new car park arrangement is proposed with 33 residential parking spaces inclusive of 2 disabled bays and a ‘car club’ bay to the rear of the proposed building. A turning head would be provided within the car park, which would allow large vehicles to turn within the site and therefore access/exit in forward gear.
- 5.9 Secure and covered storage facilities are proposed to accommodate 54 bicycles by way of a cycle store, which would form part of the proposed buildings ground floor.
- 5.10 A refuse store for waste and recycling bins would be provided as part of the proposed building, within the ground floor.
- 5.11 Vehicular access to the site would continue to be via London Road, which would be in the form of a footway crossover at the southeastern side of the site. The existing access, located closer to the junction, would be removed. Pedestrian access would be off London Road and the By Pass.
- 5.12 The pavement along Ewell By-Pass and London Road is proposed to be widened, to allow for a 3m pavement width. New planting is proposed along the side and rear boundaries and within the site.

6 Consultations

- 6.1 The Planning Statement submitted in support of this application sets out the applicants engagement with local residents:
- 6.2 A 21-day public consultation was undertaken from the 19 June to the 10th July 2020.
- 6.3 Due to Covid19 restrictions a website was set up to provide information on the application and allow for feedback to be provided.
- 6.4 In order to ensure local residents and businesses were aware of the consultation the following methods of notification were undertaken:
- Informing Councillors for the Stoneleigh and Ewell Wards via email;
 - Informing the Council and suggesting this information was passed to any relevant groups via email;
 - Informing the Surrey Comet local newspaper of the consultation via email;
 - Telephone discussion with a journalist from Surrey Live on the consultation; and
 - Posting letters to the local roads in order to ensure those in the immediate area were aware of the scheme.
- 6.5 Following the notification, 219 responses were received via the website questionnaire. No email responses were received from the local Councillors and one email was received from a collection of local residents highlighting their concerns.
- 6.6 An article on the consultation was published on Surrey Live on the 7th July 2020.

Comments from third parties

- 6.7 The application was advertised by a site notice, press notice and letters of notification to 112 neighbouring properties. To date (31.03.2021), 74 letters of objection and 2 letters of support have been received. They are summarised as follows:
- Out of Keeping
 - Height of building
 - Lack of parking
 - Highway safety
 - Overlooking
 - Loss of privacy
 - Overshadowing

- Noise and disturbance
- With insufficient parking for the number of proposed dwellings then the surrounding residential road will suffer as the excess vehicles from this development will use these roads for parking

The letters of support are summarised as follows:

- We need new housing - especially smaller more affordable units.
- The height if the building is unusual but the stories are staggered thus it will blend in with other surrounding buildings

Statutory Consultations

- 6.8 EEBC Design and Conservation Officer: No Objection
- 6.9 EEBC Contaminated Land Officer: The site is close to several potential sources of contamination, including an infilled brick pit. The application was supported by a desk study report that concluded that a ground investigation and further risk assessment should be carried out to investigate the potential for ground contamination. I agree that ground investigation will be necessary and therefore propose a condition on any permission granted.
- 6.10 EEBC Tree Officer: Objection
- 6.11 EEBC Environmental Health Officer: No objection
- 6.12 SCC Highways: No objections subject to conditions and a legal agreement
- 6.13 SCC Archaeology Officer: No objection
- 6.14 SCC Sustainable Drainage and Consenting Team: No objections. Conditions to be imposed on any permission granted

7 Relevant planning history

- 7.1 The relevant planning history pertaining to this site is set out below:

Application number	Decision date	Application detail	Decision
12/00685/FUL	13.12.2012	Change of use from Restaurant (Class A3) and Bar (Class A4) use to Restaurant (Class A3) and Hot Food Takeaway (Class A5) use with associated improvements to the access and car parking areas.	REFUSED Appeal DISMISSED 25.09.2013
12/01234/FUL	27.03.2013	Change of use from Restaurant (Class A3) and Bar (Class A4) use to Restaurant (Class A3) and Hot Food Takeaway (Class A5) with associated improvements to the access and car parking areas.	REFUSED
13/01542/DEM	07.04.2014	Prior notification of proposed demolition of building.	GRANTED
16/00933/FUL	27.06.2017	Erection of a Class A1 convenience supermarket and associated parking, access, servicing and landscaping.(Amended drawings received 09.05.2017)	REFUSED
18/00573/FUL	15.02.2019	Development of a supermarket, together with associated parking, access servicing and landscaping.	REFUSED

8 Planning Policy

National Policy Planning Framework (NPPF) 2019

Chapter 2 Achieving sustainable development
Paragraphs 8 – 12 and 14

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

Chapter 9 Promoting sustainable transport
Paragraphs 105-106, 108-111

Chapter 11 Making effective use of land
Paragraphs 118, 122, 123

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

Chapter 14 Meeting the Challenge of Climate Change, Flooding and Coastal
Change
Paragraph 165

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

Chapter 16 Conserving and enhancing the historic environment
Paragraphs 193 – 197

Core Strategy 2007

Policy CS1	Creating Sustainable Communities
Policy CS3	Biodiversity
Policy CS5	The Built Environment
Policy CS6	Sustainability in New Developments
Policy CS9	Affordable housing and meeting Housing Needs
Policy CS16	Managing transport and travel

Development Management Policies Document 2015

Policy DM4	Biodiversity and New Development
Policy DM5	Trees and Landscape
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM11	Housing Density
Policy DM13	Building Heights
Policy DM12	Housing Standards
Policy DM17	Contaminated Land
Policy DM19	Development and Flood Risk
Policy DM22	Housing Mix
Policy DM37	Parking Standards

Supplementary Planning Document 2015

Parking Standards for Residential Development

9 Planning considerations

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

- Principle of Development
- Affordable Housing

- Housing Mix
- Impact on a Heritage Asset
- Visual Impact
- Quality of Accommodation
- Impact on Neighbours' Residential Amenity
- Highways and Parking
- Sustainable Design
- Landscaping
- Ecology/Biodiversity
- Planning Obligations

10 Principle of Development

Presumption in favour of Sustainable Development

- 10.1 The site is located within the built up area, and does not affect any assets of particular importance such as SSSI, AONB, European or national ecological designations, green belt or any other given additional weight by The National Planning Policy Framework 2019 (the Framework). When considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.
- 10.2 The Framework was re-published in February 2019. It is a key consideration in relation to this application and is a material consideration. The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. That is a very positive aim.
- 10.3 Paragraphs 7 and 8 of the Framework states there are three dimensions to sustainable development: economic, social and environmental.
- 10.4 The Social role of the planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing.

