

**Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber, Epsom Town Hall on 14 December 2023**

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**PRESENT -**

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

Absent: Councillor Humphrey Reynolds and Councillor Bernie Muir

Officers present: Angela Watson (Senior Solicitor), Simon Taylor (Planning Development & Enforcement Manager), Virginia Palmer (Principal Planning Officer) (Items 26-30 only), Gemma Paterson (Principal Planning Officer), and Dan Clackson (Democratic Services Officer)

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**26 VICE-CHAIR ACTING AS CHAIR**

In light of the apologies provided by the Chair, Councillor Humphrey Reynolds, and in his absence from the meeting, the Vice-Chair, Councillor Steven McCormick, announced to the Committee that he would preside as the Acting Chair of the meeting.

**27 APPOINTMENT OF THE ACTING VICE-CHAIR**

In the absence of a Vice-Chair, the Committee unanimously elected to appoint Councillor Phil Neale as Acting Vice-Chair for the meeting.

**28 DECLARATIONS OF INTEREST**

No Disclosable Pecuniary Interests were declared by Members with respect to any item of business to be considered at the meeting.

**29 MINUTES OF THE PREVIOUS MEETING**

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on the 9 November 2023 and authorised the Chair to sign them.

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

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

**Description:**

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

**Officer Recommendation:**

Approval, subject to conditions, informatives, and s106 legal agreement.

**Decision:**

Following consideration, Councillor Phil Neale proposed that an informative be added to address the timings of staff shift swap-overs and any actions the applicant could take in order to mitigate the impact on the local area in terms of the traffic generated by the staff coming to and leaving the site.

The proposal did not receive a seconder and consequently the motion was lost.

Following further consideration, the Acting Chair put the Officer recommendation to the vote. The Committee resolved (5 in Favour, 3 Against, and the Acting Chair not voting):

**PART A**

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

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

**and the following conditions and informatives.**

**PART B**

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

**“In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990, the applicant has failed to comply**

**with Policy SC9 and CS16 of the Core Strategy 2007 and Policies DM36 and DM37 of the Development Management Policies Document 2015.”**

**Conditions:**

**(1) Timescale**

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

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

**(2) Approved details**

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

420(SP)03 Rev P00 - Proposed Site Plan

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

GA 420(GA)01 Rev P00 - Proposed Basement Floor GA

420(GA)02 Rev P00 - Proposed Ground Floor GA

420(GA)03 Rev P00 - Proposed First Floor GA

420(GA)04 Rev P00 - Proposed Second Floor GA

420(GA)05 Rev P00 - Proposed Third Floor GA

420(GA)06 Rev P01 - Proposed Fourth Floor GA

420(GA)07 Rev P00 - Proposed Roof Plan GA

420(GA)20 Rev P00 - Proposed Elevations GA - Proposed Streetscapes

420(GA)21 Rev P00 - Proposed Elevations GA – Southwest

420(GA)22 Rev P00 - Proposed Elevations GA – Southeast

420(GA)23 Rev P00 - Proposed Elevations GA – Northwest

420(GA)24 Rev P00 - Proposed Elevations GA – Northeast

D0456\_001\_C - Landscape Proposal Hard works

D0456\_002\_D - Landscape Proposal Soft works

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

**(3) Materials**

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

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

**(4) Construction Transport Management Plan**

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

- a) parking for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials
- d) programme of works
- e) provision of boundary hoarding behind any visibility zones
- f) HGV deliveries and hours of operation
- g) vehicle routing
- h) measures to prevent the deposit of materials on the highway
- i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- j) on-site turning for construction vehicles (or measures for traffic management)
- k) has been submitted to and approved in writing by the Local Planning Authority. Only
- l) the approved details shall be implemented during the construction of the development

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the

sustainable development objectives of the National Planning Policy Framework 2023

**(5) Means of enclosure**

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

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

**(6) Travel Plan**

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

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

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

**(7) London Road access**

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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users. To support the

sustainable development objectives of the National Planning Policy Framework 2023

**(8)** EV charging

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

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

**(9)** Car Park Management Plan

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

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

**(10)** SuDS details

The development hereby permitted shall not commence until details of the design of a surface water drainage scheme (with reference to the revised drainage strategy set out in EAS letter dated 8 September 2023) have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non- Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a. Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. Associated storage volumes shall be provided using an infiltration-based strategy.
- b. Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage

elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.). Including details of the rainwater planters.

