

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

Application Number	22/00923/FUL
Application Type	Full Planning Permission (Major)
Address	Former Police Station, Church Road, Epsom, KT17 4PS
Ward	Town Ward
Proposal	Demolition of the existing police station (Use Class E) and ambulance station (Sui Generis) and erection of a new residential, nursing and dementia care home for the frail elderly (Use Class C2) comprising ancillary communal facilities and dementia care, basement parking, reconfigured vehicular access onto Church Street, landscaping and all other associated works.
Recommendation	Approval, subject to conditions and informatives
Expiry Date	13 November 2023
Contact Officer	Gemma Paterson
Reason for Committee	Major development



SUMMARY

1 Summary and Recommendation

- 1.1 The application is recommended for approval, subject to the completion of a Section 106 agreement to deliver highway improvements and conditions and informatives. In the event that the Section 106 Agreement is not completed by 09 February 2023, the Head of Place is authorised to refuse the application.
- 1.2 The application is classified as a Major planning application and is referred to Planning Committee in accordance with Epsom and Ewell Borough Council's Scheme of Delegation.
- 1.3 The application seeks planning permission for the demolition of the existing building and the construction a new residential, nursing and dementia care home for the frail elderly (Use Class C2) providing 85 bedrooms, ancillary communal facilities and dementia care, basement parking, reconfigured vehicular access onto Church Street, landscaping and all other associated works.
- 1.4 The proposed Care Home falls within Use Class C2 ("residential institutions") of the Town and Country Planning (Use Classes) Order 1987 (as amended), which defines Class C2 use as "Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3 (dwelling houses). Use as a hospital or nursing home. Use as a residential school, college, or training centre"
- 1.5 The proposal would meet a housing need identified by County Council Adult Services and the Council's Housing and Economic Development Needs Assessment by providing 85 residential/nursing bedspaces in the Borough.
- 1.6 The proposal would contribute the equivalent of 47 residential units towards the Council's housing target.
- 1.7 The scheme does not propose any affordable housing provision on site. Although a key requirement of Policy E17g of Plan E is a site-specific policy which seeks new development to secure at least 20 affordable homes on this site, this would only be expected in the case a Class C3 use was proposed on site as there is no requirement under the Council's affordable housing policy to secure affordable housing for Class C2 use.
- 1.8 The proposal would result in less than substantial harm to the setting of designated heritage assets. This harm leads to a presumption against granting planning permission when the public benefits arising from the proposal are weighed in the balance (giving considerable importance and weight to the desirability of preserving the setting and the features of

special architectural and historic interest of the surrounding heritage assets). However, in this case, the public benefits are considered to outweigh the less than significant harm arising from the proposal.

- 1.9 The proposal would result in the loss of three trees within the site, all of which have limited public amenity value and the proposal would successfully retain and protect the remaining trees on site. 25 new trees would be planted on the site, including provision for the replacement of an existing highway tree, should this fail within five years of the operation of the development.
- 1.10 The provision of amenity provided within this scheme is regarded to be sufficient to meet the recreation needs of future occupiers.
- 1.11 The scale and form of the proposal would be suitable in its surrounding context, with the architectural design considered to respond sympathetically to the surrounding built form, but with a contemporary use of materials. It has also been satisfactorily demonstrated that a development of this scale could be provided on the site without have a harmful impact on neighbouring residential amenity or without sterilising future development on the adjoining site.
- 1.12 The proposed development would not result in any significant increase in traffic generation to an extent that would result in any issues to highway safety or to the operation of the highway network.
- 1.13 Although the proposal would not meet the Council's parking standards, the site is in a highly sustainable location with access to a number of public transport modes and the displaced parking can be accommodated in adjacent public car parks without conflicting with the operation of the existing highway network or causing inconvenience to existing residents and would not cause harm to the overall character and appearance of the surrounding area.
- 1.14 The provision of amenity provided within this scheme is regarded to be sufficient to meet the recreation needs of future occupiers.
- 1.15 It has also been satisfactorily demonstrated that a development of this scale could be provided on the site without having a harmful impact on neighbouring residential amenity or sterilising future development on the adjoining site.
- 1.16 It is noted that the Council's Transport and Waste Services Manager has a concern about the efficiency of collection from the proposed one-way system of the site, but in this case, the proposal fully meet the Council's waste and recycling policy requirements (see Section 15 for further discussion).

- 1.17 The application is supported by robust documentation to allow the Council to carry out its statutory duty to the care of protected species and the proposal would increase the habitat on site, to an equivalent of 49.6% biodiversity gain.
- 1.18 The proposal includes sustainable development measures such as renewable resources (solar panels, air source heat pumps and mechanical ventilation), as well as sustainable construction methods.
- 1.19 The proposal would not increase the risk of flooding from any fluvial or pluvial sources at or around the site, and mitigation measures would be conditioned to reduce the risk of groundwater flooding from the presence of the proposed basement and SuDS attenuation measures.
- 1.20 The proposal would not increase the risk from land contamination to controlled waters, ecological systems and on site/off site receptors.
- 1.21 It has been demonstrated that there would not be any detectable effect on health or quality of life for the future occupiers of the site or neighbouring occupiers due to operational noise.
- 1.22 There would be no adverse archaeological implications associated with the proposed development.
- 1.23 It has been demonstrated that the proposal is in compliance with the Fire Safety Order in respect of means of warning and escape in case of fire.
- 1.24 Plans and supporting documentation for the planning application and representations for or against the proposal, if any, are held electronically on the Council's website at [Former Police Station](#) correct at the time of publication.
- 1.25 A [glossary of Planning terms and acronyms](#) is available to view on the Council's website.

KEY INFORMATION

	Existing	Proposed
Site Area	0.35 hectares	
Floor Space	1,469m ²	4,780m ²
Car Parking Spaces	56	30
Cycle Parking Spaces	10	10

SITE AND PROPOSAL

2 Description of Site

- 2.1 The application site consists of the existing 1960's buildings containing the former Epsom Police Station and the ambulance station. The site has a total area of 0.35 hectares. The existing Police Station is a part 2 storey, part 3 storey building and the ambulance station is single storey with four ambulance bays. The site also contains car parking to the rear.
- 2.2 The built form surrounding the site is diverse in scale, varying from 2-3 storeys in the immediate vicinity, with new developments of 4-6 storeys extending towards the primary core area of the Epsom Town Centre.
- 2.3 The site shares a boundary with the Church Street Conservation Area and falls within the setting of a number of listed buildings, notably The Hermitage (Grade II) and The Cedars (Grade II*).

3 Description of Proposal

- 3.1 The proposed development involves the demolition of the existing buildings and the erection of a three to five storey building containing 85 bed spaces for a residential, nursing and dementia care home (Class C2).
- 3.2 The accommodation would comprise of 85 single occupancy bedrooms, each equipped with a full en-suite wetroom. A number of communal areas are proposed on each floor, including lounges, dining areas and assisted bathrooms. Shared facilities such as a shop, cinema, hairdresser and treatment room are also proposed at ground floor level internal to the building.
- 3.3 There would be two external communal landscaped areas comprising a courtyard garden interconnecting footpaths and seating, with the second including a sensory garden and bowls and croquet lawn.
- 3.4 The design of the proposed development features three distinct variations in height, with the Church Street elevation comprising four storeys, reducing to part four and part three storeys in the south east corner of the site, reducing further to part two storeys, part three storeys in the south west, adjacent to The Parade.
- 3.5 The existing access arrangements onto Church Street would be reconfigured, with new separate arrangements for entering and existing the site. The entering arrangement would also provide direct access to a basement car park.

- 3.6 30 vehicle parking spaces would be provided within the basement, including 2 no. blue badge spaces and 7 no. electric vehicle parking spaces. A drop off bay is provided immediately in front of the building, with a further blue badge space proposed within the Church Street frontage, providing 31 no. vehicle parking spaces in total.

Amendments received 21 July 2023

- 3.7 In April 2023, Officers raised concerns in respect to the overall scale, form, design and materials of the proposed built form and the subsequent impact this would have on the significance of the setting of the Conservation Area and surrounding designated heritage assets, as well as harm to the future health and wellbeing of trees to be retained on site. A Design Review Panel convened on 26 May 2023 to undertake a review of the scheme, which was subsequently amended to reflect the recommendations of the Panel as follows:

- The height of the development reduced by one storey, with a corresponding reduction in scale, giving rise to 86 beds (originally the scheme comprises 96 beds).
- The fenestration and size of the building entrance revised to suit the new proportions.
- The glazing at ground floor level brought forward to be flush with the surrounding brickwork.

Amendments received 15 September 2023

- 3.8 Following continued concerns from the Council's Tree Officer in respect of the future health and wellbeing of trees to be retained on site, further amendments to the scheme were received on 15 September 2023, comprising:

- Reconfiguring and reducing the width of the southern 'out' access adjacent to T5 in order that the southern kerb line is the same as existing and resulting in the northern kerblines being in the position of the innermost kerb as shown in the attached photographs.
- A new tree located south of T3, adjacent to the northernmost 'in' access.
- Two new trees in the place of T4 should this tree die within 4 years of construction (an annotation to this effect is shown on the amended landscape plans).
- A change to the red line boundary showing T4, T5 and the proposed replacement trees on the verge as part of the site.
- The position of the ramp amended in line with the draft drawings previously provided
- A reduction in the size of the scheme by 1 bed to 85 beds in total because of the above ramp amendments.

CONSULTATIONS

External Consultees

Environment Agency	No objection subject to conditions
Highway Authority	No objections subject to securing off site highway improvements through a Section 278 Agreement and the imposition of conditions.
Surrey Archaeology	No objections, subject to imposition of conditions
Lead Local Flood Authority	No objections subject to imposition of conditions. SLR appear to have extensively reviewed and considered any potential groundwater impacts that could result from the development
Fire Service	No objections subject to informatives
Thames Water	No objections subject to informatives

Internal Consultees

Trees	No objection subject to conditions
Ecology	No objection subject to conditions
Conservation	Less than substantial harm to heritage assets
Land Contamination	No objection subject to conditions
Waste	Objection

Public Consultation

Neighbours	<p>The original scheme was advertised by means of a site and press notice, and letters of notification to neighbouring properties. Two letters of objection had been received and the issues raised are summarised as follows:</p> <ul style="list-style-type: none"> • The proposal would increase the ground water levels, causing issues to neighbouring properties • Potential flood risk arising from basement car park • Noise and disruption cause by the demolition and construction phase • The material of the proposed roof is not appropriate for the Conservation Area • Parking levels would result in overspill on street • Concern about the over proliferation of specialist elderly concern in the Borough • Special protection required for retained trees <p>Amendments received 21 July 2023 were advertised by means of a site and press notice, and letters of notification to neighbouring properties. 10 letters of objection were received,</p>
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	<p>two of which came from occupants of 42 The Parade and three of which came from 50 The Parade, and the issues raised are summarised as follows:</p> <ul style="list-style-type: none"> • Overlooking to 39 The Parade • Loss of light to 39 The Parade • Overlooking to adjacent properties • Basement car park may affect the groundwater levels • Materials not in keeping • Loss of screening to 50 The Parade through removal of trees • Increase in ambient noise levels caused by air conditioning and air source heat pump • Overspill parking on street caused by staff • Noise/disturbance from demolition and construction phase <p>Amendments received 15 September 2023 were advertised by means of a site and press notice, and letters of notification to neighbouring properties. 1 letter of objection and 1 letter of further information has been received and the issues raised are summarised as follows:</p> <ul style="list-style-type: none"> • Groundwater flooding episodes have not fully been addressed and the development poses an increased risk to neighbouring properties by displacement of groundwater flows • Further information in respect to the historic groundwater flooding in the location and several other locations within the vicinity of the site <p>The comments material to the planning merits of this proposal are addressed within the contents of this report.</p>
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PROPERTY HISTORY

App No.	Description	Status
19/01589/FUL	Erection of 60 Extra Care apartments for older persons with associated communal facilities, parking and landscaping (C2 use class) following the demolition of the existing buildings	Withdrawn 19/02/2021
17/01586/FUL	Demolition of the former police station, and the erection of two residential blocks comprising a total of 29 residential units (11x1bed, 11 x2 bed and 7x3 bed), with associated car parking and landscaping (part of site only)	Granted 01/02/2020 (Lapsed)

SITE CONSTRAINTS

- Built Up Area
- Town Centre
- Local Centre
- Opportunity Site
- Tree Preservation Order
- Church Street Conservation Area (adjacent)
- Archaeological Site
- Site of Special Scientific Interest Risk Area

PLANNING POLICY AND GUIDANCE

National Planning Policy Framework 2023 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a Sufficient Supply of Homes
- Section 6: Building a Strong, Competitive Economy
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport
- Section 11: Making Effective Use of Land
- Section 12: Achieving Well-Designed Places
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15: Conserving and Enhancing the Natural Environment
- Section 16: Conserving and Enhancing the Historic Environment

Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS7: Housing Provision
- Policy CS8: Broad Location of Housing Development
- Policy CS16: Managing Transport and Travel

Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM4: Biodiversity and New Development
- Policy DM5: Trees and Landscape
- Policy DM8: Heritage Assets
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM12: Housing Standards
- Policy DM13: Building Heights

- Policy DM17: Contaminated Land
- Policy DM19: Development and Flood Risk
- Policy DM21: Meeting Local Housing Needs
- Policy DM31: Safeguarding Small-Scale Retail Provision
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

Epsom Town Centre Area Action Plan 2011 (Plan E)

- Policy E1: Town Centre Boundary
- Policy E17: Emergency Service Uses Site

Other Documentation

- Planning Practice Guidance 2021 (NPPG)
- Surrey County Council Commissioning Statement 'Accommodation with care residential and nursing care for older people Epsom and Ewell Borough April 2019 onwards'
- Strategic Housing Market Assessment Update 2019
- Council's Housing and Economic Development Needs Assessment 2023
- Making the Efficient Use of Land – Optimising Housing Delivery 2018
- Strategic Housing Market Assessment Update 2019
- Surrey County Council Vehicular and Cycle Parking Guidance 2021
- Parking Standards for Residential Development SPD 2015
- Revised Sustainable Design SPD 2016
- Historic England guidance: The Setting of Heritage Assets
- Church Lane Conservation Area Appraisal 2009

APPRAISAL

4 Presumption in Favour of Sustainable Development

- 4.1 Paragraph 11 of the NPPF stipulates that development proposals which accord with an up-to-date development plan should be approved and where a proposal conflicts with an up-to-date development plan, permission should not usually be granted. Currently, the Council does not have an up-to-date development plan on account of not being able to demonstrate a five-year supply of housing.
- 4.2 Paragraph 11(d) is engaged where the Council's policies which are most important for determining the application are out-of-date. The practical application and consequence of this is that unless the site is in an area or affects an asset of particular importance that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

- 4.3 Footnote 7 to paragraph 11d identifies designated heritage assets as being assets of particular importance. Notwithstanding this, following the tests of paragraph 202 of the NPPF, there are no policies within the NPPF which provide a clear reason for refusal. The proposal therefore falls to be considered within paragraph 11d(ii) of the NPPF and when considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.

5 Principle of Development

Location of Development

- 5.1 The site is located within the built-up area of Epsom and the principle of development is acceptable in terms of the principles, objectives and policies in the CS, the DMPD and supporting guidance and documents.
- 5.2 Paragraph 60 of the NPPF 2023 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 5.3 Paragraph 62 of the NPPF 2023 states that the housing needed for different groups in the community should be assessed and reflected in planning policies, including the needs of older people and people with disabilities.
- 5.4 The NPPG states that the need to provide housing for older people is critical and that the proportion of older people in the population is increasing. The NPPG goes on to say that giving older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems
- 5.5 Policy E17g of Plan E, Epsom Town Centre Area Action Plan 2011 identifies the site as the Emergency Services Site, which is a strategic site for future development within Epsom Town Centre. Proposals for the redevelopment of the Emergency Services Site will require (inter alia) the delivery of up to 50 residential units, including at least 20 affordable homes.
- 5.6 The site is coming forward as a site allocation for residential development under the Council's Emerging Local Plan (SA2). However, notwithstanding that the Local Plan has completed the Regulation 18 consultation, it is still at a relatively early stage of the preparation process, limited weight is given to plan as a material consideration in this application.

- 5.7 The surrounding area is mixed commercial, community and residential in character and appearance given its town centre location. Although current planning policy seeks Class C3 use on the site, the proposal would count as 47 new homes under the Housing Test Measurement Rule Book. Given the significant housing need within the Borough and the need to provide homes for mixed communities, the redevelopment of this site at a higher density creating additional specialist residential units within a sustainable location could be acceptable in principle, subject to the other material planning considerations identified below.

Loss of Existing Use

- 5.8 The principle of the loss of the existing emergency services hubs and health clinic use has been established under Policy E17g of Plan E, Epsom Town Centre Area Action Plan 2011 and, in the case of the former Police Station, by the granting of planning application 17/01586/FUL

Planning Needs Assessment

- 5.9 Strategic Housing Market Assessment Update 2019 forecasts the number of those aged 65 or over in Epsom and Ewell to increase by 4,500 to be 19,500 by 2035 and that there are projected increases in health conditions in older people, most notably an increase of 36% in people with mobility difficulties and a 40% increase in people with dementia.
- 5.10 The Surrey County Council Commissioning Statement 'Accommodation with care, residential and nursing care for older people Epsom and Ewell Borough April 2019 onwards' supports the increase in bed demand for Epsom and Ewell, identifying a need for 100 residential care home beds and 181 nursing care beds (a total need of 281 beds) by 2025 and 156 residential care home beds and 251 nursing care beds (a total need of 407 beds) by 2035.
- 5.11 The Council's Housing and Economic Development Needs Assessment 2023 identifies at Table 72 of paragraph 16.75 that there is a current shortfall of 313 residential/nursing bedspaces in the Borough. Paragraph 16.72 identifies that there will be a total additional demand for 732 residential/nursing bedspaces in the Borough by 2040, a figure that includes the current 313 spaces shortfall.
- 5.12 Policy DM21 of the Development Management Policies Document 2015 states that the Council will grant planning permission for specialised forms of residential accommodation subject to (inter alia) the application document including clear and robust evidence that there is a need for the new accommodation and that the delivery of the new

accommodation does not result in an over provision of that particular type of accommodation.

- 5.13 Paragraph 4.9 of the Development Management Policies Document 2015 identifies the importance of ensuring that new housing developments provides a choice and mix of housing so that the borough continues to be comprised of balanced and sustainable communities.
- 5.14 The application is supported by a Planning Needs Assessment, prepared by Carterwood and dated February 2022. The review identifies that demand for high dependency nursing and dementia care provision will continue to rise in line with the growing elderly demographic and there is an identified need for 1,158 additional residential/nursing beds by 2034.
- 5.15 The Planning Needs Assessment undertakes a quantitative assessment for the needs for the proposed care home on two bases; a market catchment area, calculated as 4 miles within the site, and secondly within the Local Authority boundary.
- 5.16 In considering existing supply of market standard bedspaces (which is defined as a registered bedroom providing a minimum of an ensuite WC and wash basin) the Planning Needs Assessment identifies are 53 care homes in the market catchments area, totalling 2,115 registered bedspaces, 698 of which have wetrooms. Within the Local Authority boundary, there is an existing supply of 9 care homes with 345 registered bedspaces, none of which have wetrooms.
- 5.17 The Planning Needs Assessment also assesses the existing supply of dedicated dementia care. Within market catchment area there are 612 registered bedspaces, 280 with ensuite wetrooms. Within the Local Authority boundary, there are 142 registered bedspaces, none of which have ensuite wetrooms.
- 5.18 The Planning Needs Assessment also considers the planned supply of bedspace provision up to 2024, based upon planning applications submitted within the last three years. The Assessment has taken the view that any applications older than three years would either have been developed and therefore included in the existing supply or unimplemented. There is no opposition to this approach. This research was carried out in February 2022.
- 5.19 Furthermore, since this research in February 2022, the Council has granted permission for a 70 bedroom care home, suitable for specialist dementia care at 65 London Road (22/00728/FUL), which is extant. Figures within the Planning Needs Assessment have therefore been adjusted by Officers to take into consideration the planned bedspaces of this approved permission.

- 5.20 The planned supply identifies 286 bedspaces created from new development within the market catchment area (adjusted from 216), 142 bedspaces of which would be specialist dementia bedspaces (adjusted from 72). Within the Local Authority boundary, there are 135 planned bedspaces created from new development (adjusted from 65), 94 of which would be specialist dementia bedspaces (adjusted from 24).
- 5.21 The Planning Needs Assessment has therefore considered both the existing and planned supply of bedspaces in the market catchment area and Local Authority boundary when forecasting the 2024 need.
- 5.22 It should be noted that the Guild Living development at Epsom General Hospital has not been included in the planned supply, as that development represents extra care/assisted living and not defined as a care home. The need for these two types of accommodation is always considered separately because, whilst housing with care does deliver an element of care, it is aimed at people who are slightly more independent and not individuals who require a high level of care/are approaching the end of life as in a care home.
- 5.23 The 2024 needs analysis summary in the Planning Needs Assessment identifies a net need for an additional 106 market catchment elderly ensuite bedspaces (adjusted from 176) and 217 Local Authority ensuite bedspaces, (adjusted from 287). For specialist dementia ensuite bedspaces, the net need for the market catchment area is 217 ensuite bedspaces (adjusted from 287) and the Local Authority need is 71 elderly ensuite bedspaces (adjusted from 141).
- 5.24 There is also an identified need for 1,024 wetroom bedspaces (adjusted from 1,094) for market catchment need and a Local Authority boundary need for 470 wetroom ensuite bedspaces (adjusted from 540). For specialist dementia wetrooms, the net need for the market catchment area is 407 wetroom bedspaces (adjusted from 477) and the Local Authority need is 156 wetroom bedspaces (adjusted from 266).
- 5.25 The Planning Needs Assessment has also forecasted, at paragraph 16.5, the future need for Local Authority boundary bedspaces in 2034, indicating a need for an additional 444 bedspaces. This is in line with the projected 2035 forecast of the Surrey County Council Commissioning Statement, identifying the future needs as 407 bedspaces.
- 5.26 Officers are therefore satisfied that there is a current identified need for a development of 85 bedspaces with wetrooms in the Borough. This is supported by the Surrey County Council Adult Social Care Officer, who has noted that the Borough has fewer care homes than its neighbours, meaning that people in general are more likely to move out of the area for care home placements. The proposal would therefore meet the first criterion of Policy DM21 of the Development Management Policies

Document 2015, the policy which seeks to provide specialised forms of residential accommodation

- 5.27 In response to the second criterion of Policy DM21 of the Development Management Policies Document 2015, given the extent of the identified need, Officers are satisfied that the proposal would not result in an over provision of care accommodation in the locality.
- 5.28 Finally, as the proposal would provide accommodation within a fully serviced building, Officers are satisfied that the design of the proposal would be sufficiently flexible to allow the building to be readily converted to other uses, in the event the need of the permitted use declined. This would satisfy the third criterion of Policy DM21 of the Development Management Policies Document 2015.

6 Housing Need

- 6.1 The NPPF 2023 requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of supply against housing requirements. In the absence of an up-to-date Local Plan, for the purposes of this calculation it is the standard housing methodology requirement that applies.
- 6.2 The Council has calculated its five year housing land supply position as being 1.56 years. Epsom & Ewell Borough Council is presently falling significantly short of this requirement and cannot presently demonstrate five years housing land supply.
- 6.3 Paragraph 11 of the Housing Delivery Test Measurement Rule Book provides a nationally prescribed formula for converting communal accommodation, such as extra-care units, into the equivalent number of net homes delivered. The accommodation from this scheme would provide 47 residential units.
- 6.4 E17g of Plan E, Epsom Town Centre Area Action Plan 2011 identifies the site as the Emergency Services Site, which is a strategic site for future development within Epsom Town Centre. Proposals for the redevelopment of the Emergency Services Site will require (inter alia) the delivery of up to 50 residential units, including at least 20 affordable homes.
- 6.5 As part of the key requirement of Policy 17g of Plan E 2011 is to deliver up to 50 units, the proposal would meet this key requirement, in that it would contribute 47 residential units towards delivering the Council's housing target and would therefore be consistent with the Framework and Council policy in so far as it seeks to significantly boost the supply of homes. This is a significant benefit of the scheme.

7 Affordable Housing

- 7.1 Paragraph 65 of the NPPF 2023 states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% unless the proposal provides specialist accommodation for groups of people with specific needs (such as purpose built accommodation for the elderly or students)
- 7.2 Policy E17g of Plan E, Epsom Town Centre Area Action Plan 2011 identifies the site as the Emergency Services Site, which is a strategic site for future development within Epsom Town Centre. Proposals for the redevelopment of the Emergency Services Site will require (inter alia) the delivery of up to 50 residential units, including at least 20 affordable homes.
- 7.3 Although there is no requirement under the NPPF 2023 or Policy C9 of the Core Strategy 2007 to secure affordable housing for a Class C2 development, a key requirement of Policy E17g of Plan E seeks new development to secure at least 20 affordable homes on the site.
- 7.4 The proposal does not seek to provide any affordable housing at the site. This policy conflict would therefore be an adverse impact of the application to be weighted in the planning balance.