- 10.5 The Economic objective helping to build a strong, responsive economy and ensuring that the right types of sufficient land are available in the right places, and the Environmental object is making efficient and effective use of land and improve the environment.
- 10.6 Development proposals that accord with an up-to-date Development Plans should be approved, and where a planning application conflicts with an up to-date Development Plan, permission should not usually be granted (Framework Paragraph 12).
- 10.7 Development policies that are the most important for determining a specific planning application are regarded as being out of date where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites, or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years (Framework Paragraph 11d and Footnote 7).
- 9.8 Existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework 2018 and its reissue in 2019. Due weight should be given to them according to their degree of consistency with the policies of the Framework (Paragraph 213). The Framework is therefore an important material consideration that may over-ride Development Plan policies which were adopted prior to the publication of the Framework and are not consistent with it.
- 9.9 Section 5 of the Framework sets out policies aimed at delivering a sufficient supply of houses and maintaining the supply to a minimum of five years' worth (Paragraph 73).
- 9.10 Policy CS7 of the Core Strategy is considered out of date under the terms of the Framework. The housing target of 188 dwellings per annum was taken from the South East Plan. The South East Plan was revoked in 2012, with housing requirements then to be determined by local need.
- 9.11 The Epsom & Ewell Core Strategy pre-dates the Framework and in accordance with para 213 of the Framework, the policies of the core strategy should be given due weight according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). In the case of old housing targets within CS7, no weight should be given to it.
- 9.12 The Government standard method for calculating the Borough's assessed housing need identifies a housing requirement of 579 new homes each year. In the absence of a five-year housing land supply, this has been increased to 695 under the housing delivery test as published on 13 February 2020. The Council is presently falling significantly short of this requirement and cannot presently demonstrate five years Housing Land Supply.

- 9.13 Paragraph 11d of the Framework is engaged via footnote 7 in circumstances where local planning authorities cannot demonstrate a 5-year supply. The practical application and consequence of this is that unless the site is located in an area or involves an asset of particular importance that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impacts demonstrable outweigh the benefits when assessed against the Framework as a whole.

Principle of Residential Development

- 9.14 Paragraph 59 of the Framework 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
- 9.15 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.
- 9.16 Paragraph 122 of the Framework states that planning policies and decisions should support development that makes sufficient use of land taking into account: (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change...
- 9.17 Paragraph 123 of the Framework highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- 9.18 Policy DM11 (Housing Density) states that in principle, proposals for new housing that make the most efficient use of sites within the borough's urban area will be supported in principle.
- 9.19 In May 2018, the Licensing Planning Policy Committee took a decision to set aside Policy DM11 (Housing Density) and Policy DM13 (Building Heights). This was based on these policies not reflecting the expectations of the Framework, and therefore restricting opportunities for growth in the Borough. It should be noted that these policies still remain part of the development plan; however they are afforded little weight in the presumption of sustainable development.

10.20 Given the significant housing need in the borough, it is considered that the proposed redevelopment of this site in a sustainable location for a residential scheme is appropriate in principle, subject to the detailed consideration of the other planning considerations below.

11 Affordable Housing

11.1 Paragraph 62 of the Framework states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and

b) the agreed approach contributes to the objective of creating mixed and balanced communities.

11.2 Paragraph 64 of the Framework states that

“Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

a) provides solely Build to Rent homes;

b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);

c) is proposed to be developed by people who wish to build or commission their own homes; or

d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.”

11.2 Policy CS9 sets out that the Council has a target that overall, 35% of new dwellings should be affordable. Taking into account the viability of the development proposed and other planning objectives, the Council will negotiate to achieve the provision of affordable housing. 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.

11.3 The Council will seek that 70% of the affordable housing is Social Housing and 30% a form of intermediate housing, such as a shared ownership.

11.4 In this regard, to be fully compliant, the proposal would be required to provide 18 affordable units.

- 11.5 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.
- 11.6 An Economic Viability Appraisal Report, dated August 2020, was submitted by DWD in support of the application. This concluded that the proposed scheme would generate a deficit of circa -£100,000. On this basis, it concluded that the scheme cannot provide any affordable housing contribution. Viability Consultants, BPS, on behalf of the Local Planning Authority, independently reviewed the report.
- 11.7 Their initial review, dated 1 September 2020, concluded that the development would generate a surplus of circa £3.4 million (20% of GDV), and therefore there would be scope to include an on-site affordable housing contribution.
- 11.8 In November 2020, the applicant's viability consultant, DWD, submitted an addendum to their Viability Appraisal Report, which focussed on the appraisal assumptions where there was a disagreement between DWD and the Council's consultants BPS.
- 11.9 DWD amended their position to include 6 affordable units within the scheme. They concluded that the scheme, including 6 affordable units generated a deficit of £211,000. By contrast, The Council's viability consultant found the scheme to generate a surplus of circa £1 million when 6 affordable units were included.
- 11.10 In response, DWD submitted an addendum report dated 15th January 2021, which again disagreed with BPS's findings above. In this addendum, DWD increased the affordable offer to 11 units, which they considered to be the maximum the scheme could viably provide. By contrast, BPS identified a surplus of circa £487,000 and therefore concluded that there was scope to provide additional on-site affordable housing.
- 11.11 BPS received an email from DWD on 24th February 2021, which outlined further disagreement with their private residential sales values and developer profit target. In this email, DWD stated that the applicant was willing to offer an additional affordable unit, which would bring the total affordable offer to 12 units (27% provision by unit).
- 11.12 BPS reviewed DWD's response and made some small amendments to their private residential pricing. They concluded that the scheme, including the 12 affordable units would generate a surplus of £149,000.
- 11.13 In an email dated 26 February 2021, DWD confirmed that the applicant was willing to provide the 12 affordable units and provide the remaining surplus (£149,000) as a payment-in-lieu to the Council.

11.14 The proposed tenure mix would comprise 7 (Affordable Rent) units comprising 4 x 3 Beds, 2 x 2 Beds and 1 x 1 Bed units, and 5 intermediate tenure units comprising 5 x 1 Bed units.

11.15 In summary, the net provision of 45 units of accommodation, although without a policy compliant level of affordable housing, is a significant benefit, which weighs in favour of the proposal in the planning balance

12 Housing Mix

12.1 Paragraph 123 of the Framework highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

12.2 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 45 units would be expected to provide 11 x 3 bedroom units.