- c. A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk. Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.
- d. Details of drainage management responsibilities and maintenance regimes for the drainage system.
- e. Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

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

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

**(11) SuDS verification report**

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

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS

**(12) Piling Method Statement**

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

piling must be undertaken in accordance with the terms of the approved piling

**(13)** Nitrogen dioxide assessment

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

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

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

**(14)** Noise treatment details

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

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

**(15)** Internal noise criteria details

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

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



**(16)** Ground/groundwater contamination

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

If ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval, prior to the commencement of development.

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

**(17)** Remediation scheme

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

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

**(18)** Pedestrian splays

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

**(19)** Stopping up of existing access

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

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

**(20) Parking and turning**

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

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

**(21) Cycle parking**

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

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

**(22) Restricting use of car parking spaces**

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

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

**(23) Unexpected contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. In that

event, an investigation and risk assessment must be undertaken and where remediation is deemed necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

**(24)** Hours of work

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

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

**(25)** Compliance with Reptile Survey

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

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

**(26)** Compliance with Sustainability Report

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

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

**(27)** Landscape design proposal

The development shall take place in accordance with D0456\_001\_C - Landscape Proposal Hard works and D0456\_002\_D - Landscape Proposal Soft works. The landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained

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

**Informatives:**

- (1) The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see: <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see: [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice)
- (2) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149)
- (3) The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment
- (4) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of

any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage

- (5) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types
- (6) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway
- (7) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service
- (8) Sub ground structures should be designed so they do not have an adverse effect on groundwater
- (9) If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on SCC LLFA's website. If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards. Sub ground structures should be designed so they do not have an adverse effect on groundwater. If there are any further queries please contact the Flood Risk, Planning, and Consenting Team via [SUDS@surrey.gov.uk](mailto:SUDS@surrey.gov.uk).
- (10) As required by Building Regulations part H, paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- (11) Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharged into the public sewer.
- (12) Thames Water would advise that management of surface water from new development should follow Policy SI 13 Sustainable Drainage of the

London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services would be required,

- (13) Thames Water recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities.
- (14) There are public sewers crossing or close to the Site. If significant work is planned near to the sewers, it's important that you minimise risk of damage. The Applicant is advised to read Thames Water's guide to working near to or diverting pipes.
- (15) Thames Water advises the Applicant that the development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The Applicant is encouraged to read the Environment Agency's approach to groundwater protection and may wish to discuss implications for their development with a suitably qualified environmental consultant.

**31** 140 - 142 RUXLEY LANE, EPSOM,

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

**Description:**

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

**Officer Recommendation:**

Approval, subject to conditions, informatives, and s106 legal agreement.

**Public Speaking:**

An objector spoke against the application.

**Decision:**

Following consideration, the Acting Chair proposed that Condition 3 be amended to include the following:

- j) *methods to facilitate open communication with Epsom and Ewell High School*

For the following reason:

To enable a communication channel between the school and the construction site to allow both parties to keep abreast of any requirements with respect to matters such as delivery times, etc, and to keep the school up to date on building progress.

The proposal was seconded by Councillor Kate Chinn.

The Committee unanimously agreed to the proposal.

Following further consideration, the Acting Chair put the Officer recommendation to the vote. The Committee resolved (4 in Favour, 4 Against, and the Acting Chair exercising his right to a casting vote to vote in Favour):