8 Impact on Heritage Assets

- 8.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that in considering applications which affect Listed Buildings, Local Planning Authorities must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.2 The desirability of preserving the settings of listed buildings should not simply be given careful consideration for the purpose of deciding whether there would be some harm but should be given 'considerable importance and weigh' when carrying out the balancing exercise.
- 8.3 Additionally, the NPPF 2023 attaches great importance to the conservation and enhancement of the historic environment. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.4 Paragraph 200 of the NPPF 2023 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or

destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional

8.5 Paragraph 201 of the NPPF 2023 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

8.6 Paragraph 202 of the NPPF 2023 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

8.7 Significance can be harmed through development within a heritage assets setting. Whilst there is no statutory protection for the setting of a Conservation Area, paragraph 200 of the NPPF 2023 requires that consideration be given to any harm to or loss of significance of a designated asset, which includes Conservation Areas, from development within its setting.

8.8 This is further supported by paragraph 206 of the NPPF 2023 which states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”

8.9 Appendix 2 Glossary of the NPPF 2023 defines setting of a heritage assets as the surroundings in which a heritage asset is experienced.

Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

- 8.10 Policy DM8 of the Development Management Policies Document 2015, sets out the Council's intention to resist the loss of our Heritage Assets and take every opportunity to conserve and enhance them. It states that development proposals that involve or have an effect upon Heritage Assets must establish the individual significance of the Asset as part of the application or consent process. As part of the assessment process the significance of the Asset will be taken into account (namely whether it is a designated Heritage Asset or a non-designated Heritage Asset) when determining whether the impact of any proposed development is acceptable.
- 8.11 Policy E17g of Plan E, Epsom Town Centre Area Action Plan 2011 for the redevelopment of the Emergency Services Site will require (inter alia) the design of future proposals to maintain and enhance the setting of the adjoining conservation area.
- 8.12 The site shares a boundary with Church Street Conservation Area and was the site of one of the many large houses situated along Church Street. The Conservation Area formed the earlier site of Epsom which migrated further west to the modern day High Street after a new settlement was set out by Chertsey Abbey. The early nature of the settlement around Church Street is not only evident in the late medieval Church of St Martin, but also in the Grade II listed Hermitage which sits directly opposite the application site. This building dates to 1600 and is unusual in Epsom as a survival in the local area dating from before the arrival of the spa town later. Key elements include its scale, elevational appearance, steep pitched clay tile roof and central chimney stack. The location of the building is important as it reveals the boundary of the Conservation Area and the transition from the more modern part of Epsom into the earlier part of its medieval history.
- 8.13 Further along the Church Street are larger houses built following the development of Epsom as a spa town from the mid-17th century. The nearest example to the development site is The Cedars which is Grade II* Listed and dates from the late 17th to early 18th century marking a change in architectural styles at the time. The building would have one point been similar to The Hermitage and is believed to have been converted from the original structure rather than entirely rebuilt. The building is significant as one of the many good quality late 17th and early 18th century houses built in Epsom at this time.
- 8.14 From the early 19th century smaller cottages were built to the north-west of the Conservation Area, one of the earliest being the Grade II listed Ashley Cottages. These would have faced on to the boundary of a house

owned by George Brown at the time of the 1842 Epsom tithe map. The building is important as one of the earlier examples of a vernacular pair of cottages built during the 19th century. Further good quality houses followed and were built around Laburnum Road, The Parade, Worple Road and Heathcote Road. This includes the locally listed 52 The Parade which has a similar relationship with the application site to Ashley Cottages.

- 8.15 The Hermitage (45 Church Street) is the oldest house in Epsom, the sole survivor from the pre-spa village, containing elements dating back to 1600.
- 8.16 Key elements which contribute to the character and appearance of the Conservation Area include the use of brick, painted weatherboarding and handmade tiles. These materials are evident on some of the later buildings within the Conservation Area which make a positive contribution to its character and appearance, such as 12 Church Street. Other key features include the range of historic buildings throughout the area from the 17th to 19th centuries, the variety of cottages and houses which contrast with the larger houses and the separation of the site from Epsom Town Centre.
- 8.17 Paragraph 194 of the NPPF 2023 requires proposals affecting heritage assets to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be sufficient to understand the potential impact of the proposal on their significance. The application is therefore supported by a Heritage Statement, prepared by Bidwells and dated July 2023 which concludes that the demolition of the existing buildings on site would have no impact on the setting of nearby built heritage assets and that the proposed new building would have no impact on the significance of the surrounding heritage assets.

Church Street Conservation Area

- 8.18 Paragraph 7.19 of the Heritage Assessment considers the site's current contribution to the significance of the Conservation Area, noting that 'the buildings on the site date from the second half of the twentieth century and bear no relation to the architectural style or scale of historic development within the Conservation Area. Furthermore, the composition of the buildings' elevations, most prominent on Church Street, are out of keeping with the residential buildings which characterise the Church Street Conservation'. The Heritage Assessment concludes that the buildings on the site make no contribution to the significance of the Conservation Area.
- 8.19 Paragraph 10.4 – 10.11 of the Heritage Assessment then considers the likely impact of the proposed development upon the Church Street Conservation Area, noting that the design of the building has since

evolved from the original submission as a result of the Council's requested design review and would therefore provide a high-quality, contextual design response to the site's surroundings, including through building height and roof form/materials. Paragraph 10.9 also suggests that there would be no abrupt revelation of the full volume of the building on approach to the Church Street Conservation Area, rather that the surrounding built form and established trees lining the street mean that the building would be gradually revealed.

- 8.20 Paragraph 10.10 of the Heritage Assessment appears to be seeking to address Officers concerns in respect of the original scheme of the site, noting that the design of the building has been articulated to mitigate any sense of massing inappropriate for the local context. Paragraph 10.11 concludes that the proposal would have a 'neutral impact upon the significance of the Conservation Area.
- 8.21 Although the Conservation Officer acknowledges that the existing buildings on the site do not make a positive contribution to the setting of the Church Street Conservation Area, they do benefit from being of a reasonable scale and a much greater degree of openness than the proposed scheme.
- 8.22 The Conservation Officer notes that the scale of the existing built form in the area gradually decreases when traversing away from the High Street towards the Church Street Conservation Area, where the built form is predominantly two and three storeys. The Council's Conservation Officer considers this to be an important transition from one part of Epsom to another and contributes to the setting of the Church Street Conservation Area.
- 8.23 Notwithstanding the Heritage Assessment conclusion that the building would not be an 'abrupt revelation', the Council's Conservation Officer considers the sudden appearance of built form of the height and massing proposed on approach to Church Street Conservation Area would appear immediate, unexpected and somewhat discordant with the current flow from the five storey buildings within the Town Centre to the low-rise suburban neighbourhood are in which the site sits.
- 8.24 The Conservation Officer also has concerns in respect of the bulk and massing of the proposed development, noting that it would appear domineering in its local surroundings. While the northern end of the elevation facing Church Street seeks to respond to this issue, the main block does not and forms a continuous massing along the road which does not reflect its surroundings. The Council's Conservation Officer notes that the proposal could also benefit from some more features on a human scale to reduce its incongruous appearance.
- 8.25 The scale and massing of the proposed development would change the character of this important transition between two distinct areas character

areas of Church Street, which is fundamental to the appreciation of the character of Church Street Conservation Area which would adversely affect the surroundings in which the Church Street Conservation Area is experienced. In light of this, the Council's Conservation Officer attributes the proposal to having less than substantial harm on the setting of the Church Road Conservation Area.

The Hermitage (Grade II)

- 8.26 Paragraphs 7.31 – 7.36 of the applicant's Heritage Assessment considers the setting of The Hermitage and its contribution towards the significance of the listed building. This identifies that The Hermitage as being located within the northern boundary of the Church Street Conservation Area, however, due to the more varied and later built form in its immediate surroundings, it does not form part of the historic core of the Conservation Area to the south.
- 8.27 Paragraph 7.34 identifies buildings in the immediate area and then draws attention to large scale building, further north to the site towards High Street, suggesting that these buildings form part of the setting of The Hermitage.
- 8.28 Officers note that there are a number of buildings intervening between the Hermitage and the large scale buildings further to the north west of Church Street (The Kirkgate and Capitol Square), including the two storey United Reform Church, the two storey Epsom Club, the two storey Conservative Club and the part two storey, part three Epsom Fire Station.
- 8.29 Paragraph 7.36 of the Heritage Assessment considers the site's current contribution to the significance of The Hermitage, noting that there is clear intervisibility between the two, although as the buildings dating from the 1960s which do not relate to the architectural style, plot layout, building materials, use or age of the listed building, they make no contribution to the significance of the Listed Building.
- 8.30 Paragraphs 10.16 – 8.19 of the Heritage Assessment then considers the likely impact of the proposed development upon the significance of The Hermitage. It acknowledges that the four-storey scale of the proposal would be taller in comparison to the existing built form on the site, but notes that it would not be overly dominant in the street scene, as a result of its set back from the road behind landscaping and parking/entrance area. Furthermore, in combination with the attractive and contextual design, the Heritage Assessment concludes that the proposal would have a neutral impact on the significance of The Hermitage.
- 8.31 The Council's Conservation Officer does not agree that the proposal would have a neutral impact on the significance of The Hermitage. Whilst there is currently clear intervisibility between the site and The

Hermitage, this is partially due to the reasonable scale and degree of openness resulting from the existing built form on the site.

- 8.32 The replacement of this with development of considerable scale and massing would be domineering on the Church Street elevation, creating a palpable stark contrast the Grade II Listed Hermitage opposite. The experience of The Hermitage would be affected through the dominating presence of the proposed development, which would not be fully mitigated from being set back behind a highway landscaping strip. The Council's Conservation Officer therefore attributes less than substantial harm to the setting of The Hermitage as a result of the scale of the proposal.

Ashley Cottages (Grade II)

- 8.33 Paragraphs 7.54- 7.57 of the Heritage Assessment assesses setting of Ashley cottages and its contribution to the listed buildings significance, noting the attractive, leafy character of The Parade makes a positive contribution to the significance of the listed buildings.
- 8.34 In considering the site's current contribution to the significance of the listed building, the Heritage Assessment gives consideration to the extent of the existing high brick boundary wall and the limited, filtered views between the existing buildings and these listed buildings. As the buildings on the site do not relate to the architectural style, plot layout, building materials or historic development of the listed building, the Heritage Assessment considers that make no contribution to the significance of these listed buildings.
- 8.35 Paragraphs 10.25 to 10.27 considers the likely impacts of the proposed development upon the significance of Ashley Cottages, noting that the layout and variety of building heights would provide a step down in built form from the more urban Church Street towards the quieter character of The Parade. This would ensure only a small visual change in views from the site and would respect the setting of the listed building.
- 8.36 The Conservation Officer notes that whilst the proposal would be stepped down to the rear of The Parade, the massing would provide a continuous three storey horizontal façade along The Parade, beyond which the higher built form would be perceived. This is a contrast to the lower level development currently experienced from the site when travelling along The Parade. The massing of the development, along with the use of bronze aluminium materials would therefore cause harm to the setting of these listed buildings. The Conservation Officer therefore attributes less than substantial harm to the setting of Ashley Cottages as a result of the scale of the proposal.

The Cedars (Grade II*)

- 8.37 Paragraphs 7.46 – 7.50 of the Heritage Assessment assesses the contribution of the setting to the significance of The Cedars. To the south, there are a number of listed buildings built in the seventeenth and eighteenth century, which form an important group that contribute to the significance of The Cedars. As the Cedars is the northern most building of this group, it is considered to be located 'close' to the more varied townscape to the north of Church Street. In considering the sites contribution to the significance of The Cedars, the Heritage Statement concludes it makes no contribution, as the existing buildings on the site have no historic, visual and functional relationship with this listed building.
- 8.38 Officers note that there are a number of buildings intervening between the Cedars and the larger development to the far north, including the two storey 2A Worple Road, the part three, two and one storey buildings comprising the site, the open landscape of Dullshot Green, two storey Hope Lodge and the two storey Epsom Baptist Church.
- 8.39 Paragraphs 10.20 to 10.24 of the Heritage Assessment then considers the likely impact of the proposed development upon the significance of The Cedars. It concludes that the proposed development would be largely concealed in views from the listed building due to its setback from the boundary frontage, as well as existing planting and plot layouts nearby. It also considers that views north already include the varied character of Church Street near the High Street and as such the proposal would have a neutral impact upon the listed building's setting or significance.
- 8.40 Paragraph 10.22 acknowledges that proposed development would be glimpsed out of north windows of The Cedars, and that the appearance of the building would be appropriate in terms of form and scale to this aspect of the setting, which already contains varied development.
- 8.41 The Council's Conservation Officer concludes that the combination of the scale of the building and the alien form of the mansard roof would fail to reflect the character and appearance of the Conservation Area, resulting in degree of harm to the setting of The Cedars. The Council's Conservation Officer considers this degree of harm to be less than substantial, given that the views would be from a small number of viewpoints and in cases largely obscured by intervening built form and vegetation.

Officer Response

- 8.42 It is clear from the response of the Conservation Officer that the proposed development would cause harm to the significance of

surrounding designated heritage assets and that the overall level of harm attributed is less than substantial.

