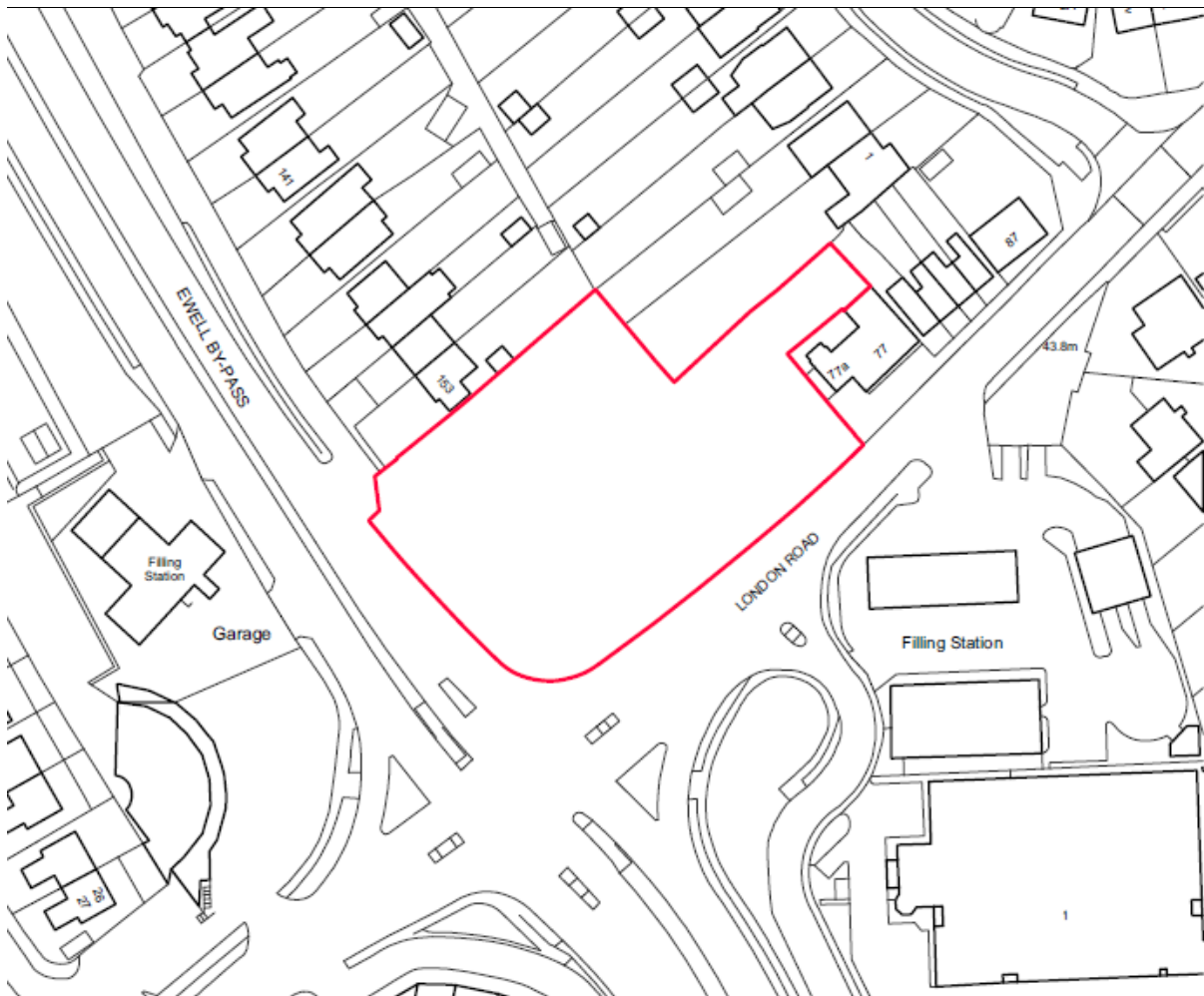


Planning Committee Planning Application
09 November 2023 Number: 23/00817/FUL

Development Site At 65 London Road, Ewell, Surrey, KT17 2BL

Application Number	23/00817/FUL
Application Type	Full Planning Permission (Major)
Address	Development Site At 65 London Road, Ewell, KT17 2BL
Ward	Stoneleigh Ward
Proposal	Construction of a three to five-storey building plus basement for use as a care home (Use Class C2) with up to 81 bedrooms and associated communal spaces and services, together with associated car and cycle parking, refuse storage and ancillary works
Recommendation	Approval, subject to conditions, informatives and s106 legal agreement
Expiry Date	10 February 2024
Contact Officer	Ginny Palmer
Reason for Committee	Major development