12.3 The scheme proposes 15 two-bedroom units (33%), 21 one-bedroom units (46.7%) and 9 three-bed units (20%).

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

13 Impact on a Heritage Asset

13.1 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or Secretary of State, as relevant, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses.

13.2 Paragraph 190 of the Framework states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 13.3 Paragraph 193 of the framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It emphasises that the weight given to an asset's conservation should be proportionate to its significance, and notes that this great weight should be given irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 13.4 Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 13.5 Policy DM8 Heritage Assets, set outs the Council's intention to resist the loss of our Heritage Assets and take every opportunity to conserve and enhance them. It states that development proposals that involve, or have an effect upon Heritage Assets must establish the individual significance of the Asset as part of the application or consent process. As part of the assessment process the significance of the Asset will be taken into account (namely whether it is a designated Heritage Asset or a non-designated Heritage Asset) when determining whether the impact of any proposed development is acceptable.
- 13.6 Whilst the application site is not itself a heritage asset or within a conservation area, there are a number of statutory heritage assets within the locality of the site and these comprise:
- Ewell Honda, Ewell bypass, Epsom (Grade II)
 - Nos 79 – 85 London Road, Epsom (Grade II)
 - Woodgate, London Road (Grade II)
 - Ivy Cottage, London Road. (Grade II)
- 13.7 Of these heritage assets, the "Ewell Honda" building at the side of the Shell petrol filling station, on the western side of the Ewell bypass is opposite the application site, some 60m to the south west of the proposed building, whilst the range of buildings at 79 – 85 London Road is situated to the north east of the application site. These two heritage assets are the listed properties closest to the application site. The other heritage assets in the vicinity include the building known as "Woodgate" on the southern side of London Road to the south west of the application site, and "Ivy Cottage" on the south side of London Road to the north east of the application site.
- 13.8 A Heritage Statement has been prepared and submitted by Cogent Heritage, in support of this application.

- 13.9 Officers consider that Ivy Cottage and Woodgate are at a sufficient distance from the application site and therefore the application proposals would not affect their setting.
- 13.10 The Ewell Honda Building, which dates from 1961, with later 20th and 21st century alterations, is listed for its architectural interest. The setting of this building has been compromised by the adjacent petrol filling station and its substantial canopy. Views of the listed building are also compromised by the large number of cars displayed for sale on the building's forecourt. It is therefore considered that the application proposals would not detract from the setting of the Honda garage.
- 13.11 Officers concur with submitted Heritage Statement's conclusion that the only heritage asset that could be affected is the listed terrace at Nos. 79 to 85 London Road. The buildings at 79 – 85 London Road are a small terrace of four dwellings, which are enclosed by the adjacent properties immediately to the north and south, and only oblique views of the heritage asset can be obtained from vantage points on London Road when approaching the site from either the south west or the north east.
- 13.12 The proposed development would not dominate the listed building or its setting. It would maintain the building line on London Road in a positive way, and would step down in scale and mass towards the older buildings in an appropriate and coherent manner, and would conversely increase in scale towards the junction of London Road with the Ewell bypass.
- 13.13 It is therefore concluded that the resultant impact of the proposed scheme to the significance and setting of the Grade II listed terrace would be neutral, and would not give rise to any conflict with Policy DM8 or para 196 of the NPPF.

14 Design and Visual Impact

- 14.1 Chapter 12 of the Framework 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.
- 14.2 Paragraph 123 of the Framework highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

- 14.3 Paragraph 130 of the Framework 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.
- 14.4 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.
- 14.5 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.
- 14.6 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.
- 14.7 In May 2018, the Licensing Planning Policy Committee took a decision to set aside Policy DM11 (Housing Density) and Policy DM13 (Building Heights). This was based on these policies not reflecting the expectations of the Framework, and therefore restricting opportunities for growth in the Borough.
- 14.8 The application site, which is located within Character Area 5 of the Borough's Environmental Character Study (2008), is identified to have a "diversified and busy character" which combines commercial, industrial and residential land uses. The study confirms that built form, scale, styles and streetscape is very varied and differs from street to street. It is considered that the townscape character here is mixed and transitional from suburban domestic scale housing which also includes taller commercial buildings characteristic of busy junctions on the strategic highway network.

Density

- 14.9 Policy DM11 refers to 40 dwellings/ha (dph) as a general maximum, however it allows higher densities in appropriate locations. It is evident that the proposal would be of a much higher density in comparison to the existing built form.

- 14.10 The scheme would have a density of 144 dph. In accordance with Policy DM11 (Housing Density) a site of 0.31 hectares in size should, in most cases, provide no more than 13 dwellings. However, density with regard to multi-storey schemes is not the sole indicator as to the appropriateness or quality of a development. Scheme density is influenced by the relationship between site size and building form, and by other factors such as the size of dwellings alongside the basic metric of dwellings or (habitable or bed) rooms per area. The key to successful high(er) density buildings as places to live is in the quality of the internal design and the external space in which they sit.
- 14.11 It is acknowledged that the proposed 45 dwellings would substantially exceed the recommended density. Officers consider that a higher density is appropriate in this particular location, particularly as the development does not give rise to any unacceptable adjacency issues in terms of impacts on neighbouring occupiers, provides adequate internal and amenity space and parking, and would optimise the use of the site.
- 14.12 The non-compliance with Policy DM11 is assigned minor negative weight in the planning balance

Height and Massing

- 14.13 The height of the proposal has been designed to take into account the surrounding street context, with the highest element at the corner (19.5m), stepping down towards adjacent sites on Ewell By-Pass and London Road. Distance from the proposed building to the principal 2 storey building of No.153 Ewell By-Pass would be 12m, and 7m to the 2 storey element of No77 and 77a London Road.
- 14.14 The corner block would be raised up to 6 floors (19.5m), dropping down to 3 floors on London Road (9.5m) and 4 floors on Ewell by-Pass (12.37m), towards the edges of the site. This would serve to articulate the junction and provide a distinctive and dominant element on the corner. The stepped 'blocks' would be separated by recessed balconies and reduced scale and massing, which would visually reduce the bulky appearance. The top floors to the blocks at the edges of the site would be stepped back to further reduce mass at the extremities of the building.
- 14.15 The highest part of the building would be 19.5m, and this would be in excess of the 12m identified as appropriate in Policy DM13. However, Officers consider that this would be a positive design intervention as it would provide further punctuation by raising the height of the corner above the prevailing height, to reinforce the importance of this highway junction and to provide a focal point in views along Ewell By Pass.
- 14.16 The conflict with Policy DM13 is therefore weighted minor negatively in the planning balance.