#### **PART A**

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

#### **PART B**

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

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

#### **Conditions:**

##### **(1) Time Limit**

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

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

##### **(2) Approved Details**

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

Site Location Plan at 1:1250

Drawing Number PL10-002

Drawing Number PL10-003fa

Drawing Number PL10-004a

Drawing Number PL13-001e

Drawing Number PL13-001f

Drawing Number PL13-002g

Drawing Number PL13-003d

Drawing Number PL13-004g

Drawing Number PL13-100g

Drawing Number PL13-101d

Drawing Number PL13-103b

Drawing Number PL13-104c

Drawing Number PL13-120c

Drawing Number PL13-101d

Drawing Number PL30-001e

Drawing Number PL31-001o

Drawing Number PL101z

Drawing Number PL102g

Drawing Number PL40n

Drawing Number PL103g

Drawing Number PL28-001d

Drawing Number DPA-5046-04h

Drawing Number 201249/TR/41 Rev E

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

### **Pre-Commencement Conditions**

#### **(3) Construction Transport Management Plan**

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

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



- b) loading and unloading of plant and materials
- c) storage of plant and materials
- d) provision of boundary hoarding behind any visibility zones
- e) HGV deliveries and hours of operation
- f) measures to prevent the deposit of materials on the highway
- g) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- h) no HGV movements to or from the site shall take place between the hours of 7:45 and 9.15 am and 3.00 and 4.30 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Ruxley Lane or Cox Lane during these times
- i) on-site turning for construction vehicles (or measures for traffic management)
- j) methods to facilitate open communication with Epsom and Ewell High School

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

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

#### **Post Demolition/Pre-Above Ground Conditions**

##### **(4) Materials**

No development (except demolition) shall commence unless and until details of the external materials to be used for the development are submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

##### **(5) Access and Cross Over Provision**

No development (except demolition) shall commence unless and until the proposed access has been constructed, as a heavy duty crossover providing simultaneous two-way entry and exit, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

#### **(6) Tracking Details**

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

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

#### **(7) SuDS Details**

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

- a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 2.3 l/s.
- b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- c) A plan showing exceedance flows (i.e., during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.

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

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

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

### **(8) Landscaping**

No development above ground level shall commence unless and until full details of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

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

### **(9) Ground Contamination**

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

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

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

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

## **Pre Occupation Conditions**

### **(10) Access Closure and Remediation**

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

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

### **(11) Parking and Turning**

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

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

### **(12) Visibility Splay**

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

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2023 and to satisfy policies DM35 and DM36 of

the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

**(13) Electric Vehicle Charging Points**

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

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019 to meet the objectives of the NPPF 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

**(14) Refuse/Recycling Store Details**

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

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

**(15) Cycle Store Details**

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

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019 to meet the objectives of the NPPF 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

**(16) Solar Panels**

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

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

**(17) Drainage Verification Report**

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

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

**(18) Ground Contamination Remediation Scheme**

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

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

**(19) Boundary Treatment Detail**

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

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

**(20) Privacy Screening Details**

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

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

**During and post development conditions**

**(21) Groundwater Remediation Strategy**

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

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

**(22) Compliance with Tree Protection**

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

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

**(23) Compliance with Ecological Report**

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

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

**(24) Compliance with Sustainable Design Measures**

The development shall be carried out in strict accordance with the sustainable design measures contained in Section 6.26 – 6.38 of the Design and Access Statement, prepared by Form Design Group, reference 1726 and dated July 2021, prior to the first occupation of the building, and shall be maintained as such thereafter and no change shall take place without the prior written consent of the local planning authority.

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

**(25) Hours of Work**

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

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

**(26) No Additional Windows/Openings**

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

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

**Informatives:**

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



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

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

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

- (4) The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs. Please refer to:

[www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs)

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

the scale of the works proposed and the classification of the road. Please see: <http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land

Drainage Act 1991. Please see:

[www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).

- (6)** It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.
- (7)** The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to streetlights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
- (8)** The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149).
- (9)** Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
- (10)** A build over agreement with Thames Water is required before development commences as Thames Water believe that the proposed development is within three meters of a public sewer (of which the internal diameter is less than or equal to 150mm). The applicant is advised to contact Thames Water to apply.
- (11)** Thames Water do not permit driven piles within 15m of a public sewer.

**32** 79-81 EAST STREET, EPSOM, SURREY, KT17 1DT

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

**Description:**

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

**Officer Recommendation:**

Approval, subject to conditions, informatives, and s106 legal agreement.

**Public Speaking:**

The Agent spoke in support of the application.

