

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

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

## **1 Plans and Representations**

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

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

## **2 Summary**

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

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

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

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

### **3 Site description**

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

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

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

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

### **4 Proposal**

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

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

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

## **5 Revisions**

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

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

## **6 Comments from third parties**

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

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

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

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

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

## 7 Consultations

7.1 **Surrey County Council Highways:** No objections subject to imposition of conditions and S278 legal agreement.

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

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

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

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

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

## 8 Relevant planning history

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

## 9 Planning Policy

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

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

### Core Strategy 2007

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

### Development Management Policies 2015

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

### Supplementary Planning Document 2015

Parking Standards for Residential Development

### Shopfront design Guide (May 2012)

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

Parking Standards for Residential Development SPD (2015)

Surrey County Council Vehicular and Cycle Parking Guidance (2018)

Revised Sustainable Design SPD (2016)

Epsom Town Centre Conservation Area Appraisal (2009)

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

## **10 Planning considerations**

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

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

### Presumption in Favour of Sustainable Development

10.2 The National Planning Policy Framework 2019 (“NPPF”) was updated in February 2019 and sets out the Government’s planning policies for England and how they should be applied. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development.

10.3 Paragraph 12 of the NPPF (2019), stipulates that development proposals which accord with an up-to-date development plan should be approved and where a proposal conflicts with an up-to-date development plan, permission should not usually be granted.

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

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

#### Housing Need

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

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

Impact on Heritage Assets

- 10.18 Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 impose a statutory upon local planning authorities to consider the impact of proposals upon Listed Buildings and Conservation Areas.
- 10.19 Additionally, the NPPF (2019) (as amended) attaches great importance to the conservation and enhancement of the historic environment. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 10.20 Paragraph 194 of the NPPF (2019) states [inter alia] that any harm to the significance of a designated heritage asset requires clear and convincing justification. It should also pass certain tests depending on the magnitude of harm caused. Where less than substantial harm would be caused, Local Planning Authorities must weigh the public benefits delivered by the proposals against the harm caused (paragraph 196).
- 10.21 Paragraph 200 of the NPPF (2019) states [inter alia] that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset, or better reveal its significance) should be treated favourably.
- 10.22 Paragraph 201 of the NPPF (2019) states [inter alia] that *'Loss of a building which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 195 or less than substantial harm under 196 as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole'*.
- 10.23 Policy DM8 (Heritage Assets) of the LDF Development Management Policies Document (2015), set outs the Council's intention to resist the loss of our Heritage Assets and take every opportunity to conserve and enhance them. It states that development proposals that involve, or have an effect upon Heritage Assets must establish the individual significance of the Asset as part of the application or consent process. As part of the assessment process the significance of the Asset will be taken into account (namely whether it is a designated Heritage Asset or a non-designated Heritage Asset) when determining whether the impact of any proposed development is acceptable.

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

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

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

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

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

*Officers Assessment*

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

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

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

#### Design and Visual Impact

- 10.46 The NPPF (2019) attaches great importance to the design of the built environment. In particular, paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

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

*Height and Massing*

- 10.53 Policy DM13 (Building Heights) of the LDF Development Management Policies Document (2015) states [inter alia] that buildings higher than 12 metres will be inappropriate in all areas of the Borough except the identified areas within the Epsom Town Centre Boundary where buildings up to a maximum height of 16 metres will be allowed in certain locations.
- 10.54 However, as set out in this report, in May 2018, the Licensing and Planning Policy Committee took a decision to set aside Policy DM11 (Housing Density) and Policy DM13 (Building Heights). This was on the basis of the aforementioned policies restricting opportunities for growth in the Borough. It should be noted that these policies still remain part of the development plan, however they are afforded limited weight in the decision making process and have regard to the presumption of sustainable development.
- 10.55 The properties surrounding the site are of a mixed composition varying between apartments blocks of 4 storey immediately adjacent and up to a maximum of 5 storeys in height towards the station. Within the town centre the majority of buildings feature ground floor retail. To the north of the site is a railway embankment and the properties is approximately 200 metres from Epsom Railway Station.
- 10.56 The site is located within Epsom Town Centre Conservation Area and to the south and east of the site there are multiple listed buildings with a direct view of the site. Accordingly, the applicant supported this application with a Townscape Assessment picking up key views across the town so that a robust judgement of the proposals impacts could be ascertained.
- 10.57 The new building would have a greater presence than the existing dwellings by virtue of greater bulk, height and massing but is not considered to give rise to cause harmful appearance in longer views. To the contrary it has the potential to become a positive marker.
- 10.58 The proposed building to its southern elevation on West Street would have three distinctive height difference. The central glazed feature would measure up to approx. 28m at its peak. The uppermost floor would measure a maximum of 25 m in height and the 7th recessed floor would measure a maximum of 22 m in height. The Central feature with its peak would serve to articulate the junction and provide a distinctive and dominant element on the corner. The stepped 'elevations' would have interested windows and balconies detailed features which would visually reduce the bulky appearance. The top floors to the blocks at the edges of the site would be stepped back to further reduce mass at the extremities of the building.
- 10.59 In order to address the variations in height, the proposal includes a series of steps and set-backs which would create visual relief and a transition between the highest peak and the lowest ridge levels.