Materials

- 14.17 The new, flat roofed, building would be of contemporary design, with brick elevations. Two colours of bricks proposed, a yellow buff and a red tone which would add interest to the elevations and mitigate the massing of the building. The elevations would be articulated by a combination of recessed brick balconies set deep into the block elevations, semi-recessed and projecting bronze coloured metal balconies. A stone – topped brick parapet to the setback top floors, would enclose terraces with planting.
- 14.18 The proposed design is of a high quality, with high quality materials, and well executed building detailing.
- 14.19 In summary, it is concluded that the proposal, both in terms of layout, scale and appearance, would achieve a high quality development which would be a positive addition to the streetscene and the character of the wider area. It would therefore accord with the Framework and Policies DM8, DM9 and DM10 of the Local Plan

15 Quality of Accommodation

- 15.1 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.
- 15.2 The application is proposing 45 units, comprising 9 three-bed flats, 15 two-bed flats and 21 one-bedroom flats
- 15.3 The proposed 3 bed (4 person) flats would have a Gross Internal Area of between 74m² and 82m², the 2 bed (3 person) flats an area between 61m² and 63m², the 1 bed (2 person) flats an area between 50m² and 56m².
- 15.4 All 45 units would meet the minimum internal GIA standards and minimum bedroom sizes as required by the National Space Standards below:
- 3 bed (4 person): 70m²
 - 2 bed (3 person): 61m²
 - 1 bed (2 person) :50m²
- 15.5 It is therefore considered that the proposed units will have an acceptable level of internal amenity, in compliance with Policy DM12

Private and Communal Amenity Space

- 15.6 Paragraph 3.36 of the supporting text for Policy DM12 (Housing Standards) states that to provide adequate private amenity space for development of flats, a minimum of 5 m² of private amenity space for 1-2 person dwellings should be provided and an extra 1 m² should be provided for each additional occupant. A 3 person flat should have a 6m² balcony, and a 4 person flat should have a 7m² balcony
- 15.7 Balconies/terraces have been provided to all 45 units, as well as a communal children play area.
- 15.8 All of the balconies/terraces would meet the minimum area requirements
- 15.9 The proposal would therefore comply with Policy DM12.

16 Impact on Neighbours' Residential Amenity

- 16.1 Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policy Document 2015 seeks to safeguard residential amenities in terms of privacy, outlook, and sunlight/daylight, avoidance of visual intrusion and noise and disturbances.
- 16.2 Concerns regarding overlooking, loss of privacy and sunlight have been raised by neighbouring residents. This has been taken into consideration by Officers in the assessment of this application

Daylight and Sunlight

- 16.3 The applicants have commissioned Waterslade as daylight/sunlight consultant to assess the impact of the development on sunlight and daylight amenity on the properties surrounding the site as well as amenity within the proposed residential accommodation in accordance with the guidance in the 2011 Building Research Establishment (BRE) guidance.
- 16.4 The report concludes that the majority of neighbouring residential properties are not in close proximity to the site and would not experience material daylight and sunlight impacts. The report sets however, that the flank wall windows in 153 Ewell By-Pass and 77A London road would experience reductions in Vertical Sky Component, but both cases these windows serve dual aspect rooms which would continue to receive very good daylight amenity from the principal rear facing windows. It states that both properties would also retain very good sunlight amenity after the proposed development.
- 16.5 It concludes that the impact on sunlight should be considered acceptable, overshadowing to the neighbouring properties is identified to be minimal and fully compliant with the BRE guidelines.

- 16.6 Officers are satisfied with the results of the Daylight, Sunlight and Overshadowing Report Overall, and conclude that there would not be a significant impact on surrounding properties from the proposed development.

Noise Survey

- 16.7 A Noise Assessment has been undertaken by Sustainable Acoustics in order to assess the impacts of the development being located in close proximity to the London Road and Ewell By-Pass junction.
- 16.8 The Assessment confirms that that with appropriate mitigation internal noise levels could meet the appropriate noise level in BS 8233 and local authority policy.
- 16.9 This would be secured by a planning condition.

Separation Distances

- 16.10 The siting of the proposed building has taken into account the positioning of nearby dwellings to ensure that the proposal would not result in any unacceptable loss of amenity to occupants of adjoining properties due to overlooking or loss of privacy.
- 16.11 The north west elevation of the new building would be setback 9.6m from the flank boundary, and 12.7m from the flank elevation of the adjacent dwelling at No 153 Ewell By-Pass.
- 16.12 The flat plans have been configured to provide the vast majority of primary habitable rooms fronting onto Ewell By-pass and London Road. Distances from the rear "courtyard" elevations are acceptable to prevent material overlooking: 22m to the rear boundary and 60m to the rear elevation of No 1 Elmwood Drive; and 28.7m to the flank boundary of No 153 Ewell By Pass.
- 16.13 The flank elevation of the three-storey "standalone" block fronting London Road would be set back 3.5m from the flank elevation of No 77a London Road. A condition requiring the flank and rear elevation windows to Flat G-8, 1-11 and 2-11 within this building, to be obscurely glazed is recommended to be imposed.
- 16.14 In conclusion, given the juxtaposition of the neighbouring properties and the separation distances involved, the proposal is not considered to give rise to unacceptable impacts on the amenity of these properties in terms of overshadowing, overbearing, overlooking or loss of privacy.
- 16.15 In this respect the proposal would comply with Policy DM10

17 Highways and Parking

- 17.1 Chapter 9 of the Framework 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.
- 17.2 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.
- 17.3 Policy DM37 sets out that developments will have to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.
- 17.4 A Transport Assessment, dated July 2020, accompanies this application.

Existing Traffic Flows

- 17.5 A 24hour, 7 day Automatic Traffic Count (ATC) survey was undertaken along London Road over the period of the 3 February 2020 to the 9 February 2020. The ATC site was located along the London Road approximately 50m from the north-eastern boundary of the development.
- 17.6 A traffic count and queue count was undertaken on the 4 February 2020 at the Ewell By-Pass signalised junction located adjacent to the proposed development.
- 17.7 The traffic survey data identified that 826 vehicles travelled southwest, and 556 vehicles travelled northeast past the site along London Road in the AM peak hour (08:00 – 09:00); and 683 vehicles travelled southwest, and 842 vehicles travelled northeast past the site along London Road in the PM peak hour (17:00 – 18:00).