SUMMARY

1 Summary and Recommendation

- 1.1 This application is to be determined at Planning Committee, as it is classified as a “major planning application”.
- 1.1 The Site is previously developed land within the Built-Up Area of Epsom & Ewell, with extant planning permissions for a 45-flat scheme and a 70-bedroom Care Home scheme. The proposed development seeks to provide a specialist form of accommodation (Use Class C2).
- 1.2 Accompanying the planning application is a Planning Need Assessment (Caterwood), which indicates that there is a need for en-suite wetroom bedrooms within Epsom and Ewell and the wider catchment area. The proposal contributes towards this need. It also enables the freeing up of housing stock for use by others and contributes the equivalent of 44 units to Epsom & Ewell Borough Council’s housing land supply, when applying the “Housing Delivery Test Measurement Rule Book”.
- 1.3 The proposal has been designed to respond to its immediate surroundings. The scheme combines good design and landscaping, which is viewed positively, especially when judged against the Site’s existing situation. Internally, the scheme has been designed to cater for residents requiring care and support.
- 1.4 There is a presumption in favour of granting sustainable development unless the application of policies gives a clear reason for refusing permission (paragraph 11 of the NPPF).
- 1.5 In this case, the proposal seeks numerous public benefits, including:
 - Redeveloping a vacant Site and optimising the use of land
 - Provision of a Care Home (Use Class C2), which brings numerous social benefits
 - Enabling people to move out of existing housing, freeing up housing stock for use by others
 - Contribution that the proposal would make to the Council’s housing land supply
 - Creation of employment opportunities.
- 1.6 The proposal also seeks to provide car parking, cycle parking and an ambulance and deliveries bay. It also seeks a widened footway, push button controlled pedestrian crossing facilities and improved bus infrastructure. The proposal has been formally assessed by SCC Highways and the Local Planning Authority’s Waste Team.

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- 1.7 The proposal also demonstrates how the development could be taken forwards in accordance with best practice sustainable design and construction policies.
- 1.8 Taking the relevant facts of this application into consideration, Officers recommend approval of this application, as the adverse impacts are not considered to demonstrably outweigh the benefits, when assessed against the NPPF, as a whole.
- 1.9 The 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](#), correct at the time of publication.
- 1.10 A [glossary of Planning terms and acronyms](#) is available to view on the Council's website.

KEY INFORMATION

	Existing	Proposed
Site Area	3,172sqm	3,172sqm
Units	0 (two extant permissions for 45 dwellings (Class C3) and 70-bedroom Care Home (Class C2) (equivalent of 38 Class C3 dwellings)	81 care home bedrooms (Class C2) (equivalent of 44 Class C3 dwellings)
Floorspace	0 (two extant permissions for 45 dwellings (3,387sqm GIA) and 70-bedroom Care Home (3,651sqm GIA)	4,366sqm GIA
Affordable Housing Units	N/A	N/A
Car Parking Spaces	0 (the 45-dwelling scheme has 33 spaces and 70-bedroom Care Home scheme has 24 spaces)	25
Cycle Parking Spaces	0 (the 45-dwelling scheme has 54 spaces and 70-bedroom Care Home scheme has 10 spaces)	10
Specific dimensions of proposed building		
Height of proposed building	Ewell-by-Pass wing = 10.6m – 16m above existing Ewell By-Pass pavement (which increase in height by approximately 0.6m from north to south) London Road wing = 11.3m-15.6m above existing London Road pavement (which increases in height by 1.3m from west to east)	

Width of proposed building	Ewell By-Pass wing = 9.2m (width of the three-storey part) – 15.4m London Road wing = 15.4m
Depth of proposed building	Ewell By-Pass wing = 33.3m (40.5m including the three-storey part) London Road wing = 38.4m – 42m
Size of proposed bedrooms	16sqm + 4sqm en-suite wetroom = 20sqm
Size of private amenity spaces	0sqm
Size of communal amenity spaces	Internal = combined communal internal areas 710sqm External = garden 336sqm and terraces (at 1 st , 2 nd , 3 rd and 4 th floor levels) 82sqm

SITE AND PROPOSAL

2 Description of Site

- 2.1 The Application Site (“Site”) comprises vacant land, which was formally occupied by the “Organ and Dragon” pub, which is understood to have been demolished in 2014.
- 2.2 The Site is a corner plot, off London Road and Ewell By-Pass. It measures approximately 0.32 hectares in size. The Site is accessed off London Road.
- 2.3 There are various uses surrounding the Site, including (but not limited to) petrol stations, a car sales garage, commercial uses, and houses.
- 2.4 The closest bus stop is approximately 140 metres to the north-east of the Site. Ewell West Train Station is approximately 0.7 miles to the south-west of the Site and Ewell East Train Station is approximately 0.8 miles to the south of the Site.
- 2.5 The Site is designated as:
- Built Up Area
 - Stoneleigh and Auriol Neighbourhood Forum.
- 2.6 The Site is not listed, but there are listed buildings in proximity to it. The Site is not located within a Conservation Area.