- 8.43 The Conservation Officer has attributed less than substantial harm to the setting of the Church Street Conservation Area as a result of the proposal. As the site is not within a Conservation Area, it is not subject to Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 and whilst Officers may not be required to 'pay special attention to the desirability of preserving or enhancing the character or appearance of that area' under the Act, there is still a requirement to give great weight to the asset's conservation irrespective of the scale of harm identified.
- 8.44 However, given the surrounding context, Officers consider that a four storey building would sit comfortably on site. Furthermore, the planning history demonstrates that the principle of four storey development has been accepted on site in the past.
- 8.45 As the Conservation Officer has identified less than substantial harm to the significance of designated heritage assets, in accordance with paragraph 202 of the NPPF 2023, this harm must be weighed against any public benefits of the proposal. Great weight should be given to the asset's conservation irrespective of the scale of harm identified.
- 8.46 The NPPF 2023 identifies that public benefits could be anything that delivers economic, social or environmental progress, as described in paragraph 8. The NPPG 2023 further states that public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits (020 Reference ID: 18a-020-2019072).
- 8.47 The public benefits of the proposed development include:
- The contribution of net gain residential development to the Borough housing figures
 - Meeting an identified need for older persons living accommodation
 - The generation of employment during the operation of the proposal
- 8.48 The public benefits identified above are important factors. In this case, Officers attached significant weight to the contribution of quasi residential development towards the Borough housing figures, when taking into consideration the extent of the Council's housing shortfall and how long the deficit is likely to persist.
- 8.49 The proposal would contribute towards an identified need for older persons living accommodation and would provide 24/7 on site nursing, personal and domestic care services to the residents within. Officers consider that significant weight should be attached to public benefit,

given the great future need for the Borough present and future needs for such accommodation.

- 8.50 The scheme would generate a minimum of 70 to 80 full time employees upon initial occupation, including full and part time care and nursing roles, management, technical, administrative, care, housekeeping, maintenance, physiotherapy and occupational therapy positions. Although the previous use of the site also generated employment, this employment was reprovisioned within Borough, rather than lost, and the employment generated by the proposed use would therefore be additional employment use, rather than a replacement from any lost on the site from the existing use. Officers consider that significant weight should be attached to public benefit.
- 8.51 Officers give considerable importance and weight to the desirability of preserving the setting and the features of special architectural and historic interest of the surrounding heritage assets. However, notwithstanding the considerable importance and weight that the less than substantial harm attracts, in this case, the accrued public benefits are considered to outweigh the less than substantial harm arising from the proposal.

9 Trees and Landscaping

- 9.1 Paragraph 131 of the NPPF 2023 notes the important contribution that trees make to the character and quality of urban environments, as well as helping to mitigate climate change. Planning decisions should take opportunities to incorporate trees elsewhere in development, that appropriate measures are in place to secure the long term maintenance of newly planted trees and that existing trees are retained wherever possible.
- 9.2 Policy DM5 of the Development Management Policies Document 2015 sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by [inter alia]:
- continuing to maintain trees in streets and public open spaces and selectively removing, where absolutely necessary, and replacing and replanting trees; and
 - requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature trees and other planting.
- 9.3 The application is accompanied by a Tree Constraints Plan, prepared by Keen Consultants, reference 1845-KC-XX-YTREE-TCP01Rev D and dated March 2022, a Tree Survey and Impact Assessment, prepared by Keen Consultants, reference 1845-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-RevC and dated September 2023, an Arboricultural Method Statement, prepared by Keen Consultants, reference 1845-KC-

XX-YTREE-Method Statement-RevD and dated September 2023, and a Tree Protection Plan, prepared by Keen Consultants, reference 1845-KC-XX-YTREE-TTPO1RevD dated April 2022.

- 9.4 The Tree Survey and Impact Assessment identifies that the proposal would result in the loss of a grouping of Ash Trees (3 trees in total), which would be replaced by the planting of 25 new trees. Of these new trees, three large trees (2 no. Italian Alders and 1 no. Black Locust) would be planted in the verge to Church Street, to complement the Cedar trees to be retained. The Council's Tree Officer raises no objection to the loss of the three trees, which are contained well within the site and therefore do not make a significant contribution of the verdant character of the area.
- 9.5 One of the existing Cedar trees to be retained (Cedar of Lebanon, identified as Tree 4 on supporting plans) is currently in a state of decline. As a highway verge tree, this tree is the responsibility of the County Highway Authority. The County have advised that the tree in its current condition does not meet the County criteria for removal at this current stage, although they are monitoring its condition. When County observe that the tree is actually dead and likely to cause a risk to the highway users, they will order a fell to a 1.0 metre stump.
- 9.6 Given the current state of decline of the Cedar tree, it is unlikely to tolerate the changes brought on by the development to the soil area surrounding its roots. The Council's Tree Officer has therefore secured a commitment from the applicant to replace the Cedar tree T4 with Cedar trees, should the retained Cedar Tree fail within the first five years of the completion of the development. This is applied as a Grampian condition.
- 9.7 The new verge trees would be planted in a crate system, which would improve the rooting environment for these new trees. In addition, raised linear beds with a soft cell system will be deployed along the front verge where existing hard landscaped surface sits, to allow newly planted trees to establish and thrive.
- 9.8 The Council's Tree Officer has thoroughly reviewed the supporting documents and considers the proposal to be acceptable in principle, subject to conditions to secure underground surveys to demonstrate that the crate planting is viable, as well as conditions to secure landscape management, tree protection and tree replacement, should permission be granted.
- 9.9 In light of the above, Officers are satisfied that the proposal would not cause harm to the future health and wellbeing of trees to be retained on site and that the new planting is likely to be viable and flourish, in accordance with 131 of the NPPF 2023 and Policy DM5 of the Development Management Policies Document 2015.

10 Quality of Accommodation

- 10.1 Paragraph 130 of the NPPF 2023 states that planning decision should ensure that developments (inter alia) create places that are accessible, and which promote health and well-being, with a high standard of amenity for existing and future users
- 10.2 Policy DM12 of the Development Management Policies Document 2015 states that all new housing developments including conversions, are required to comply with external and internal space standards and must provide appropriate external private and/or communal amenity space to meet the needs generated by the development.
- 10.3 The Nationally Described Space Standards 2015 is not applicable to the Class C2 use proposed. Nonetheless, the rooms themselves are of sufficient size, as they exceed the requirements under the Nationally Described Space Standards, and are provided with good outlook. There are also adequate community spaces.
- 10.4 It is therefore considered that the proposed units will have an acceptable level of internal amenity in accordance with Policy DM12 of the Development Management Policies Document 2015.

11 Proposed Amenity Space

- 11.1 Policy DM12 of the Development Management Policies Document 2015 seeks to provide appropriate external private and/or communal space to meeting the needs generate by the development.
- 11.2 31 of the proposed bedspaces would be served by private amenity space in the form of patio gardens or balconies. The remaining 54 bedspaces would not be served by private amenity space, but would be served by communal balconies, roof terraces and the recreational gardens.
- 11.3 The main external communal recreation space to the rear of the building is secure and includes active gardens for residents to engage in, including a sensory courtyard and activity lawns, where residents can enjoy a variety of activities, such as bowls, croquet and gardening.
- 11.4 It is therefore considered that the proposal would provide sufficiently good, private amenity space to future occupiers of the development.

12 Character, Design and Visual

- 12.1 The NPPF 2023 attaches great importance to the design of the built environment. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key

aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 12.2 Paragraph 130 of the NPPF 2023 states [inter alia] that developments should function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history.
- 12.3 Paragraph 134 of the NPPF 2023 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 12.4 National Design Guidance provides the Government's approach to beautiful, enduring and successful places. It sets out the characteristics of well-designed places and includes context and identity where development integrates and relates well to its surroundings and relates to them in a positive way. Whilst this does not mean to say that the design of the development has to copy its surroundings, it does need to have regard to them because local character is what makes places distinctive
- 12.5 Paragraph 3.7.5 of the Core Strategy 2007 sets out that new development should enhance and complement local character and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 states that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm, and which positively contributes to the townscape.
- 12.6 Policy DM9 of the Development Management Policies Document 2015 states the Council supports development that would make a positive contribution to the Borough's visual character and appearance.
- 12.7 Policy DM10 of the Development Management Policies Document 2015 states [inter alia] that development proposals will be required to incorporate good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced include, but are not limited, to the following:
- 12.8 Prevailing development typology, including house type, sizes, and occupancy;
 - Prevailing density of the surrounding area;
 - Scale, layout, height, form, massing;
 - Plot width and format which includes spaces between buildings;
 - Building line build up, set back, and front boundary; and
 - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.

- 12.9 Policy DM13 of the Development Management Policies Document 2015 states [inter alia] that buildings higher than 12 metres will be inappropriate in all areas of the Borough except the identified areas within the Epsom Town Centre Boundary where buildings up to a maximum height of 16 metres will be allowed in certain locations.
- 12.10 However, in May 2018, the Licensing and Planning Policy Committee took a decision to set aside Policy DM13 of the Development Management Policies Document 2015. This was due to the policy restricting opportunities for growth in the Borough. It should be noted that although this policy remains part of the development plan, it is afforded limited weight in the decision-making process and in regard to the presumption of sustainable development.
- 12.11 Policy E7 of Plan E, Epsom Town Centre Area Action Plan 2011 seeks to restrict buildings outside of identified opportunity sites (of which the current site is not one) to a height of 12 metres.
- 12.12 Policy E17g of Plan E, Epsom Town Centre Area Action Plan 2011 for the redevelopment of the Emergency Services Site will require (inter alia) the design of future proposals to maintain and enhance the character and appearance of Church Street.
- 12.13 Church Street benefits from two distinctive character areas. To the north west of Church Street, from the junction with High Street and Upper High Street, the built form is close knit, with frontages in close proximity to the existing highway. Scale ranges from three to five storeys and architectural style is diverse. The larger scaled buildings in the street scene are located closer to the shared Town Centre junction and as you travel south along Church Street, the close knit pattern starts to erode, the frontage becomes less coherent and low storey residential development starts to intersperse.
- 12.14 An existing car park juxtaposed with a large landscape greenspace and trees introduces the second distinctive character of Church Street. Towards the south east, the built form is predominantly lower in height than that at the north west of Church Street and benefits from generous gaps that gives the area a more spacious feel. There are a number of landscaped strips containing trees that give the area a more verdant and open character. Traveling from north west to south east along Church Street, there is a clear sense of departing from the busy and commercial town centre into the overriding low-rise suburban neighbourhood. This transition is a notable characteristic along Church Street.
- 12.15 The existing buildings on site are of a mixed scale, being part three, two and single storey. Although the buildings are not of any great architectural merit and are unremarkable within the street scene, their layout and scale do respect the sense of openness and landscape

character along this part of Church Street and their simple design prevents them from visually competing with the existing context.

12.16 Following initial concerns raised by Officers, the original scheme had the benefit of a design review by a recognised independent body, which considered that the following amendments to the scheme might further improve the development. These are summarised as:

- A four story building may sit more comfortably on the site;
- A 'simpler and calmer' primary elevation (Church Street) may be more; appropriate within the Conservation Area;
- The south and north elevations could relate more closely;
- Denoting the entrance in a manner more intimate in scale and lighter in feel would appear more appropriately aligned with the buildings function;
- Soften and green the treatment along the frontage to create an active and welcoming edge that prioritises pedestrians;
- Reconfigure the ground floor to incorporate the shop along Church Street to further activate the north-eastern edge

12.17 Following this review, the original scheme has now been reduced by one storey along the Church Street elevation, the Church Street entrance has been redesigned in scale and the hairdressers relocated to the front of the site to further activate the Church Street frontage.

12.18 The proposal would therefore replace the existing built form on site with a part three storey, part four storey building, with the fourth floor comprising a slightly recessed mansard roof. The proposed built form would be arranged on site so as to respect the building line to the south west of Church Street and would continue to provide an active frontage facing onto the highway, whilst retaining the existing street trees.

12.19 The proposal would result in the reduction of one of the existing access to the site and the replacement of existing hard surfacing with new tree planting and soft landscaping, providing a welcomed continuation of the landscaping strip existing to the front of the site.

12.20 Whilst the proposed development would represent an increase the footprint of built form on the site, this increase is minimal. In comparison to the existing situation on site, the proposed footprint would be consolidated, which would allow for meaningful landscaping and functional recreation areas for future residents.

12.21 More importantly, the consolidated footprint would allow for a more considered spatial arrangement between the proposed built form and the surrounding existing built form. Where existing built form had been built up hard to the boundary, the proposed arrangement would provide new gaps between the proposed built form and the shared boundaries.