**Decision:**

Following consideration, Councillor Neil Dallen proposed that the application be refused for the following reasons:

Reason: The proposed development would represent an overdevelopment that would fail to respect the pattern of development in the locality and would appear as an overly dominating and incongruous addition that would fail to respect the surrounding built form and the proposal would therefore fail to integrate with the prevailing character and appearance of the area, contrary to Section 12 of the National Planning Policy Framework, CS5 of the Core Strategy, and policies DM9, and 10 of the Development Management Plan.

Reason: It has not been robustly demonstrated that the shortfall in vehicle parking provision associated with the proposed development would not have a harmful impact on the surrounding area in terms of street scene or the availability of on street parking. The proposed development cannot be considered as an exception to the policy and therefore fails to comply with section 9 of the National Planning Policy Framework, and Policies DM10 and 37 of the Development Management Plan.

Reason: The proposal would cause less than substantial harm to the setting of the conservation area for which the public benefits do not outweigh the harm and is contrary to section 16 of the National Planning Policy Framework, Policy CS5 of the Core Strategy and policies DM 8, 9, and 10 of the Development Management Plan.

The proposal was seconded by Councillor Jan Mason.

The Committee voted (2 For, 6 Against, and the Acting Chair not voting) against the proposal, and the motion was lost.

Following further consideration, the Acting Chair put the Officer recommendation to the vote. Subsequently, the Committee resolved (6 For, 2 Against, and the Acting Chair not voting):

#### **PART A**

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

- a) **The provision of 16 affordable rented units with rent limited to 70% of the open market rent (including service charge) in a mix of 5 no. one bed, 9 no. two bed and 2 no. three bed units**
- b) **A clause to prevent occupation or use of the development by a person or person(s) in possession of an Epsom and Ewell Residents Parking Zone Permit**
- c) **S278 Agreement for car-club and management; within six months of the occupation of the first dwelling the provision of a car club vehicle for a minimum of five years, with all costs associated with the provision of the vehicle including provision of parking space on the public highway and pump priming being met by the developer.**

**and the following conditions and informatives.**

#### **PART B**

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

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

#### **Conditions:**

##### **(1) Time Limit**

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

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

**(2) Approved Details**

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

Drawing Number 2429\_PL\_002\_B

Drawing Number 2429\_PL\_100\_C

Drawing Number 2429\_PL\_101\_C

Drawing Number 2429\_PL\_102\_C

Drawing Number 2429\_PL\_103\_C

Drawing Number 2429\_PL\_104\_C

Drawing Number 2429\_PL\_105\_C

Drawing Number 2429\_PL\_106\_C

Drawing Number 2429\_PL\_200\_B

Drawing Number 2429\_PL\_201\_B

Drawing Number 2429\_PL\_202\_C

Drawing Number 2429\_PL\_203\_C

Drawing Number 2429\_PL\_210\_B

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

**Pre-Commencement Conditions**

**(3) Materials**

No development shall commence unless and until details of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

**(4) Construction Transport Management Plan**

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

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

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

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

#### **(5) Ground Contamination**

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

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

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

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

## **(6) SuDS Details**

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

- a) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 0.8 l/s.
- b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- c) A plan showing exceedance flows (i.e., during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

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

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

**(7) Tree Protection Plan**

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

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

**(8) Construction Environmental Management Plan**

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

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

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

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

**Pre-Above Ground Conditions**

**(9) Landscaping**



No development above ground level shall commence unless and until full details of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

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

### **Pre Occupation Conditions**

#### **(10) Parking/Turning**

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

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

#### **(11) Pedestrian Improvements**

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

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

#### **(12) Public Transport Improvements**

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

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

**(13) Electric Vehicle Charging Points**

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

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

**(14) Refuse/Recycling Store Details**

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

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

**(15) Cycle Store Details**

The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes by said facilities have been provided within the development site for 35 bicycles, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

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

**(16) Drainage Verification Report**

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

drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

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

**(17) Privacy Screening Details**

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

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

**During and post development conditions**

**(18) Compliance with Ecological Survey**

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

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

**(19) Compliance with Noise Report**

The proposal shall be carried out in strict accordance with the recommendations of the Noise Assessment, prepared by Love Design Studio, reference PR490\_VO, dated October 2022.

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

**(20) Compliance with Sustainable Design Measures**

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

building, and shall be maintained as such thereafter and no change shall take place without the prior written consent of the local planning authority.