The Site is located within Flood Zone 1 (low probability of flooding).

3 Description of Proposal

3.1 The Site is previously developed land within the Built-Up Area of Epsom & Ewell, with extant planning permissions for a 45-flat scheme and a 70-bedroom care home scheme. The proposed development seeks to provide a specialist form of residential accommodation (Use Class C2).

3.2 The formal description of the proposed development is:

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

3.3 The following table sets out that differences between this proposed scheme, and the 70-bedroom Care Home scheme and the 45-flat scheme:

	45-flat scheme	70-bed scheme	81-bed scheme
Residential units	45	Equivalent of 38	Equivalent of 44
Floorspace	3,387m ²	3,651 m ²	4,366 m ²
Footprint	803 m ²	886 m ² + 32.72 m ² bike/bin store	896m ² + 41m ² bike/bin store
Height			
Ewell By-Pass	10.1-19.5m	12.3-14.5m	9.3-17.5m
London Road	10.7-19.5m	12.3-14.5m	12.3-17.5m
Depth			
Ewell By-Pass	35.1m + 6.5m	33.3m	40.5m
London Road	31.7m	41.6m	42m
Width:			
Ewell By-Pass wing	14m	14.2-15.4m	9.2-15.4m
London Road wing	15.5m	11.7-15.4m	11.7-15.4m

3.4 The proposed development responds to an identified need for new Care Home beds in both the Epsom & Ewell Borough Council area, and a wider (circa. 4 mile) market catchment area. The proposed Care Home would be capable of caring for residents of all dependency levels, including specialist dementia care, providing bedrooms with en-suite “wetrooms” together with spacious communal areas and other ancillary services/facilities for residents.

3.5 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”.

CONSULTATIONS

Internal Consultees	
EEBC Design and Conservation Officer	No response received
EEBC Ecology	Recommend Conditions
EEBC Tree Officer	Recommend Conditions
EEBC Environmental Health	Recommend Conditions
EEBC Contaminated Land	Recommend Conditions
EEBC Waste	No objections
EEBC Planning Policy	No response received
External Consultees	
SCC Adult Social Care	No objection, but recommendations
SCC Highways	Recommend Conditions
SCC Fire and Rescue	Recommend consideration is given to the installation of AWSS (i.e., sprinklers, water mist, etc) as part of a total fire protection package
Environment Agency	No response received
SCC LLFA	Recommend Conditions
Thames Water	Recommend Condition
SCC Archaeology	No objections
Public Consultation	
Neighbours	<p>The application was advertised by means of a site notice, press notice, and notification to 24 neighbouring properties, concluding on 07 August 2023. 2 submissions were received. They raised the following issues:</p> <ul style="list-style-type: none"> • Design. The proposed development is too high and there is an inadequate boundary • Construction/vibration noise to surrounding residential properties • Safety of residents of 1 and 3 Elmwood Drive, and 153 Ewell By Pass, as there would need to be a further barrier • Loss of daylight to surrounding residential properties • Concern regarding ventilation for future residents • Overbearing to 1 Elmwood Drive

	<ul style="list-style-type: none"> Lack of car parking <p>Applicant response: The Applicant responded to concerns raised by letter, dated 15 September 2023. The contents of the letter, and the planning officer's consideration, are summarised within the body of this Report.</p>
Ward Member	No comments were received.
Residents Association	No comments were received.

PROPERTY HISTORY

Application number	Application detail	Decision
16/00933/FUL	Erection of a Class A1 convenience supermarket and associated parking, access, servicing, and landscaping. (Amended drawings received 09.05.2017)	Refused 27 June 2017
18/00573/FUL	Development of a supermarket, together with associated parking, access servicing and landscaping	Refused 15 February 2019
20/01079/FUL	Construction of a three to six storey building comprising 45 flats (Use Class C3) with associated car and cycle parking, refuse storage and ancillary works	Granted 16 August 2021
22/00728/FUL	Construction of a four storey building plus basement for use as a care home (Use Class C2) with up to 70 bedrooms and associated communal spaces and services, together with associated car and cycle parking, refuse storage and ancillary works.	Granted 17 January 2023

SITE CONSTRAINTS

- Built Up Area
- Stoneleigh and Auriol Neighbourhood Forum
- Flood Zone 1 (low probability of flooding)

PLANNING POLICY AND GUIDANCE

National Planning Policy Framework 2023 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a Sufficient Supply of Homes
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport

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- 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 16: Conserving and Enhancing the Historic Environment

Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS8: Broad Location of Housing Development
- Policy CS9: Affordable Housing and Meeting Housing Needs
- 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 DM19: Development and Flood Risk
- Policy DM21: Meeting Local Housing Needs
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