- 17.8 Queue data collected along on London Road at the signalised junction with Ewell By-Pass showed that in the AM peak hour (08:00 –09:00) an average of 5 vehicles were queuing in the left-hand lane, an average of 4 vehicles were queuing in the middle-lane, and an average of 46 vehicles were queuing in the right-hand lane,
- 17.9 In the PM peak hour (17:00 – 18:00) an average of 3 vehicles were queuing in the left hand lane, an average of 5 vehicles were queuing in the middle-lane, and an average of 18 vehicles were queuing in the right-hand lane.

Future Traffic Generation

- 17.10 In order to assess the likely effect of the proposed development upon the surrounding transport network, the TRICS database has been used to identify the likely traffic generation.
- 17.11 The T/S demonstrates that the proposed development would generate 11 two-way vehicle trips during the morning peak hour and 12 during the evening peak hour, approximately 1 vehicle movement every 5 minutes.

Traffic Impact

- 17.12 To determine the impact of the proposed development on the local highway network, capacity assessments were carried out for the London Road/Ewell By Pass junction for the weekday AM and PM peak hours
- 17.13 The base year (2019) , future year of 2025 (assumed five years after opening) and with and without the junction improvements have all been modelling
- 17.14 The results of the junction capacity assessments indicate that the addition of the push-button crossing as requested by SCC Highways , will not have any measurable impact on the performance of the signal controlled junction and the addition of the development will only have a minor impact on the performance of the junction limited to the PM peak and a maximum total of 4 additional vehicles queueing within the junction even in the future year assessed.

Access

- 17.15 It is proposed to stop-up the existing dropped kerb access off London Road and introduce a new access road circa 5.5m wide with 6m junction radii, to be located approximately 13m from the northeast site boundary. Around the boundary of the site, a 3m footway is proposed, widened from the current width of between 1.5-2.0m. This would allow the footway to become a shared footway/cycleway as part of the strategic cycle improvements to take place in the future as identified by SCC Highways.

- 17.16 The proposed access arrangement and visibility splays are indicated in Drawing SK02 Rev G. A visibility splay of 2.4m by 43m has been illustrated to the nearside kerblines of the signalised junction to the west of the access in accordance with the standards set in the Manual for Streets (MfS) for a 30mph speed limit. A visibility splay of 2.4m by 39m has been illustrated to the nearside kerblines to the east of the access as suitable for a design speed of 28mph; as recorded for westbound vehicle movements by an ATC survey undertaken 18m to the north of the visibility splay.
- 17.17 The SCC Highways Officer has no objection to the proposed access arrangement as indicated on SK01 Rev G

Parking

- 17.18 The Council's adopted Parking Standards requirements for car parking provision within residential developments are a minimum of 1 space for one and two bed flat units, and 1.5 spaces for three bed flats. The scheme would be required to provide 50 spaces.
- 17.19 Within the site, 33 car parking spaces would be provided. Two of the spaces would be designated disabled spaces. A car club space would also be provided. With reference to the SPD standards, the car parking provision would not be compliant
- 17.20 The application is supported by a Transport Assessment which sets out that as the site is located close to a good network of public transport links, and given the proximity of town centre services and shops to the site, this is considered to be an acceptable provision.
- 17.21 The Transport Assessment utilised the latest data obtained from the 2011 Census, to establish the potential demand for car parking, car and van availability for existing flats within the local area. Applying the car ownership data to the proposed mix of flat units, it recommends that parking be provided to match the Census data findings for the number of households that have access to a vehicle. This would be equivalent to 32 parking spaces.
- 17.22 A parking stress survey was undertaken in the local streets over an extent of around 200m to 250m (plus a couple of streets further afield) over two evenings on the 23rd and 24th June 2020. The survey results indicated a parking stress of 55% on the local streets; however, the survey included Bluegates, which is over a 200m walk from the site and the commercial spaces outside the retail on London Road. As such, the results were examined to remove these streets from the parking stress results. Based on the modified survey area the parking stress rose to 70% averaged between the two night surveys (14-18 spaces unoccupied out of a total of 53 spaces). The applicants submit that this does not represent a high parking stress, which is generally defined as above 85%.

Car Club

17.23 It is also proposed that an additional parking space within the site be designated as a car club bay and an offer would be made to a car club provider (such as Enterprise) to subsidise the first two years of the bay and provide each of the residents with two years free membership to the car club. The provision of the car club bay would provide residents without a parking space a means of utilising a car when required and would also provide access to a car club for the wider area reducing the need for local residents to own a car.

SCC Highways response

17.24 SCC Highways provided a response on 21 January 2021. This required obligations, conditions and informatives. The response also included a comprehensive “notes to planner”. The main points are summarised as follows:

- The Highway Authority will only raise objections regarding parking if there is a shortfall, or in this case, the potential on-street parking of 17 vehicles, that would lead to danger on the adjoining highway. On street parking restrictions within the vicinity of the application site will prevent any on- street car parking associated with the proposed development from occurring in a location likely to cause a highways safety problem. Having reviewed the application and supporting information submitted, it is not considered that the scheme would cause a highway safety issue in this case.
- The provision of a car club vehicle would further reduce the need for residents of the proposed development to own their own vehicle, and would offer a benefit to existing local residents who would also be able to use this facility.
- A new bellmouth access is proposed onto London Road. The access will be subject to a Stage 2 Road Safety Audit at detailed design stage, along with the proposed highway improvement works which are to be provided by the developer (to include provision of pedestrian crossing, bus stop improvement works and widening of the footway to 3m).
- A detailed review of accident data within the vicinity of the proposed access highlights that there have been 19 accidents between Jan 2000 and Sep 2020 on London Road. Although there were 15 accidents between 2000 and 2011 whilst the former Organ and Dragon Inn pub was in operation, none were directed related to vehicles leaving or entering the public house car park. This data therefore does not demonstrate a highways safety problem with vehicles accessing the proposed development site.

- A review of the TRICS database predicts that the proposed development would generate 22 arrivals and 8 departures during the AM peak hour, and 8 arrivals and 4 departures during the PM peak hour. Microsimulation modelling has been carried out by the applicant to determine whether this would have a significant impact on the operation of the highway. The modelling passed Surrey County Council's audits. Review of the modelling outputs demonstrates that the confidence intervals for the 2025 reference and 2025 development case overlap and are therefore not statistically different from one-another and so the journey times in the 2025 development case are not beyond the realms of daily variation and therefore the proposed development would not have a significant impact on the operation of the existing highway network.