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

**(21) Hours of Work**

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

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

**(22) Obscure Glazing**

The windows identified on approved drawing numbers 2429\_PL\_102\_C, 2429\_PL\_103\_C and 2429\_PL\_1024\_C as being installed with translucent glazing shall be non-opening below 1.7 metres above finished floor level and installed, retained and maintained with obscure glazing to the extent that intervisibility is excluded.

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

**(23) No Additional Windows/Openings**

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

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

**Informatives:**

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal

written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

- (2) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.
- (3) The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
  - carry out work to an existing party wall;
  - build on the boundary with a neighbouring property;
  - in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

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

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

licences/traffic-management-permit-scheme. The applicant is also advised that Consent may be required under Section 23 of the Land

Drainage Act 1991. Please see:

[www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice).

- (5) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.
- (6) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149).
- (7) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant or organisation responsible for the damage.
- (8) If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent.
- (9) If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.
- (10) Sub ground structures should be designed so they do not have an adverse effect on groundwater.
- (11) Compliance with the Building Regulations 2010 will normally ensure compliance with the Fire Safety Order in respect of means of warning and escape in case of fire. However, the responsible person is advised to carry out a fire risk assessment of the proposals at this stage, to identify any risks that might require remedial measures when the premises is occupied, as a result of the nature of the occupancy and/or processes

carried on there. Any such measures that are identified should be incorporated into the current design.

- (12) Your attention is drawn to the series of publications produced by the Department for Communities and Local Government (CLG), which provides information for the responsible person about the Fire Safety Order. These publications are available from Government Services and Information website at: <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents>.
- (13) Responsibility for ensuring that a building is provided with appropriate fire safety arrangements rests with the responsible person once the building is occupied. The responsible person should, therefore, ensure that the fire safety arrangements in place are adequate and comply fully with the requirements of the Fire Safety Order.
- (14) Fire safety information in accordance with Regulation 38 of the Building Regulations 2010 should be provided to the responsible person at the completion of the project or when the building or extension is first occupied. This information should take the form of a fire safety manual and form part of the information package that contributes to the fire risk assessment that will need to be carried out under the Regulatory Reform (Fire Safety) Order 2005.
- (15) Passive fire protection measures, particularly fire stopping, fire barriers and fire resisting compartmentation, restricts the spread of smoke and fire through a building through hidden areas such as voids. Surrey Fire and Rescue Service recommend that careful attention is given to this detail during construction. Certification of this work can be beneficial to confirm the suitability of the structure to meet its performance requirement lay out in this design application.
- (16) Surrey Fire and Rescue Service would strongly recommend that consideration is given to the installation of AWSS (ie; Sprinklers, Water Mist etc) as part of a total fire protection package to:
- protect life;
  - protect property, heritage, the environment and our climate;
  - help promote and sustain business continuity; and
  - permit design freedoms and encourage innovative, inclusive and sustainable architecture.
- The use of AWSS can add significant benefit to the structural protection of buildings in the event of a fire. Other benefits include supporting business recovery and continuity if a fire happens.
- (17) The applicant is advised that prior to the first occupation of any part of the development hereby approved, details of the measures to be incorporated

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

**33**      **KINGSHOTT HOUSE, 83 EAST STREET, EPSOM, SURREY, KT17 1FA**

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

**Description:**

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

**Officer Recommendation:**

Approval, subject to conditions, informatives, and s106 legal agreement.

**Public Speaking:**

The Agent spoke in support of the application.

**Decision:**

Following consideration, Councillor Clive Woodbridge proposed that condition 11 be amended to prevent any construction works from taking place on Saturdays, in order to further safeguard the amenities of the occupiers of the neighbouring properties and to prevent any nuisance from being caused to said occupiers as a result of construction works taking place on what is traditionally a non-working day.

The proposal was seconded by Councillor Neil Dallen.

The Committee voted (5 For, 2 Against, 1 Abstaining, and the Acting Chair not voting) in favour of the proposal.