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

### *Materials*

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

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

#### Impact upon Neighbouring Residential Amenity

- 10.67 Policy CS5 of the Core Strategy (2007) and Policy DM10 (Design Requirements for New Developments, including House Extensions) of the Development Management Policy Document (2015) sets out that development proposals will be required to incorporate principles of good design. Development proposals should also have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.
- 10.68 Given the proposed height and form of the building, it is key to consider the impact upon surrounding residents from the physical building in terms of outlook, daylight/sun lighting and privacy.
- 10.69 The proposed development is not located in close proximity to residential properties. It is an island site and would be separated from all other building by the railway embankment, West Street and Station Approach. It would not be located in a location that would result in the loss of outlook nor would it create a 'sense of enclosure' to any neighbouring properties.
- 10.70 The proposed development would be greater than 23 metres separation distance from the nearest neighbouring dwelling house which is the front/side elevation of No. 2 West Hill and separated by the railway embankment. This meets council guidance that states that rear facing window to rear facing window should be a minimum of 21 metres distance from each other. Notwithstanding the above, due to the location of the railway embankment and the staggered height of the scheme the majority of the gardens will be screened from properties within these separation distances. Floors 5 and above of the proposed development would be a minimum of 25 metres from the neighbouring property.
- 10.71 In addition, the applicant supported the application with a Daylight and Sunlight Assessment which concludes that the proposed residential accommodation will provide occupants with acceptable levels of daylight and sunlight in-line with the BRE's guidelines. For sunlight analysis, all of the proposed rooms would satisfy the BRE annual sunlight guidelines and all rooms apart one would adhere to the winter guidelines.

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

#### Privacy/Overlooking

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

#### Daylight and Sunlight

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

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

#### Affordable Housing

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

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

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

#### Quality of Accommodation

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

Amenity Space

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

Housing density

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

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

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

#### Housing Mix

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

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

#### Highways, Parking and Cycle Parking

- 10.125 Paragraph 109 of the NPPF (2019) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.126 Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007) encourages development proposals that foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities.
- 10.127 The policy further emphasises that development proposals should provide safe, convenient and attractive accesses for all, including the elderly, disabled, and others with restricted mobility and be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements.
- 10.128 Furthermore, the policy stipulates that development proposals must ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, not materially increase other traffic problems.
- 10.129 Policy DM37 (Parking Standards) of the LDF Development Management Policies Document (2015) seeks to ensure that new schemes provide an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. It further states that the Council will consider exceptions to this approach if an applicant can robustly demonstrate that the level of on-site parking associated with the proposal would have no harmful impact on the surrounding area in terms of streetscene or availability of on-street parking.

#### *Access and traffic*

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

#### *Parking*

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

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

#### *Car Club*

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

#### *SCC Highways response*

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

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

*Officer Comments*

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

Refuse and Recycling Facilities

- 10.145 Policy CS6 (Sustainability in New Developments) of the LDF Core Strategy (2007) sets out [inter alia] that proposals for development should result in a sustainable environment and to conserve natural resources, waste should be minimised and recycling encouraged. Development should incorporate waste management processes.
- 10.146 Annex 2 of the Council's Revised Sustainable Design SPD (2016) sets out the refuse and recycling requirements for flatted development. It states [inter alia] that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers to be stored and manoeuvred and be within 6 metres of the public highway. It further states that if more than four 240 litre bins are to be emptied, then the collection vehicle should be able to enter the development to avoid the risk of obstructing traffic.
- 10.147 The proposed refuse and recycling stores (one for each core) have been designed so that they are integral to the building. These would be accessed from the car park. It is proposed that 516 litres/flat has been allocated for refuse and recycling materials as follows:
- 3 x 1100 litre Eurobins for refuse
  - 5 x 1100 litre mixed recycling bins
  - 1 x 1100 litre glass recycling bin
  - 7 x 1100 litre refuse/recycle Eurobins for the Commercial units.

Landscaping

- 10.148 Policy DM5 (Trees and Landscape) of the LDF Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by [inter alia]:
- continuing to maintain trees in streets and public open spaces and selectively removing, where absolutely necessary, and replacing and replanting trees; and
  - requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature trees and other planting.
- 10.149 The application is accompanied by an Arboricultural Impact Assessment Report prepared by Sharon Hosegood Associates. The report confirms that there are no trees existing on the site, however, there are very low-quality small trees and large stumps at the top of the boundary wall adjacent to the train line at the rear of the site. There are also several mature trees along West Street.