- 12.22 The proposed built form would therefore sit comfortably within the plot, retaining space between the shared boundaries to prevent a cramp or confined appearance.
- 12.23 The building would partially reduce to three storeys adjacent to the boundary with 12 Church Street and three storeys to the rear boundary with The Parade. This would also help to provide a sense of space around the proposed built form.
- 12.24 With respect to scale and height, the four storey built form, located predominantly along the Church Street frontage, would measure 13.0 - 13.5 metres in overall height from ground level, whilst the three storey elements would measure 10.0 – 10.5 metres in overall height from ground level. Although the proposal would therefore be taller and of a larger scale than any of the existing buildings within its immediate surroundings, as well as conflicting with Policy E7 of Plan E, Epsom Town Centre Area Action Plan 2011, it is acknowledged that the design has incorporate techniques to bring relief to both the horizontal and vertical emphasis of the built form, such as incorporating the mansard roof design, adding small setbacks to the elevations and small set downs from the main roof, as well as providing a regular rhythm of fenestration and utilising differing material finishes, all of which would result in the building reading lower than its height.
- 12.25 It is also welcomed that the design seeks to incorporate features of some of the more traditional elements in the area such as the use of symmetry, banding detail and brickwork. Whilst the bronze material proposed for the mansard roof and winter garden details are not within the material pallet of the surrounding area, Officers are not averse to introducing complementary materials to the area, particularly where it would assist with the breakdown of the impact of the scale of the proposed development. However, to ensure that the sheen of the material is complementary and not a distraction to the surrounds, in the event permission is granted, it is considered reasonable to recommend a condition to secure samples of materials for a full review, prior to development commencing on site.
- 12.26 Whilst there are street trees along Church Street that would provide some screening of the proposed development from some local medium and longer distance viewpoints in summer months, the height and scale of the proposed development would be highly visible from the immediate Church Street streetscene. However, whilst the presence of the development would be experienced, it would not dominate views of the street scene. Subject to securing high quality materials, the proposed development would integrate with the surroundings and would respect the local character of the area.
- 12.27 In light of the above, the proposal would accord with Policies CS1 and CS5 of the Epsom and Ewell Core Strategy 2007, the key design

requirement of Policy 17g of Plan E, Epsom Town Centre Area Action Plan 2011 and Policies DM9 and DM10 of the of Epsom and Ewell Development Management Policies 2015.

13 Neighbour Amenity

- 13.1 Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policy Document 2015 sets out that development proposals will be required to incorporate principles of good design. Development proposals should also have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.
- 13.2 As a result of the height and form of the proposed development, it is key to consider the impact upon surrounding residents from the built form in terms of outlook, daylight/sun lighting and privacy
- 13.3 The neighbouring properties most likely to have their amenities impacted upon by the proposed development are the residential properties at 33 - 39 The Parade and 45 Church Street (The Hermitage). The remaining properties surrounding the site are commercial/leisure uses or medical practitioners, all of which are uses that would have an acceptable relationship with the proposed development.
- 13.4 The proposal features a number of balconies on the north east and south west elevation that provide new opportunities for prolonged overlooking towards surrounding neighbouring properties.
- 13.5 The Hermitage is located to the east of the site, beyond the highway. As a result of a distance of 32 metres from the built form and the north east facing balconies of the proposed development, Officers are satisfied that the proposal would not result in any issues of being overbearing or causing any issues of overlooking that would cause harm to the occupiers within.
- 13.6 Similarly, the properties to the south west of the site, 33-39 The Parade, would be at a distance of over 21 metres from the built form and the south west facing balconies of the proposed development. Such a distance would prevent any clear and direct issues of overlooking into the internal private accommodation associated with these neighbouring properties.
- 13.7 The application is supported by a Daylight, Sunlight and Overshadowing Analysis, prepared by XCO2 and dated April 2022. The methodology use in the analysis accords with BRE good practice and computer modelling was used to carry out the assessments.

- 13.8 The Daylight Assessment was carried out on 176 windows from buildings surrounding the site, with the results confirming that daylight levels into the majority of these windows would remain at acceptable levels in the event permission was granted for the proposed development.
- 13.9 However, the assessment carried out on Epsom Clinic found that 12 windows associated with this property would have daylight reduced slightly below the BRE recommended level. However, given the non-residential nature of the building and its dependence on artificial lighting, Officers are satisfied that this reduced daylight would not significantly harm the operation within.
- 13.10 Notwithstanding this, Epsom Lodge is a site coming forward for residential development under the Council's emerging Local Plan (Policy SA2). Although limited weight is afforded to the Local Plan as a material consideration in this application, Epsom Lodge is a brownfield site in a sustainable location and is therefore highly likely to come forward in the future. The results of the Daylight Assessment and the overshadowing of windows therefore has the potential to sterilise future residential development coming forward on the Epsom Lodge site.
- 13.11 The Sunlight Assessment was carried out on a total of 84 window from buildings surrounding the site. All windows satisfied the BRE criteria and if permission was to be granted the proposed development would have no notable impact on sunlight access to the windows on the of the surrounding properties.
- 13.12 The Overshadowing Assessment tested all surrounding amenity spaces and found no reduction on sunlight as a result of the proposed development when compared to the existing scenario. The proposed development would therefore not have any significant impact on sunlight access to amenity spaces in the surrounding area.
- 13.13 The application is also supported by an External Lighting Strategy and Lighting Assessment which considered the impact of the proposed internal and external artificial lighting associated with the proposed development upon the surrounding residential properties. The Lighting Assessment has concluded that the impact of the spill from artificial lighting associated with the proposed development would be extremely low.
- 13.14 In terms of general amenity, whilst the proposed development is likely to generate a greater level of domestic noise through pedestrians arriving and leaving the site than the current situation, as well as general activity within the site, this level would not be to an extent that would be incongruous within the surrounding residential context.

13.15 The construction phase of the development has the potential to cause disruption and inconvenience to nearby occupiers and users of the local highway network. However, these issues are transient and are minimised through the requirements of planning conditions.

13.16 In light of the above, Officers are satisfied that the proposed development would not cause harm to the amenities of the occupiers of neighbouring properties, in accordance with Policy DM10 of the Development Management Policy Document 2015 and the guidance set out in the Council's Residential Infill Development SPG 2003.

14 Parking and Access

14.1 Paragraph 111 of the NPPF 2023 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

14.2 Policy CS16 of the Core Strategy 2007 encourages development proposals that foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities.

14.3 This policy further emphasises that development proposals should provide safe, convenient, and attractive accesses for all, including the elderly, disabled, and others with restricted mobility and be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements.

14.4 Furthermore, this policy stipulates that development proposals must ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, not materially increase other traffic problems.

14.5 The application is supported by a Transport Assessment, prepared by SLR, reference 402.12442.00002 Rev 1.0 and dated May 2022 and a Technical Memorandum dated July 2023.

14.6 The Transport Assessment gives an account of the existing local highway network and local accidental data, as well as highlighting the accessibility benefits of the site. There was a total of 9 collisions in the vicinity between 2017/2021, all of which can be attributed to driver error, rather than any deficiencies with the layout or condition of the local highway network.

14.7 The two existing access junctions to the site are to be retained and redeveloped to accommodate a new one way system within the site. The northern access junction will be the entrance to the site and will lead

to a one-way system fronting the building which contains a disabled parking bay, drop off area and service area for servicing vehicles and deliveries. This route also extends to a basement car park which is accessed from the southern end of the site.

- 14.8 Access to the basement car park would be through the northern access and via the one way system. A basement control point will be implemented due to the narrow nature of the basement access ramp, which only allows a single car to traverse it at a time.

Traffic Generation

- 14.9 In considering the traffic generation, the Transport Assessment has predicted the traffic flow associated with the proposed development and advises that to achieve this, the TRICS (Trip Rate Information Computer System) database has been used. This has calculated that the proposed use would generate 151 daily trip movements. This calculation includes the movements of an expected 90 full time equivalent staff members. As the site will operate shift patterns, it is expected that there would be 10 peak AM movements and 11 peak PM movements. Notwithstanding this, it is anticipated that 50% of staff would be working at the same time, and with the good public transport options and sustainable travel infrastructure in the local area, it is more than likely that not all staff members will travel to the site via private vehicle.
- 14.10 In assessing the impact of the additional traffic generation upon the local highway network, the Transport Assessment has reviewed existing traffic flows obtained from a traffic survey completed in 2019 which has then had a growth factor applied to estimate 2022 traffic levels.
- 14.11 Using trip rates obtained by the TRICS data base, the proposal will result in an additional 136 vehicles on the local roads each day. Given the highly sustainable location of the site, which is likely to encourage travel to the site using modes of transport other than the private car, the 136 trips is considered a worst case scenario; trips include servicing and delivery vehicles and would be spread out across the day, with a maximum of 11 two way trips in the park hour. The assessment demonstrates that the additional vehicles generated by the proposed care home will result in a 2.25% increase to the base traffic flows along Church Street.
- 14.12 The Transport Assessment advises that the Institute of Environmental Management Association guidance suggests that projected traffic flow increases of less than 10% would create no discernible impacts and therefore increases in traffic levels below 10% are considered to be insignificant.
- 14.13 The County Highway Authority is satisfied that the TRICS assessment and the method of calculating existing traffic flows undertaken and

reported within the Transport Assessment provides a robust and realistic assessment of the likely impact of the proposed development on the highway network and that the residual cumulative impacts of the development would not have a material impact on the capacity of the surrounding network.

Sustainable Transport Measures

14.14 Notwithstanding this, in light of the anticipated increase in trip generation associated with the proposal, and given the need to encourage sustainable transport and offer high quality, accessible infrastructure for future occupiers, the County Highway Authority have requested that the applicant commit to providing offsite highway improvements as follows:

- A new uncontrolled pedestrian crossing point to allow for access to both sides of Church Street following appropriate desire lines.
- Improvements to the local bus infrastructure
- Amendments to the local signage and road markings to remove redundant information.

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

14.16 The proposal is also supported by a Travel Plan, which seeks to increase travel awareness and promote sustainable travel behaviour and promote such initiatives as staff changing facilities for pedestrians and cyclists, providing material identifying suitable routes, as well as promoting public transport and car sharing initiatives.

14.17 The proposal seeks to provide 7 no. active Electric Vehicle Charging Bays with a further 7 no, passive Electric Vehicle Charging Bays, where the infrastructure is in place for future upgrade when demand exists.

Access/Internal Road System

14.18 The County Highway Authority have assessed the detailed design of the modified vehicle accesses and is satisfied that they would improve visibility onto Church Street and improve the swept path of vehicles turning in and out of the site. No concern has been raised to the design of the proposed one way system, or the basement access/parking.

14.19 The County Highway Authority requires the remaining access that currently serves the Ambulance Station that will become redundant as part of the proposed scheme to have the kerb/ verge and footway must be fully reinstated within the frontage. Furthermore, redundant signage

and keep clear marking for the Ambulance Station will need to be removed in consultation with the County Highway Authority. Further relocation of any fire station infrastructure such as the wigwags in the grass verge, will need to be carried out in consultation with Surrey Fire and Rescue and the County Highway Authority through the Section 278 Agreement.

- 14.20 The County Highway Authority have raised no objection against the proposal in terms of impact on the operation of the network or highway safety, subject to conditions, in the event permission is granted, to secure a Construction Transport Management Plan, a Travel Plan, Electric Vehicle Charging Points, kerb reinstatement, sustainable transport mitigation methods and directional signs and to ensure that the proposed access, visibility splays and parking are constructed in accordance with any approved plans.

Car Parking Provision

- 14.21 Policy DM37 of the Development Management Policies Document 2015 seeks to ensure that new schemes provide an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.
- 14.22 Policy E17g of Plan E, Epsom Town Centre Area Action Plan 2011 for the redevelopment of the Emergency Services Site will require (inter alia) onsite parking provision for future residents, employees and visitors to be calculated to a maximum standard and appropriately adjust to take account of the high levels of accessibility to alternative transport modes.
- 14.23 The Council's Parking Standards for Residential Development SPD 2015 defers to the Surrey County Council Vehicular and Cycle Parking Guidance 2021 in matters relating to development outside of Class C3 (residential dwellings) use.
- 14.24 For Class C2 use, the County Guidance requires a minimum of one car space per two residents or an individual assessment/justification. The proposal would provide 30 parking spaces, two of which will be dedicated for disabled use. This is a shortfall of 13 vehicle parking spaces from the minimum requirement.
- 14.25 The Transport Assessment acknowledges the shortfall and provides justification for this loss, concluding that due to the type of care home to be developed, it is unlikely that any of the residents will own a vehicle, and so the car parking will be utilised by staff members and visitors. Furthermore, the Transport Assessment highlights that there are also multiple pay and display car parks within walking distance of the site which could be used by staff and visitors should the parking demand on site exceed the provision.