Officer Comments

- 17.25 Any potential impact on amenity arising from the lack of on-site parking is therefore a matter for the Council to consider in this instance in light of its own parking policy and the level of perceived impact.
- 17.26 In this case, the amenity impact of a potential seventeen displaced vehicles in the surrounding highway network, is identified by Officers as adverse to the amenities of nearby residents. It should be considered together with the need to optimise the site, the evidence of likely car ownership provided by the applicant, the sustainable location of the site, with access to a range of non-car modes of transport and measures, which are to be put in place to encourage sustainable modes. The negative impact is not considered by Officers to be a sufficient reason to refuse permission in its own right and should be weighed against the proposal in the final planning balance.
- 17.27 In-line with SCC standards electric charging points are to be installed on 20% of all parking spaces. This would be secured by a condition.
- 17.28 Provision for the storage of 54 cycles is included within the proposal, a condition is recommended to secure the provision of this prior to occupation
- 17.29 A condition requiring the submission of a Car Parking Management Plan setting out provisions for the management and use of the proposed parking is recommended, should permission be granted
- 17.30 It is concluded that the proposal would strike an acceptable balance between parking on site and sustainable modes of transport and would be acceptable in respect of its parking provision and impact on the highway. The non-compliant level of parking is therefore given minor negative weight in the planning balance

Servicing and Refuse

17.31 The Transport Statement confirms that a 11.2m refuse vehicle could enter and turn within the site. (Drawing SK02 Rev E) Two communal refuse stores would be provided, one for each core. Both bin stores would be accessed from the rear courtyard.

Sustainability of the Site

17.32 The site is well served by bus services serving local destinations within a very short walk of the site. The local bus routes provide access to Epsom, Ewell and Morden among other locations. Ewell West and Ewell East railway stations are located 0.7 and 0.8 mile walks from the site respectively. These routes provide services to central London and other local and national destinations. The site is 44m from the Ewell By-Pass Local Centre. The Local Centre provides access to a mix of shops and services across its 14 retail units

17.33 Consequently, it is considered that residents would not necessarily be reliant on the use of a car for typical daily journey purposes and would have a range of alternative modes of transport, including bus, cycling and walking.

18 Refuse

18.1 In addition to safety and capability of refuse vehicles to access the site, 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.

18.2 Two communal refuse stores would be provided, one for each core. Both bin stores would be accessed from the rear courtyard. 515 litres/ property has been allocated for refuse and recycling materials, which would meet the council's guidance of 500 litres/ property: -

- 6 x 1100 litre refuse bins
- 12 x 1100 litre mixed recycling bins
- 10 x 240 litre glass (bottles & jars) recycling bins
- 6 x 180 litre food waste recycling bins

18.3 Residents would not be required to carry waste and recycling more than 30metres to the storage area.

18.4 The EEBC Waste Manager has raised no objection to the proposed refuse storage/collection arrangement

19 Landscaping

- 19.1 Chapter 15 of the Framework 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.
- 19.2 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.
- 19.3 A Landscape Proposal by Neil Tully Associates has been submitted in support of the application.
- 19.4 An indicative landscape plan (Drawing No DO398_002) shows that new planting is proposed along the side and rear boundaries and within the site. This would include 1.2m of planting at the majority of boundaries of residential properties, 1.2m along Ewell By-Pass, 1.2-2.3m along London Road, and a large area of planting on the corner of London Road and Ewell By-Pass. An additional buffer of 1m of grassed space would be provided around the buffer planting along the public highway.
- 19.5 Proposed hard landscaping details are also indicated on Drawing No DD0398_001.
- 19.6 The Local Planning Authority's Tree Officer commented on this application on 17.11.2020. The response sets out:
- 19.7 The fundamental objection to the proposed development concerns the insufficient provision of landscape space that has been designed to accompany a building of this scale and how this lack of landscaping will have an adverse impact on both the environmental and amenity quality of the setting.

- 19.8 The proposed high rise building to six storeys on one-side of the junction, despite the stepped façade, will look visually obtrusive, urban in context and add to the canyon effect of traffic pollution. To mitigate the urban contours and provide some level of environmental improvement it will be necessary to provide a substantial landscape buffer where large canopy trees can be successfully established. Large canopy trees in this setting are necessary to enhance the street elevation, harmonise with the scale of the high rise building, absorb pollution, improve air quality, mitigate climate change and generally make the site more appealing and livable. Currently, the narrow landscape strips for planting together with the broad enclosure with hard surfacing will not allow sufficient rooting or growing space for successful large trees and shrub establishment.
- 19.9 The minimum width of landscape buffer border that should face Ewell By Pass should be at least 4m in width and 3m in width adjoining London Road. It needs to be demonstrated that sufficient size tree pits can be created to ensure maximum tree growth given that the ground will be compacted urban soil.
- 19.10 Officers acknowledge that in its current form the scheme would not provide landscape borders of sufficient width to meet the Tree Officer's requirements. However, it is considered that the proposal would provide an acceptable balance between the relatively limited landscaping provision and the need to optimise the site. The proposed landscaping is therefore assigned minor negative weight in the planning balance.
- 19.11 It is recommended a condition be imposed to secure hard and soft landscaping details, should planning permission be granted

20 Ecology/Biodiversity

- 20.1 Chapter 15 of the Framework 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.
- 20.1 Policy DM4, seeks to ensure that every opportunity should be taken to secure net benefit to the Borough's biodiversity.
- 20.2 The application is supported by a Preliminary Ecological Appraisal and Bat Survey, undertaken by Wychwood Environmental Ltd. The report confirmed that the proposed development will not cause any detrimental impact to protected species or habitats and proposed a number of mitigation methods including bird boxes and bee bricks, which would be incorporated into the detailed design of the scheme.

- 20.3 A further Reptile Survey was also undertaken by Wychwood. This confirmed that the site does not support reptiles. However, the availability of suitable habitat means that the presence of reptiles cannot be discounted, and mitigation steps are therefore outlined for future works.
- 20.4 The landscaping scheme includes a green/turf roof. Green turf based roofs would maximise biodiversity gains through the use of species-rich grassland turfs which would include wildflower species of value to local wildlife. (A green turf rather than sedum roof, is likely to provide greater biodiversity benefit)
- 20.5 Subject to appropriate conditions, the scheme would comply with Policy DM4.