Following further consideration, Councillor Neil Dallen proposed that the application be refused for the following reasons:

Reason: The proposed development would represent an overdevelopment that would fail to respect the pattern of development in the locality and would appear as an overly dominating and incongruous addition that would fail to respect the surrounding built form and the proposal would therefore fail to integrate with the prevailing character an



appearance of the area, contrary to Section 12 of the National Planning Policy Framework, CS5 of the Core Strategy, and policies DM9, and 10 of the Development Management Plan.

Reason: The proposal would cause less than substantial harm to the setting of the conservation area for which the public benefits do not outweigh the harm and is contrary to section 16 of the National Planning Policy Framework, Policy CS5 of the Core Strategy and policies DM 8, 9, and 10 of the Development Management Plan.

The proposal was seconded by Councillor Peter O'Donovan.

The Committee voted (3 For, 4 Against, 1 Abstaining, and the Acting Chair not voting) against the proposal, and the motion was lost.

The Acting Chair subsequently put the Officer recommendation, as amended with the agreed change to Condition 11, to the vote. The Committee voted (3 For, 5 Against, and the Acting Chair not voting) against the recommendation, and the motion was lost.

Following further consideration, Councillor Peter O'Donovan proposed that the Officer recommendation to approve the application, as amended with the agreed change to Condition 11, be revisited, explaining that, since the previous vote, he had listened to debate and to the guidance of Officers and was now minded to vote differently.

The proposal was seconded by Councillor Kate Chinn.

The Committee voted (4 in favour, 4 against, and the Acting Chair exercising his right to a casting vote to vote in favour) in favour of the proposal.

Subsequently, the Committee resolved (4 in favour, 4 against, and the Acting Chair exercising his right to a casting vote to vote in favour):

#### **PART A**

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

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

**and the following conditions and informatives.**

#### **PART B**

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

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

**Conditions:**

**(1) Time Limit**

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

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

**(2) Approved Details**

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

Drawing Number 2429\_PL\_051\_C

Drawing Number 2429\_PL\_150\_B

Drawing Number 2429\_PL\_151\_B

Drawing Number 2429\_PL\_250\_B

Drawing Number 2429\_PL\_251\_B

Drawing Number 2429\_PL\_252\_B

Drawing Number 2429\_PL\_253\_B

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

**Pre-Commencement Conditions**

**(3) Materials**

No development shall commence unless and until details of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

**(4) Construction Transport Management Plan**

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

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

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

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

**(5) Construction Environmental Management Plan**

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

- a) contact details for persons on site with overall responsibility of compliance to the CEMP
- b) details of Resident liaison and communication, including complaints procedure
- c) measures to prevent noise and vibrations
- d) measures to prevent dust and protect air quality

- e) details of any proposed artificial lighting
- f) details of waste management and disposal of water
- g) control of emissions
- h) measures to prevent the loss or obstruction of access and egress for existing residents, including the use of the lift
- i) Emergency response procedures

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

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

**Pre Occupation Conditions:**

**(6) Refuse/Recycling Store Details**

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

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

**(7) Cycle Store Details**

The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes by said facilities have been provided within the development site for a minimum of 4 bicycles, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2019 to meet the objectives of the NPPF 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

**(8) Privacy Screening Details**

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

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

**During and post development conditions**

**(9) Retention of Parking/Turning Areas**

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

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

**(10) Compliance with Sustainable Design Measures**

The development shall be carried out in strict accordance with the sustainable design measures contained in the Energy and Sustainability Statement, prepared by Love Design Studio, dated December 2022, reference 1726 and dated July 2021, prior to the first occupation of the building, and shall be maintained as such thereafter and no change shall take place without the prior written consent of the local planning authority.

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

**(11) Hours of Work**

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

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

**(12) No Additional Windows/Openings**

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

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

**Informatives:**

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
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- (3) The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
  - carry out work to an existing party wall;
  - build on the boundary with a neighbouring property;
  - in some circumstances, carry out groundwork's within 6 metres of an adjoining building.
- (4) Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the

Party Wall Act. Further information and advice is to be found in “The Party Walls etc. Act 1996 - Explanatory Booklet”.

- (5) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a ‘cabled route’ within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.
- (6) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149).
- (7) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant or organisation responsible for the damage.

*The meeting began at 7.30 pm and ended at 10.24 pm*

COUNCILLOR STEVEN MCCORMICK (VICE CHAIR ACTING AS CHAIR)