- 14.26 The County Highway Authority have considered this justification for the shortfall of parking provision on site and have raised no objection to this on highway safety and operation grounds, given that the application site is within a very sustainable location, close to the amenities of the town centre, and with good access to public transport. Furthermore, the County Highway Authority note that there are adequate parking restrictions within the vicinity of the application site to prevent parking occurring on street in a location likely to cause a highway safety issue.
- 14.27 In most cases, where a proposal fails to meet either County or Council parking standards, the Council would expect it to be robustly demonstrated that the level of on-site parking associated with the proposal would have no harmful impact on the surround area in terms of street scene or the availability of on-street parking. However, in the particular case, given that the proposed use is unlikely to accommodate residents with car ownership, in considering that the staff will be working in shift patterns and considering that the site is in a highly sustainable location with adequate on street parking restrictions and provision for overspill vehicle parking, Officers are satisfied that the proposed development is unlikely to have a harmful impact on the surround area in terms of street scene or the availability of on-street parking to the extent that would warrant a reason for refusal on this matter.
- 14.28 Furthermore, this approach is consistent with the care home development granted permission at 65 London Road, where a shortfall in vehicle parking spaces for a Class C2 care home was also considered acceptable.

Cycle Parking Provision

- 14.29 For Class C2 use, the County Guidance requires an individual assessment for the minimum cycle parking on site. The proposal would provide covered and secure cycle facilities to accommodate for the parking of 10 bicycles. The demand for cycle parking will be monitored under the travel plan and adjusted accordingly. The County Highway Authority have not raised any objection to the level of cycle storage provided.
- 14.30 In light of the above and subject to conditions and a Section 106 Agreement to secure the necessary sustainable transport mitigation methods, should permission be granted, the proposal is considered to accord with Policy CS16 of the Core Strategy 2007, the parking key requirement of Policy 17g of Plan E, Area Action Plan 2011, Policy DM37 of the Development Management Policies Document 2015 and the Council's Parking Standards for Residential Development SPD 2015.

15 Refuse and Recycling Facilities

- 15.1 Policy CS6 of the Core Strategy 2007 sets out [inter alia] that proposals for development should result in a sustainable environment and to conserve natural resources, waste should be minimised and recycling encouraged. Development should incorporate waste management processes.
- 15.2 Annex 2 of the Council's Revised Sustainable Design SPD 2016 sets out the refuse and recycling requirements for flatted development. It states [inter alia] that storage areas for communal development, wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers to be stored and manoeuvred and be within 6 metres of the public highway. It further states that if more than four 240 litre bins are to be emptied, then the collection vehicle should be able to enter the development to avoid the risk of obstructing traffic.
- 15.3 The proposal would provide an internal refuse store to the front of the building, that can be accessed by the refuse/recycling vehicle within the site, thereby avoiding the risk of obstructing vehicular traffic on the highway.
- 15.4 Having reviewed the refuse/recycling arrangements proposed, the Council's Transport and Waste Services Manager considers them to be acceptable in terms of capacity and storage. However, there is a concern regarding the collection from the site. As demonstrated by the supporting tracking plans, due to the one way vehicular system proposed on site, refuse & recycling vehicles will be required to cross from the other side of the road when entering, and then cross back to the other side of the road again when leaving. The Council's Transport and Waste Services Manager is concerned there are safety implications of low-moving refuse & recycling vehicles crossing traffic on this approach to the town centre, which can be busy with both vehicles and pedestrians.
- 15.5 Furthermore, the Council's Transport and Waste Services Manager notes that collections at the properties opposite (The United Reform Church, the Epsom Club and 45 Church Street) would be compromised because either bins will need to be pulled along to the waiting vehicle which would be outside no.47 after exiting the development or the vehicle will need reversing back to make those collections, which could have health & safety implications.
- 15.6 Officers note the concerns raised by the Council's Transport and Waste Services Manager and are aware that whilst the servicing of the site would not be the most efficient for the route as a result of the orientation of the one way system, the proposal meets the requirements set out in Appendix 2 (Guidance on the Storage and Collection of Household Waste) of the Sustainable Design Supplementary Planning Document. It

would therefore be unreasonable for the proposal to be refused for this reason.

- 15.7 As such, Officers are satisfied that the proposed development would meet Policy CS6 of the Core Strategy 2007 and the requirements of Annex 2 of the Council's Revised Sustainable Design SPD 2016.

16 Ecology and Biodiversity

- 16.1 The Local Planning Authority have a duty of care under Section 41 of the Natural Environment and Rural Communities Act 2006 to ensure that planning permission is not granted for any development that has potential to unlawfully impact on protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 16.2 Paragraph 180 of the NPPF 2023 states (inter alia) that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
- 16.3 Policy CS3 of the Core Strategy 2007 sets out that development that is detrimental to the Borough's biodiversity will be minimised, and where it does take place, adequate mitigating measures should be provided. Wherever possible, new development should contribute positively towards the Borough's biodiversity.
- 16.4 Policy DM4 of the Development Management Policies Document 2015 seeks to ensure that new development takes every opportunity to enhance the nature conservation potential of a site and secure a net benefit to biodiversity. It sets out that development affecting any site or building that supports species protected by Law including their habitats, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the identified species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity.
- 16.5 The application is supported by a Preliminary Ecology Appraisal and Bat Preliminary Roost Assessment, prepared by Surrey Wildlife Trust, reference 3217-1 1.0 dated 15/02/19, an Updated Bat Roost Assessment, prepared by Surrey Wildlife Trust, reference 3217- 5 dated 08/10/21, Updated Bat Survey Report, prepared by Surrey Wildlife Trust, reference 3217-6 1.0 dated 19/08/22, Bat Emergence/Re-Entry Surveys, prepared by Surrey Wildlife Trust, reference 3217-2 2.1 dated 28/10/19 and a Biodiversity Net Gain Assessment, prepared by SLR, reference 402.12442.00001, dated May 2022.

- 16.6 The Assessment identifies that four buildings on the site are capable of providing suitable habitat for bat roosts, although subsequent emergency surveys carried out in 2019, 2020 and August 2022 recorded no bats emerging or returning to the buildings, indicating an absence of roosting bats.
- 16.7 The Council's Ecology Officer has reviewed all the reports and considers it to be appropriate in scope and methodology and recommends a condition to secure the mitigation measures as set out in Section 6.3.1 of the Updated Bat Survey Report, prepared by Surrey Wildlife Trust, reference 3217-6 1.0 dated 19/08/22,
- 16.8 The Biodiversity Net Gain Assessment identifies that the proposal would increase the habitat units on site, equivalent to a 49.63% gain. This is the result of an increase in ground level planters, modified grasslands, native mixed species hedgerow and new trees, as well as the proposed extensive green roof.
- 16.9 As Biodiversity Net Gain is not mandatory until January 2024, this significant net gain on the site is a benefit of the scheme to be weighed in the planning balance. To ensure the establishment and maintenance of the features that secure this biodiversity net gain, the Biodiversity Net Gain Assessment outlines a Management Plan that would be secured by way of condition, in event permission is granted
- 16.10 Subject to the abovementioned conditions should permission be granted; the Local Planning Authority are satisfied that they have carried out their duty of care under Section 41 of the Natural Environment and Rural Communities Act to protect the species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 16.11 The proposal would not prejudice the existing ecological value of the site and would enhance the conservation potential of a site in accordance with Policy CS3 of the Core Strategy 2007, Policy DM4 of the Development Management Policies Document 2015 and the requirements of the NPPF 2023.

17 Flooding and Drainage

- 17.1 Paragraph 167 of the NPPF 2023 states that when determining any planning applications, LPAs should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 17.2 Paragraph 169 of the NPPF 2023 sets out that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- take account of advice from the lead local flood authority;
- have appropriate proposed minimum operational standards;
- have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- where possible, provide multifunctional benefits.

- 17.3 Policy CS6 of the Core Strategy 2007 states that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development [inter alia] avoids increasing the risk of, or from flooding.
- 17.4 Policy DM19 of the Development Management Policies Document 2015 states that the Council will expect development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SuDs) at a level appropriate to the scale and type of development.
- 17.5 The application is supported by a Flood Risk and Surface Water Management Statement, prepared by SLR, reference 402.12442.00002 Version 2 and dated May 2022.
- 17.6 In terms of fluvial flooding, the site is located in an area of low flood risk, outside of Flood Zone 2 and 3 as identified on the Environment Agency Flood Risk Maps and therefore the proposed development, would be wholly in Flood Zone 1. As such the development has low risk of fluvial flooding. Furthermore, the access to the site is also located within Flood Zone 1 and would continue unimpeded to provide safe access to and from the residential developments in the event of a flood
- 17.7 As the proposed development would lie within Flood Zone 1, neither the sequential test or the exceptions test, as set out in the Governments guidance 'Flood risk assessment: the sequential test for applicants' 2017 needs to be carried out.
- 17.8 With respect to pluvial flooding, parts of the site falls within a Critical Drainage Area and is located upon a Principal aquifer overlain by a Secondary aquifer and in Source Protection Zone 1. The site is currently developed, therefore generating a high proportion of run off, although, outside of large storms, this is mainly managed by existing draining systems that discharge via pipework connections into foul sewers beneath Church Lane and The Parade. The land to the south and south west of the site is at a higher level than the site, creating a low topographic centre within the site that experiences shallow surface water flooding.

- 17.9 The site is underlain by permeable geology, capable of containing and conveying large amounts of groundwater. There are no records held by the Lead Local Flood Authority to demonstrate incidents of groundwater flooding in this area and groundwater monitoring at the site in winter 21/22 demonstrates a low probability of flooding from groundwater although there is an acknowledgement that groundwater levels could rise significantly during severe and prolonged wet periods.
- 17.10 The planning history of the site demonstrates that the site has been subjected to several sources of contamination, which has been confirmed through a preliminary site investigation.
- 17.11 The proposed development features basement vehicle parking. The Flood Risk and Surface Water Management Statement acknowledges that the ramp leading down to the basement is at risk from surface water flooding, but that the retaining wall proposed on the south side of the ramp would help provide protection from surface water getting onto the ramp and the raised hump at the top of the slope would also capture any surface water progressing down the ramp into the basement. Within the base of the ramp there would also be a surface water drain, which would drain surface water from the ramp to a sump, where it would be pumped back into the wider surface water systems.
- 17.12 The Flood Risk and Surface Water Management Statement acknowledges there is a low possibility that groundwater flooding could reach the base of the proposed basement in during severe and prolonged wet periods and makes provision for such occurrences. Groundwater flooding occurs when the water table in permeable rock rises to enter basements/cellars or come above ground level.
- 17.13 The correspondence from third parties demonstrates that there are incidences of known groundwater flooding, that have affected basements. To protect the proposed basement from the risk of groundwater flooding, it is proposed to 'tank' the basement – which involves sealing the basement with a waterproof membrane to prevent water from entering. The Flood Risk and Surface Water Management Statement acknowledges that the tanking would result in a 'slight increase in groundwater levels to the southern side of the building', but suggests that the 'chevron shape of the building would help groundwater flow around the basement to the east and the west, minimising the impact of the impedance'
- 17.14 There are third party concerns that the tanking of the proposed basement would increase the ground water levels, particularly to the south, which could increase the risk of ground water flows that would exacerbate the groundwater flooding situation, in comparison to the existing situation.

- 17.15 In this matter, the Lead Local Flood Authority have advised that SLR have appeared to have extensively reviewed and considered any potential groundwater impacts that could result from the development. I
- 17.16 The Lead Local Flood Authority are clear in that design solutions can mitigate the risk of groundwater flooding. It is therefore considered reasonable to place a Grampian condition/condition to secure a scheme to mitigate the increased groundwater risk of flooding from the proposed the proposed basement. The Council would then secure the professional services of a third party to scrutinise the mitigation scheme, prior to development commencing on site.
- 17.17 With regards to the most appropriate SuDS disposal method to support the proposed development, whilst the underlying geology of the site demonstrates sufficient permeability to support infiltration drainage techniques, given the site is in a groundwater source protection zone and the presence of potentially contaminates, infiltration drainage could mobilise into the underlying principle aquifer and contaminating the groundwater quality. Therefore, this drainage method is discounted.
- 17.18 Given that infiltration is unsuitable for the site, attenuation provision is proposed in the form of geocellular tanks to be located beneath the garden areas in the south of the site. Permeable paving around the site would drain surface water into these tanks, which would then be released at a controlled rate into connection to the existing nearby surface water public sewer network.
- 17.19 For surface water run off on the proposed built form, green roof areas are proposed on both wings, which would be routed to the geocellular tanks via raised garden planters and/or filter drains.
- 17.20 The Lead Local Flood Authority have confirmed that the drainage proposal satisfies the requirements of the NPPF 2023 and has recommended that should permission be granted, suitable conditions are required to secure the details of the design of the surface water drainage scheme and to ensure that it is properly implemented and maintained throughout the lifetime of the development.
- 17.21 As such, it is considered that the flood risk and surface water flooding have been addressed in accordance with Policy CS6 of the Core Strategy 2007, Policy DM19 of the Development Management Policies Document 2015 and the requirements of the NPPF 2023.