21 Sustainable Design

- 21.1 Paragraph 149 of the Framework states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.
- 21.2 Policy CS6 (Sustainability in New Developments) of the Council's LDF Core Strategy (2007) states that the Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development e.g. by using an appropriate layout, building design and orientation; minimise the energy requirements of construction; and encourage the use of renewable energy by the incorporation of production facilities within the design of the scheme.
- 21.3 A detailed Energy & Sustainability Report has been provided by Envision in support of this application.
- 21.4 The proposed development would incorporate a range of sustainable design measures to contribute to a sustainable environment in accordance with Policy CS6 and the Sustainable Design SPD (2016).
- 21.5 The proposed development would incorporate provision for 63 0.34kWp photovoltaic panels on the roof of the building which together would generate 18,499 kWh renewable electricity per annum, contributing 10.3% to the developments energy needs and leading to an overall 28.79% reduction in CO2 emissions below a Part L baseline. (Further information on energy efficiency measures is included in the Sustainability Statement prepared by Envision Energy Consultants)
- 21.6 Furthermore, as set out in the Sustainable Drainage Report prepared by EAS, the proposed development would include SUDS measures to reduce the volume and rate of surface water run-off and water contribute to improving water quality in accordance with Policy CS6 and DM19.

21.7 The SCC Sustainable Drainage Officer, in a letter dated 10 August 2020, raised no objection to the proposed SuDS scheme.

22 Planning Obligations

Community Infrastructure Levy

22.1 The scheme would be CIL liable

S106 Legal Agreement

22.2 The developer has agreed to a Section 106 agreement to settle obligations relevant to the application. The agreed obligations are as follows:

- Provision of 12 affordable housing units
- A commuted sum of £149,000 in lieu of on-site provision of an affordable unit
- Provision of a car club
- Highway Works – confirmation of the Section 278 highways agreement and the associated works

S278 Legal Agreement

22.3 The access works, improved bus stop infrastructure, proposed footway improvements and signal crossing improvements would all form part of the S278 Agreement with the highway authority.

23 Planning Balance and Conclusion

23.1 The tilted balance in paragraph 11 of the Framework 2019 is engaged because the Council cannot demonstrate a five-year supply of deliverable housing sites and has failed to deliver sufficient housing in recent years. Furthermore, some of the policies (DM11 and DM13) that are important for the determination of this application are not consistent with the expectations outlined in the Framework.

23.2 The provision of 45 units would provide a significant public benefit, which weighs in favour of the scheme. The proposal is held to be a sustainable development which will contribute positively, Paragraph 59 of the Framework 2019 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The provision of additional housing comprises a substantial social benefit.

- 23.3 The provision of affordable housing in developments is afforded significant weight in the planning balance. The provision of 12 units would represent a 27% provision compared to a policy compliant (40%) provision of 18 units. However the proposed 12 affordable housing units would exceed para 64 of the NPPF's requirement that at least 10% of the homes should be available for affordable home ownership. The provision of 12 affordable units is therefore given positive weight in the planning balance.
- 23.4 The conflict with Policy DM11 in terms of maintaining a density of 40 dwellings per hectare is given minor negative weight as this policy is considered to be inconsistent with the expectations reflected in para 123 (a)(b) of the Framework.
- 23.5 The conflict with Policy DM22 Housing Mix is given minor negative weight as it is considered that the proposed housing mix reflects the optimum use of the site and provides for an identified housing need.
- 23.6 The conflict with Policy DM5 is given minor negative weight as it is considered that the proposed landscaping reflects the optimum use of the site
- 23.7 The amenity impact of the overspill parking , due to a shortfall of policy compliant on-site parking provision, is given limited weight against the scheme, due to the highly sustainable location of the site, with access to a range of non-car modes of transport and measures which are to be put in place to encourage sustainable modes. The provision of policy compliant on-site parking would reduce the optimisation of the site for residential use, an important objective in view of housing need. In addition, other benefits must also be identified, these being economic from the construction project and CIL and others secured by planning conditions such as biodiversity enhancement and sustainability improvements.
- 23.8 Taking all of these matters into account, including all other material considerations, it is found that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the NPPF 2019 as a whole and that the proposal represents sustainable development.

24 Recommendation

Part A

24.1 Subject to a legal agreement being completed and signed by the 22nd July 2021 to secure the following heads of terms:

Affordable Housing

- The provision of 12 affordable housing units : 7 units (4 x 3 Beds, 2 x 2 Beds and 1 x 1 Bed units (Social Rented), and 5 units comprising 5 x 1 Bed units (Shared Ownership)
- A commuted sum of £149,000 in lieu of on-site provision of an affordable unit

Car Club

- Details of a Car Club Scheme with the Car Club Operator to be submitted to Council for approval and thereafter to implement such approved scheme before the Occupation of any Dwelling to the Council's reasonable satisfaction

The Car Club Scheme will:

- (a) ensure the dedication retention and maintenance of the Car Club Space and that the Car Club Space shall not be used for any other purpose for a minimum of three years from the date of the sale / disposal of the last Dwelling to be sold / disposed of
 - (b) provide one Car Club Vehicle for use by the Car Club Scheme
 - (c) ensure that the Car Club Vehicle is accessible on a 24 hour basis to both residents and non-residents of the Development.
 - (d) provide for the Car Club Operator to market the Car Club Scheme for a period of three years from the date of implementation of the approved Car Club Scheme
 - (e) meet the full costs of three years membership and of eight driving hours for each flat unit
 - (f) appoint an accredited Car Club Operator for the Car Club Scheme
 - (g) provide on request information to the Council concerning the usage by residents of the Development of the Car Club Scheme
- There shall be no occupation of the development until the details of the agreement with the Car Club Operator have been approved by the Council and entered into with the Car Club Operator.
 - In the event that the Owner does not:
 - (a) enter into an agreement with the Car Club Provider; and or
 - (b) deliver the Car Club Scheme and the Car Club Space

the Owner shall pay the Car Club Contribution on or before Occupation of the Development.

- There shall be no occupation of the development until the Car Club Scheme has been provided, or the Car Club Contribution has been paid in full to the Council.

Off-Site Highway works

- Prior to the commencement of the development hereby permitted to submit for the written approval of the Local Planning Authority, in consultation with the Highway Authority, details of push button controlled pedestrian crossing facilities on London Road. The approved crossing facilities shall be provided prior to first occupation of the development.
- Prior to the first occupation of the development hereby permitted the provision of a 3m wide footway on both the London Road and Ewell Bypass frontages of the site to be dedicated as public highway, in general accordance with drawing 346 (SP) 03.