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

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

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

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

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

#### Biodiversity and Ecology

10.153 Policy CS3 (Biodiversity and Nature Conservation Areas) of the LDF Core Strategy (2007) sets out that development that is detrimental to the Borough's biodiversity will be minimised, and where it does take place, adequate mitigating measures should be provided. Wherever possible, new development should contribute positively towards the Borough's biodiversity.

- 10.154 Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015) seeks to ensure that new development takes every opportunity to enhance the nature conservation potential of a site and secure a net benefit to biodiversity. It sets out that development affecting any site or building that supports species protected by Law including their habitats, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the identified species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity.
- 10.155 The applicant has submitted a Bat Survey Report dated July 2019 and prepared by Ethos. The Council's Ecology Officer has advised that generally this development has little potential for impacting biodiversity. The Ecology Officer further stated that the main issues are that the bat survey needs to be updated, the previous survey found nesting birds so a condition relating to the issue of nesting birds is required, also in line with all applications biodiversity enhancements such as birds boxes and bat boxes should be included in the new build and included in a condition.
- 10.156 It is considered that further details should be secured via a planning condition to enhance the biodiversity of the site in accordance with Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015).

#### Sustainability

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

#### Flood Risk and Surface Water Drainage

- 10.160 Paragraph 163 of the NPPF (2019) states that when determining any planning applications, LPAs should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

- 10.161 Paragraph 165 of the NPPF (2019) sets out that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
  - b) have appropriate proposed minimum operational standards;
  - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
  - d) where possible, provide multifunctional benefits.
- 10.162 Policy CS6 (Sustainability in New Developments) of the LDF Core Strategy (2007) states that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development [inter alia] avoids increasing the risk of, or from flooding.
- 10.163 Policy DM19 states that the Council will expect development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SuDs) at a level appropriate to the scale and type of development.
- 10.164 The site is located within Flood Risk Zone 1 (Low Probability of Flooding) and the rear of the site falls partly within a Critical Drainage Area. The site is 0.124 hectares in size.
- 10.165 The applicant has submitted a Flood Risk Assessment and Drainage Strategy [prepared by Waterman Infrastructure & Environment Limited].
- 10.166 The applicant has submitted a Flood Risk and Surface Water Management Statement (Including Drainage Strategy), submitted by Ardent Consulting Engineers, July 2019.
- 10.167 Surrey County Council Lead Local Flood Authority (LLFA) has reviewed the proposal and recommended conditions. Subject the implementation of these conditions the LLFA has no objections.
- 10.168 The applicant has submitted a Desk Study/Preliminary Risk Assessment Report' (PRA) by Jomas (reference P1481J1366/TE v1.0 dated 27 April 2018). The document indicates a Moderate risk to Controlled Waters from potential ground contamination and recommends an intrusive investigation to assess this. The Environment Agency has recommended conditions.
- 10.169 The site is located in a flood risk zone 1 (Low probability – NPPF Flood Zone Classifications). Therefore neither the sequential test nor the exceptions test need to be applied.

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

#### Land Contamination

- 10.172 Paragraph 180 of the NPPF (2019) states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 10.173 Policy DM17 (Contaminated Land) of the LDF Development Management Policies Document (2015) states [inter alia] that where it is considered that land may be affected by contamination, planning permission will only be granted if it is demonstrated that the developed site will be suitable for the proposed use without the risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.
- 10.174 The applicant has submitted a Desk Study/Preliminary Risk Assessment Report' (PRA) by Jomas (reference P1481J1366/TE v1.0 dated 27 April 2018). Preliminary Investigation Report (Ref. 18318/PIR\_R26/V1.0). The Council's Contaminated Land Officer has reviewed this and agrees that an intrusive investigation is required. This aspect will be secured via a planning condition.

#### Archaeology

- 10.175 Paragraph 189 of the NPPF (2019) states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 10.176 Policy CS5 (Conserving and Enhancing the Quality of the Built Environment) of the Core Strategy (2007) sets out that the Council will protect and seek to enhance the Borough's heritage assets including (inter alia) archaeological remains. The settings of these assets will be protected and enhanced.

- 10.177 Policy DM8 (Heritage Assets) of the LDF Development Management Policies Document (2015) seeks to resist the loss of Heritage Assets and instead promote the opportunity to conserve and enhance these. Specifically, on any major development site of 0.4ha or greater, applicants are required to undertake prior assessment of the possible archaeological significance of a site and the implications of the proposals.
- 10.178 The County Archaeological Officer has reviewed the scheme and has recommended conditions as mitigation measures.

#### Impacts Upon Railway Network

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

#### Fire Safety

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

#### Community Infrastructure Levy (CIL)

- 10.181 The proposal will be CIL liable.

#### Legal Agreements

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

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

## 11 Conclusion

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

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

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

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

## 12 Recommendation

### Part A

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

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

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

### Part B

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INFORMATIVE(S)

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

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

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

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

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

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

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

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

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

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

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

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

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

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