18 Contamination and Remediation

- 18.1 Paragraph 183 of the NPPF 2023 states that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

- 18.2 Paragraph 184 of the NPPF 2023 continues where a site is affected by contamination issues, responsibility for securing a safe development rests with the developer and/or landowner in accordance with paragraph 179 of the NPPF 2023
- 18.3 Policy DM17 of the Development Management Policies Document 2015 states [inter alia] that where it is considered that land may be affected by contamination, planning permission will only be granted if it is demonstrated that the developed site will be suitable for the proposed use without the risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.
- 18.4 The application is supported by a Preliminary Land Quality Risk Assessment Report, prepared SLR, reference 402.12442.0002 dated May 2022. This document indicates that there are potential harm to both human health and controlled waters from potential ground contamination and recommends an intrusive investigation to further assess this.
- 18.5 Both the Environment Agency and the Council's Contaminated Land Officer has reviewed this document and have recommended conditions to secure a site investigation scheme, as well as conditions to prevent infiltration drainage and piling, to protect the groundwater source, which in this case a Primary aquifer overlain by a secondary aquifer within Ground Source Protection Zone 1 (SPZ1)
- 18.6 These conditions would ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.
- 18.7 The proposal is therefore considered to accord with Policy DM17 (of the Development Management Policies Document (2015) and the requirements of the NPPF 2023.

19 Noise

- 19.1 Paragraph 185 of the NPPF 2023 states that planning decisions should ensure that new development is appropriate for its location by taking into account the effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 19.2 This includes, inter alia, mitigating and reducing to a minimum the potential adverse impacts resulting from noise from new development and to avoid noise giving rise to significant adverse impacts on health and the quality of life.

- 19.3 As a result of the proposed development creating a new noise source from mechanical plant in close proximity to existing residential properties, the application is supported by a Noise Assessment, prepared by SLR, reference 402.12442.00002_Noise, dated May 2022.
- 19.4 The Noise Assessment identifies the nearest noise sensitive receptors to the site to be the residential properties on Worple Road, The Parade and Church Street. Although the exact details of operational plant associated with the proposed development is unknown at this stage, the Noise Assessment has assumed a typical background sound level. Provided that the total noise emission levels from all static plant does not exceed the rating level limit identified in the Noise Assessment, the result would be a low level impact at the nearest sensitive receptor. Furthermore, final noise mitigation measures can include acoustic louvers or acoustic screens as required.
- 19.5 Also assessed within the report is the effect of the noise associated with the road traffic on the surrounding local network upon the proposed internal and external areas of the proposed development and its impact upon future residents. The assessment identifies that the external areas, such as the gardens and patio area, would meet the required noise levels. The final design of the internal areas would include mitigation in respect of window specifications and where necessary additional means of window ventilation, in order to be compliant with building regulations, which can be secured under Building Control legislation if permission was to be granted.
- 19.6 Noise and vibration impacts during the demolition and construction phases of the development can be controlled by way of a Construction Management Plan to ensure that the impacts upon neighbouring amenities can be minimised and monitored, in the event permission is granted.
- 19.7 Subject to the relevant safeguarding conditions should permission be granted, that there would be no detectable effect on health or quality of life for the future occupiers of the site or neighbouring occupiers due to noise, in accordance with and the NPPF 2023.

20 Archaeology

- 20.1 Paragraph 194 of the NPPF 2023 states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 20.2 Policy CS5 of the Core Strategy 2007 sets out that the Council will protect and seek to enhance the Borough's heritage assets including

(inter alia) archaeological remains. The settings of these assets will be protected and enhanced.

- 20.3 Policy DM8 of the Development Management Policies Document 2015 seeks to resist the loss of Heritage Assets and instead promote the opportunity to conserve and enhance these. Specifically, on any major development site of 0.4ha or greater, applicants are required to undertake prior assessment of the possible archaeological significance of a site and the implications of the proposals.
- 20.4 The site is located within an Area of High Archaeological Potential, designated around the historic core of Epsom. The application is supported by an Archaeological Desk Based Assessments, prepared by RPS group, Version 1 and dated April 2022 which concludes the site has a low to high potential for historic finds or features on the site and recommends further archaeological mitigation methods.
- 20.5 The County Archaeological Officer has reviewed the archaeological desk based assessment submitted and considers it to be of good quality and suitable to support the development application. In view of the nature and scale of the development and the low to high likelihood of the potential archaeology, the County Archaeological Officer recommends a condition to secure a programme of archaeological work, in order to mitigate the impacts of development, in the event permission is granted
- 20.6 In light of the above, and subject to the recommended condition as set out by the County Archaeologist, Officers are satisfied that there would be no adverse archaeological implications and the proposal would accord with Policy CS5 of the Core Strategy 2007, Policy DM8 of the Development Management Policies Document 2015 and the requirements of the NPPF 2023.

21 Environmental Sustainability

- 21.1 The NPPF 2023 states that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7). It sets out that sustainable development has overarching economic, social and environmental objectives - the environmental objectives include mitigating and adapting to climate change. Paragraph 9 of the Framework states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account requirements of construction and incorporates waste management processes.
- 21.2 Consideration of sustainability and climate change are embedded within the Council's current adopted Core Strategy and Development Management Policies Document. Specifically, Policy CS1 sets out that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvements

necessary to achieve sustainable development - both in Epsom and Ewell, and more widely. Changes should protect and enhance the natural and built environments of the Borough and should achieve high quality sustainable environments for the present, and protect the quality of life of future generations. Policy CS6 sets out that development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change

- 21.3 The application is supported by an Energy and Sustainability Assessment, prepared by SLR, reference 401.12442.00002 version 1 and dated May 2022. The Assessment identifies that air source heat pumps, mechanical ventilation and solar panels are considered to be the most appropriate on site renewable resources for the proposed development.
- 21.4 For the construction phase, all timber and timber products used would be from legally harvested and traded sources. Renewable materials will be sought from sustainable sources wherever possible and the potential for material reuse from the buildings to be demolished will also be considered. Construction Waste Management would also be considered during the post planning stage, should permission be granted, to ensure that site waste can be reduced, reused, recycled or recovered wherever possible.
- 21.5 Subject to a condition to secure these sustainable measures as part of a detailed design in the event permission is granted, the proposal would be able to secure a sustainable development outcome and would therefore accord with Policies CS1 and CS6 of the Core Strategy.

22 Accessibility and Equality

- 22.1 Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient, and attractive access to be incorporated within the design of the development. Being a care home, the scheme would be fully accessible.
- 22.2 The Council is required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There would be no adverse impacts as a result of the development.

23 Fire Safety

- 23.1 On The Surrey Fire Safety Inspecting Officer and has reviewed this proposal and confirmed that it demonstrates compliance with the Fire Safety Order in respect of means of warning and escape in case of fire.

24 Planning Obligations

24.1 The following site specific and financial contribution are required to mitigate the highway impacts of the proposed development:

- RTPI display linked to Surrey County Council's RTPI system to be installed within a communal area of the development,
- Provision of an uncontrolled pedestrian crossing point on Church Street
- Improvements to the two bus stops on Church Road closest to the site to consist of real time passenger information, shelter provision, lighting, raised kerbing and seating
- Travel Plan Auditing fee of £6150

24.2 The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is liable for CIL payments because it involves additional floor area in excess of 100m². Class C2 care homes are charged at a rate of £20/m².

CONCLUSION BALANCE

25 Planning Balance

25.1 As the Council cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11 (d) of the NPPF is engaged as the policies which are most important for determining the application are out-of-date. There are no footnote 8 policies which would provide a clear reason for refusing permission and which would prevent the tilted balance from being applied.

25.2 Footnote 7 to paragraph 11d (ii) indicate that policies relating to designated heritage assets are relevant to its application. In undertaking the balanced exercise set out in paragraph 202 of the Framework, whilst the proposal would result in less than substantial harm to the significance of the heritage assets, it has been demonstrated that the benefits of the scheme would outweigh that harm, whilst giving considerable importance and weight preservation of the designated heritage asset. Therefore, as there is no clear heritage reason for refusing the proposal, the tilted balance in paragraph 11d (ii) remains engaged.

25.3 The presumption is therefore to grant permission for sustainable development unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.

Social Benefits

- 25.4 The proposed development would make a significant contribution towards delivering the Council's housing target and would therefore be consistent with the Framework and Council policy in so far as it seeks to significantly boost the supply of homes. Given the pressing need for housing in the Borough, as demonstrated by the extent of the Council's housing shortfall and how long the deficit is likely to persist, this benefit is given significant weight.
- 25.5 The proposal would provide a care home facility that would meet a defined need and provide a choice of housing for the community. The proposal care accommodation would have benefits for future occupiers in terms of improved wellbeing and health outcomes. Moreover, the proposal could reduce need for existing GP and hospital services. It is also sustainability located close to public transport and the town centre, allowing ease of movement. Having regard to identified need, this benefit is given significant weight.

Economic Benefits

- 25.6 The proposal would provide economic benefits through employment during the construction phase, the additional employment generated by the completed proposal and the additional expenditure in the local economy at both construction and following occupation. The construction phase is temporary and therefore this would amount to a limited benefit.
- 25.7 It is estimated that the operation phase of the development would generate 70 to 80 direct jobs, that is subject to increase as the scheme matures. This benefit is given significant weight.
- 25.8 There is no evidence to suggest that the local economy would be disadvantaged without the expenditure generated from the proposed development and therefore this would amount to a limited benefit.

Environmental Benefit

- 25.9 The proposal would achieve a substantial biodiversity net gain on the site. This benefit is given significant weight.
- 25.10 The proposal would provide considerable landscaping and tree planting on the site and sustainability measures that extend beyond minimum policy compliance. This would amount to a moderate benefit.

Other Matters

- 25.1 The proposal would cause less than substantial harm to the setting of Hermitage (Grade II Listed), Ashley Cottages (Grade II Listed), The

Cedars (Grade II* Listed) and Church Street Conservation Area. Whilst Officers have given great weight to the desirability of preserving the setting of the surrounding heritage assets, in this case, the public benefits would outweigh the less than substantial harm identified.

- 25.1 The proposal would conflict with a key criterion of Policy 17g of Plan E 2011 by failing to provide at least 20 affordable houses on the site. However, as there is no requirement under Policy C9 of the Core Strategy 2007 to secure affordable housing for a Class C2 development, Officers attach limited weight to this conflict.
- 25.2 The proposal would conflict with Policy DM13 of the Development Management Policies Document 2015 and Policy E7 of Plan E 2011, both of which sets the maximum height limit of 12m outside of locations identified within the Proposals Map in Plan E 2011. However, Policy DM13 of the Development Management Policies Document 2015 is currently set aside in order to promote opportunities for growth. Although this policy remains part of the development plan, it is afforded limited weight in the decision-making process and in regard to the presumption of sustainable development. Although not similarly set aside, Policy E7 of Plan 2011 also seeks to restrict opportunities for growth and therefore Officers attach limited weight to these policy conflicts.
- 25.3 The proposal has the potential to sterilise future development from coming forward on the Epsom Lodge site as a result of partial overshadowing, thereby conflicting with Policy 17g of Plan E 2011. However, as any future development can be designed around the constraints of the site, Officers attach limited weight to this conflict.
- 25.4 The shortfall of on-site car parking spaces would not be compliant with DM37 of the Development Management Policies Document 2015. However, there is robust justification for the shortfall, given that residents of the development themselves are unlikely to own vehicles due to the nature of the care provided and that the site is located within a highly sustainable location with good public transport accessibility.

Overall Balance

- 25.5 Overall, whilst there are adverse effects in respect of this application, these would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. The application is therefore recommended for approval.

RECOMMENDATION

PART A: To grant planning permission subject to the S106 Legal Agreement by 09 February 2024 with the following Heads of Terms

- a) RTPI display
- b) Pedestrian crossing point on Church Road
- c) Improvements to bus stops on Church Road
- d) Travel Plan Auditing fee

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 09 February 2024, the Head of Planning is authorised to refuse the application for the following reason:

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

Conditions:

1. 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 and reports:

- Drawing Number APL001 Site Location Plan Rev B
- Drawing Number APL002 Topographical Plan Rev B
- Drawing Number APL004 Proposed Site Plan Rev G
- Drawing Number APL005 Proposed Landscape Plan Rev H
- Drawing Number APL006 Proposed Basement Plan Rev E
- Drawing Number APL007 Proposed Ground Floor Plan Rev D
- Drawing Number APL008 Proposed First Floor Plan Rev D
- Drawing Number APL009 Proposed Second Floor Plan Rev D
- Drawing Number APL010 Proposed Third Floor Plan Rev D
- Drawing Number APL012 Proposed Roof Plan Rev D
- Drawing Number APL013 Proposed Church St. Elevation A-A' Rev D

- Drawing Number APL014 Proposed South Elevation B-B' Rev D
- Drawing Number APL015 Proposed West Elevation C-C' Rev D
- Drawing Number APL016 Proposed Elevations D-D' to G-G' Rev D
- Drawing Number APL017 1:100 Proposed Elevation H-H' Rev D
- Drawing Number APL018 1:250/1:500 Proposed Street Elevations Rev D
- Drawing Number APL019 1:200 Proposed Site Sections Rev D
- Drawing Number APL029 1:100 Basement Fire Strategy Plan Rev C
- Drawing Number APL030 1:100 Ground Floor Fire Strategy Plan Rev C
- Drawing Number APL031 1:100 First Floor Fire Strategy Plan Rev B
- Drawing Number APL032 1:100 Second Floor Fire Strategy Plan Rev B
- Drawing Number APL033 1:100 Third Floor Fire Strategy Plan Plan Rev 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 until details of all external materials to be used for the development have 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: 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 Document 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 (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (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) on-site turning for construction vehicles

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

Reason: In order 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 Document 2015 and Policy CS16 of the Core Strategy 2007.