Bus Infrastructure

- Prior to the commencement of the development hereby permitted to submit for the written approval of the Local Planning Authority, in consultation with the Highway Authority, details of improved bus stop infrastructure at both the A24 north-side bus stop and A24 south-side bus stop to include shelters and Real Time Passenger Information. The approved bus stop infrastructure shall be provided prior to first occupation of the development.

Monitoring Fee

- A s106 monitoring fee in respect of legal costs associated with the monitoring/implementation of the obligations in the s106 agreement in the sum of £1,500, to be paid to the Council upon commencement of the development

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

Part B

24.2 In the event that the section 106 Agreement referred to in Part A is not completed by 22nd July 2021, 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 12 on site affordable housing units, and a commuted sum of £149,000 in lieu of the on-site provision of an affordable unit.

Condition(s):

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

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

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

Location Plan 346 (SP) 01

Existing Site Plan 346 (SP) 02

Proposed Site Plan 346 (SP) 03

Proposed Ground Floor Site Plan 346 (SP) 04

Proposed Ground Floor Plan 346 (GA) 00

Proposed First Floor Plan 346 (GA) 01

Proposed Second Floor Plan 346 (GA) 02

Proposed Third Floor Plan 346 (GA) 03

Proposed Fourth Floor Plan 346 (GA) 04

Proposed Fifth Floor Plan 346 (GA) 05

Proposed Roof Plan 346 (GA) 06

Proposed South East (London Road) Elevation 346 (GA) 10

Proposed South West (Ewell By-Pass) Elevation 346 (GA) 11

Proposed North West (Rear) Elevation 346 (GA) 12

Proposed North East (Side) Elevation 346 (GA) 13

Proposed NE (Side) & SW (Side) Elevations - NE Block 346 (GA) 14

Existing Streetscape Elevations 346 (GA) 20

Proposed Streetscape Elevations 346 (GA) 21

Drainage Strategy, Waterman, July 2020, revision -, document reference: WIE17307-100-R-1-1-3-DS

Preliminary Investigation report, Soils Ltd, July 2020, document reference: 18316/PIR_R26/V1

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

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

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

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

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

- (5) Prior to commencement of works section drawings through balconies, parapets, reveals, soffits, lintel and cills at a scale of 1:5 shall be submitted to the local planning authority. No works shall commence until these specifications are approved and shall carried out in accordance with the approved specifications.**

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

- (6) The windows in the flank and rear elevation of Flat No G-8, 1-11 and 2-11, of the development hereby permitted, shall be glazed with obscure glass of no less than obscurity level 3 and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall thereafter be permanently retained as such.

Reason: To safeguard the privacy of the occupants of adjoining properties in accordance with Policy DM10 of the Development Management Policies 2015.

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

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

- (8) No development, above ground floor slab level, shall commence until a scheme of hard and soft landscaping has been submitted to the Local Planning Authority for approval, which shall include details of all existing trees on the land, and details of any to be retained, together with measures for their protection, in the course of development. The scheme shall indicate the location and species of plants and trees to be planted on the site. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the final occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees of planted removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation

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

- (9) The development must be carried out in accordance with the submitted Noise Assessment Report by Sustainable Acoustics

document reference Report No. 20-0065-0 R01a dated 1 July 2020. The recommended mitigation measures within the report to ensure that the building design complies with the requirements of BS 8233 : 2014 must be implemented in full and retained thereafter

Reason: To protect the occupants of the development hereby approved from noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015

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

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

- (11) The development hereby approved shall be carried out in accordance with the protection, mitigation and enhancement measures detailed in the Ecological Appraisal, by Wychwood Environmental Ltd, dated May 2020, prior to the first occupation of the development and/or in accordance with the approved timetable detailed in the ecological assessment and plan. The approved measures shall thereafter be maintained

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

- (12) 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.

- (13) Unless otherwise agreed by the Local Planning Authority, the following must be undertaken following demolition and prior to

occupation of the new development, in accordance with current best practice guidance:

A site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas and contaminants (including asbestos and hydrocarbons) with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the local planning authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority. If ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site and verification report shall incorporate the approved additional measures.

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

- (14) The development hereby approved shall not be first occupied unless and until the facilities for the secure parking for a minimum of 54 bicycles within the development site have been provided in accordance with the approved plans and thereafter shall be retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy 2007.

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

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

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

Reason: 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 36 Sustainable Transport for New Development, of the Epsom & Ewell Borough Council Development Management Policies Document September 2015.

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

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy 2007.

- (18) The development hereby approved shall not be first occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the access to London Road, the depth measured from the back of the footway and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy 2007.

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

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy 2007.

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

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy 2007.

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

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

(b) loading and unloading of plant and materials

(c) storage of plant and materials

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

(e) provision of boundary hoarding behind any visibility zones

(f) HGV deliveries and hours of operation

(g) vehicle routing

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

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

(j) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: In order that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy 2007.

- (22) Prior to the occupation of the development a Car Park Management Plan shall be submitted for the written approval of the Local Planning Authority and then the approved Car Park Management Plan shall be implemented and for each and every subsequent occupation of the development, to the satisfaction of the Local Planning Authority

Reason: To ensure the efficient and functional use of the car parking area, to safeguard the amenity of future occupiers of the approved development and to ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy DM10, DM37 of the Development Management Policies Document 2015 and Policy CS16 of the Core Strategy 2007

- (23) The development shall be carried out in strict accordance with the sustainable design measures contained in the Energy and Sustainability Report prepared by Envision, dated 1 July 2020, prior to the first occupation of the building, and shall be maintained as such thereafter and no change shall take place without the prior written consent of the local planning authority.**

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

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

a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.

b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent of 1l/s.

c) 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.).

d) 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.

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

f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

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

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

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

Informative(s):

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 38 of the National Planning Policy Framework 2019.**
- (2) This form of development is considered liable for the Community Infrastructure Levy (CIL). CIL is a non-negotiable charge on new developments which involve the creation of 100 square metres or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100 square metres. The levy is a standardised, non-negotiable charge expressed as pounds per square metre, and are charged on the net additional floorspace generated by a development. You will receive more information regarding the CIL in due course.**

More information and the charging schedule are available online:

<http://www.epsom-ewell.gov.uk/NR/exeres/74864EB7-F2ED-4928-AF5A-72188CBA0E14,frameless.htm?NRMODE=Published>

- (3) The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see:

<http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>.

The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see

www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice.

- (4) 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)
- (5) The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment
- (6) 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
- (7) 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

- (8) 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**
- (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**