5. Ground Contamination

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

- (a) 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 and PFAS) 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
- (b) 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 any occupation of the site, an approved remediation scheme prepared in accordance with the above, 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.

6. Groundwater Site Investigation

No development shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include the following components:

- (a) A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.

- (b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (c) The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved prior to any occupation of the development

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with Policy DM17 of the Development Management Policies Document 2015 with paragraph 174 of the National Planning Policy Framework.

7. Groundwater Flooding Details

Prior to the commencement of any below ground development at the site, a Groundwater Screening Assessment shall be submitted to, and approved in writing by, the Local Planning Authority. The Assessment shall confirm the location, extent and depth of the proposed basement and include detailed assessments of the nature and extent of impacts on groundwater flows, levels and flooding on and to properties immediately adjacent to the site (including allowance for seasonal variations). If the assessment identifies significant adverse impacts, then the document should also set out a scheme of mitigation and ongoing maintenance measures to reduce the risks to the application site and adjoining properties to an acceptable level. The approved details, including mitigation and ongoing maintenance shall therefore be maintained for the life of the development.

Reason: To ensure the design makes adequate provision for flood protection and does not increase flood risk on or off site in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007 and Policy DM19 Development Management Policies Document 2015.

8. SuDS Details

The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and

approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- (a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels or confirmation from a geotechnical engineer that ground contamination precludes the use of infiltration.
- (b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. 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 1.0 l/s, discharged to the surface water sewer.
- (c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.). Including proposed green roof, rain garden planters, permeable paving and filter drains.
- (d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
- (e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- (f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The surface water drainage scheme shall be implemented as approved prior to any occupation 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 in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007 and Policy DM19 Development Management Policies Document 2015.

9. Environmental Construction Plan

The development hereby permitted shall not commence until an Environmental Construction Management Plan 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.

10. 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, which are to be in accordance with Method Statement 1845KCXXYTREE REV D and Tree Protection Plan 1845 KCXX YTREE TOO01 REV D. Specific issues to be dealt with in the enhanced Tree Protection Plan and Arboricultural Method Statement shall include:

- a) Methods of demolition within the root protection areas of retained trees numbered 3-5 and 9-14;
- b) Location and installation of services/ utilities/ drainage in particular adjacent to the frontage verge trees numbered 3-8 and side flank trees numbered 9-14;
- c) Details of construction for foundations or other structures which require excavation within the RPAs of retained trees;
- d) A full specification for the construction of any, basement, roads, parking areas, hard surfacing, hard landscaping and driveways which are constructed within the RPA's of retained trees, including details of the tree protection measures and no-dig specifications;
- e) An enhanced specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing;
- f) A specification for scaffolding and ground protection within RPAs of construction exclusion zones, where total protection cannot be achieved due to access and construction requirements;
- g) Details of site access, temporary contractor parking, on site welfare facilities and services, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires;
- h) Methodology and detailed assessment of root pruning within RPAs;
- i) Arboricultural supervision and inspection by a suitably qualified arboricultural consultant;
- j) Reporting to the LPA of inspection and supervision;
- k) Methods to improve the rooting environment for retained and proposed trees;

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core

Strategy 2007 and Policies DM5 and DM9 of the Development Management Policies 2015.

11. Tree Working Procedures

Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed or that all tree protection measures have been installed in accordance with the approved tree protection plan. To include a reasonable supervision and monitoring programme with the LPA for the duration of development. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

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

12. Archaeology details

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall be implemented as approved prior to any occupation of the development.

Reason: To ensure archaeological investigation recording in accordance with Policy DM8 of the Development Management Policies Document 2015

Pre-Above Ground Level Condition

13. No development above ground level shall take place until a detailed Scheme of Hard and Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority, which are to be in accordance with the hard and soft landscaping plan APL005 revision F. The detailed scheme shall include.

- a) Details of the design and external appearance of all hard surface, fences, gates, walls, bollards and any other hard landscaping features
- b) The location, species and size of plants and trees to be planted on the site;

- c) Details of underground tree planting pits and/or crate systems, planting and tree surround specifications
- d) Schedules of landscape maintenance and aftercare

All planted materials shall be maintained for five years and any trees or planting that is removed, damaged, dying or diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

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

Pre-Occupation Conditions

14. Modified Access

No part of the development shall be first occupied unless and until the proposed modified accesses to Church Street have 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, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

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 Document 2015 and Policy CS16 of the Core Strategy 2007.

15. Access and Egress

No part of the development shall be occupied until 'No Entry' signing and 'No Entry' markings have been provided at the site egress and 'Entry' signing, and 'One Way' markings have been provided within the site ingress in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter shall be permanently retained and maintained.

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 Document 2015 and Policy CS16 of the Core Strategy 2007.

16. Kerb/Verge/Footway Reinstatement

The development hereby approved shall not be first occupied unless and until all existing redundant accesses have been permanently removed or closed, and all kerbs, verge, footway, adjacent to the frontage of the site have been fully reinstated and all redundant Ambulance station signage and roadmarkings and the fire station wig wags have been relocated to the satisfaction of Surrey Fire and Rescue and Surrey County Council.

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 Document 2015 and Policy CS16 of the Core Strategy 2007.

17. 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 Document 2015 and Policy CS16 of the Core Strategy 2007.

18. Sustainable Transport Measures

The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for:

- (a) The secure parking of bicycles within the development site, this shall be secure, covered and lit and at-grade to allow for accessible cycle parking,
- (b) Facilities within the development site for cyclist to change into and out of cyclist equipment/ shower,
- (c) RTPI display linked to Surrey County Council's RTPI system to be installed within a communal area of the development,
- (d) Provision of an uncontrolled pedestrian crossing point on Church Street
- (e) Improvements to the two bus stops on Church Road closest to the site to consist of real time passenger information, shelter provision, lighting, raised kerbing and seating

and thereafter shall be kept permanently 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 Document 2015

19. 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 'Workplace Travel Plan (Framework)' document. The approved Travel Plan shall be implemented prior to occupation and for each and every subsequent occupation of the development 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 Document 2015

20. Ground Contamination Verification Report

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 by the Local Planning Authority. The scheme shall be implemented as approved prior to any occupation of the development.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete, in accordance with Policy DM17 of the Development Management Policies Document 2015 with paragraph 174 of the National Planning Policy Framework.

21. Groundwater Verification Report

Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in

accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with Policy DM17 of the Development Management Policies Document 2015 with paragraph 174 of the National Planning Policy Framework.

22. Landscape Management Plan

A landscape management plan covering a period of no less than 5 years, including long term design objectives, management responsibilities, maintenance and inspection schedules for all landscape areas shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any completed phase of the development, whichever is the sooner. Should Cedar T4 fail during development or during the 5 year maintenance period the details of a compensatory tree planting scheme with aftercare showing tree species, number, stock size and planting specification shall be submitted to and approved in writing by the local planning authority. Any trees or plants which, within a period of five years after planting, are removed, die or in the opinion of the local planning authority become seriously damaged or diseased, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

23. Compliance with Flood Risk Assessment

Prior to the first occupation of the development, the development hereby permitted shall be constructed in accordance with the Flood Risk and Surface Water Management Statement, prepared by SLR, reference 402.12442.00002 Version 2 and dated May 2022. The development is to be maintained in accordance with the recommendations of the Flood Risk Assessment for the life of the development.

Reason: To ensure the design makes adequate provision for flood protection and does not increase flood risk on or off site in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007 and Policy DM19 Development Management Policies Document 2015.

24. Compliance with Noise Assessment

Prior to the first occupation of the development, the development hereby permitted shall be constructed in accordance with the identified mitigation

outlined in the submitted Noise Assessment, prepared by SLR, reference 402.12442.0000_Noise Version 1 and dated May 2022. Prior to occupation of the site, the applicant shall submit evidence to the Local Planning Authority that this mitigation has been installed and/or commissioned as necessary.

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

25. Compliance with Sustainable Design Measures

Prior to the first occupation of the development, the sustainable design measures shall be carried out in strict accordance with the Energy and Sustainability Assessment, prepared by SLR, reference 401.12442.00002 version 1 and dated May 2022, and shall be maintained as such thereafter unless otherwise agreed in writing by 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

26. Compliance with External Lighting Strategy and Lighting Impact Assessment

Prior to the first occupation of the development, the mitigation methods recommended in the External Lighting Strategy and Lighting Impact Assessment, prepared by DPA and dated 16 May 2023, shall be carried out in strict accordance and shall be maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the occupiers of the development and surrounding properties are not unduly affected by light pollution in accordance with Policy DM10 of the Development Management Policies 2015.

27. Compliance with Ecology Report

Prior to the first occupation of the development, the development hereby permitted shall be carried out in strict accordance with the recommendations and ecology enhancements set out in the Preliminary Ecological Appraisal and Bat Preliminary Roost Assessment, prepared by Surrey Wildlife Trust, reference 3717-1 Version 1.0 and dated 07 March 2019 and the recommendations and ecology enhancements set out in the Updated Bat Survey Report, prepared by Surrey Wildlife Trust, reference 3717-6 Version 1.0 and dated 16 September 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.

Other

28. 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: To safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015

29. Compliance with Arboricultural Report

The development shall be carried out strictly in accordance with the Arboricultural Method Statement produced by Keen Consultants dated September 2022, the Tree Protection Plan produced by Keen Consultants and dated April 2022 and the Tree Survey and Impact Assessment produced by Keen Consultants and dated September 2023.

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

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

30. Groundwater Remediation Strategy

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with Policy DM17 of the Development Management Policies Document 2015 with paragraph 174 of the National Planning Policy Framework.

31. Ground Surface Water Drainage

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. Where consent is approved, the development shall be carried out in accordance with the approved details prior to any occupation of the development.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with Policy DM17 of the Development Management Policies Document 2015 with paragraph 174 of the National Planning Policy Framework.

32. Piling

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with Policy DM17 of the Development Management Policies Document 2015 with paragraph 174 of the National Planning Policy Framework.

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 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 or to install dropped kerbs. Please see www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs.
5. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice.
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. 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.
8. 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.
9. The developer would be expected to agree a programme of implementation of all necessary statutory utility works associated with the development, including liaison between Surrey County Council Streetworks Team, the relevant Utility Companies and the Developer to ensure that where possible the works take the route of least disruption and occurs at least disruptive times to highway users.
10. 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: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
11. A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
12. 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.
13. 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.
14. 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 the Lead Local Flood Authority website

15. 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 standard
16. Sub ground structures should be designed so they do not have an adverse effect on groundwater.
17. Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus, it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".
18. The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:
 - excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
 - treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the EA
 - some naturally occurring clean material can be transferred directly between sites.
19. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
20. The Environment Agency recommends that developers should refer to the Position statement on the Definition of Waste: Development Industry Code of Practice The Environmental regulations page on GOV.UK
21. A build over agreement is required with Thames Water before commencing works, as the proposed development is within 3 metres of a public sewer (of which, the internal diameter is less than or equal to 150mm). Further information can be found at <https://www.thameswater.co.uk/help/home-improvements/building-over-sewers-or-public-drains>
22. Thames Water do not permit driven piles within 15m of a public sewer. Technical guidance can be found at <https://www.thameswater.co.uk/media-library/home/help/home-improvements/building-near-our-pipes/build-over-technical-specs.pdf>

23. The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 178 of the NPPF. The Planning Practice Guidance defines a "Competent Person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.
<http://planningguidance.planningportal.gov.uk/blog/policy/achieving-sustainable-development/annex-2-glossary/>

24. 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.

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>.

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.

25. 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
26. 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. We 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.

27. Surrey Fire and Rescue Service (SFRS) would strongly recommend that consideration is given to the installation of AWSS (ie; Sprinklers, Water Mist etc) as part of a total fire protection package to:

protect life;
protect property, heritage, the environment and our climate;
help promote and sustain business continuity; and
permit design freedoms and encourage innovative, inclusive and sustainable architecture.

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