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

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 The Site is designated as a Built-Up Area and in accordance with Policy CS8, a Care Home is an acceptable use at this Site (subject to material considerations).
- 4.4 The scheme would contribute the equivalent of 44 units to Epsom & Ewell Borough Council's housing land supply, when applying the "Housing Delivery Test Measurement Rule Book". This is not merely a theoretical contribution to housing land supply. The proposal would enable older people to move from existing housing, freeing up that stock for use by others. Consequently, it is appropriate to have regard to this contribution as a benefit of the proposals.
- 4.1 It may be argued that some of those occupying the proposed units would be moving from outside of Epsom & Ewell Borough Council's authoritative area. The NPPF emphasises the importance of significantly boosting the supply of homes and this objective is not confined to specific areas. This is clearly set out within the Inspector's Appeal Decision for Epsom General Hospital (APP/P3610/W/21/3272074). The Inspector set out that freeing up housing stock in other Local Authority areas is a benefit.
- 4.2 It is important to note the pressing need for housing in Epsom & Ewell, as shown by the Housing Delivery Test (HDT) outcomes and the housing land supply position. Considering that pressing need, significant weight is given to the contribution that the proposal would make to housing land supply.
- 4.3 In this case, the proposal seeks numerous public benefits, including:
- Redeveloping a vacant Site and optimising the use of land

- Provision of a Care Home (Use Class C2), which brings numerous social benefits
- Enabling people to move out of existing housing, freeing up housing stock for use by others
- Contribution that the proposal would make to the Council's housing land supply
- Creation of employment opportunities.

4.4 In considering the above, Officers consider that the proposal offers an opportunity to redevelop the vacant Site and provide a Care Home (Use Class C2), which is an appropriate use at this Site. The proposal would enable the freeing up of housing stock for use by others and would contribute towards the housing land supply position. It would also create employment opportunities too.

4.1 The minor adverse impacts of this proposal, which include the proposal not providing

- 4.2 a maximum number of 41 car parking spaces in accordance with Surrey County Council's Vehicular and Cycle Parking Guidance, is not considered to demonstrably outweigh the benefits of the scheme, when assessed against the NPPF as a whole.

5 Principle of Development

Location of Development

5.1 The Site is within the designated Built-Up Area and in accordance with Policy CS8, a Care Home is an acceptable use at this Site (subject to material considerations).

5.2 Officers note the recent planning permission at the Site, under ref: 22/00728/FUL, where a Care Home (Use Class C2) was considered acceptable. In the spirit of consistent decision making, the principle of a Care Home at this Site continues to be acceptable.

Care Home provision

5.3 Paragraph 60 of the NPPF sets out 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.

5.4 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.

- 5.5 Policy CS8 sets out that new housing development will be located within the defined Built-Up area of Epsom and Ewell.
- 5.6 Policy DM21 states that permission will be granted for specialised forms of residential accommodation where there is evidence of need and there will not be overprovision of a particular type of accommodation.
- 5.7 Supporting paragraph 4.9 of Policy DM21 sets out that it is important that the Council ensures that new housing developments provide a choice and mix of housing so that the Borough continues to be comprised of balanced and sustainable communities.
- 5.8 There is no single, recognised methodology for identifying future residential and nursing care need, as stipulated within the Inspector's Appeal Decision for Epsom General Hospital (APP/P3610/W/21/3272074).
- 5.9 A "Planning Need Assessment", by Carterwood, dated March 2023, accompanies this application. The Planning Need Assessment sets out that the proposal would provide an 81-bed purpose-built car home to meet the needs of all aspects of elderly care provision, including nursing, personal and dementia care.
- 5.10 The Planning Need Assessment is based on a circa 4-mile market catchment area, and the Epsom and Ewell Borough Council area.
- 5.11 The Planning Need Assessment sets out that based on 2025, the earliest the proposed Care Home could be available, there is a net need for 24 and 195 minimum market standard Care Home beds in the market catchment and Epsom & Ewell Borough Council area.
- 5.12 The Planning Need Assessment assesses the balance of provision for dedicated dementia beds in 2025, which indicates a net need for 335 and 112 minimum market standard Care Home beds in the market catchment and Epsom & Ewell Borough Council area. For clarity, the first figure is the need in the market catchment area, and the second figure is the need in the Borough.
- 5.13 The Planning Need Assessment provides an analysis of need for Care Home bedrooms providing full en-suite wetrooms. There is a net need for 1,246 and 462 elderly beds, including 629 and 206 dedicated dementia beds, in the market catchment area and Epsom & Ewell Borough Council area.
- 5.14 The Planning Need Assessment sets out that the market catchment area and Local Planning Authority shortfalls are expected to increase to 687 and 352 minimum market standard beds by 2035. This assumes planned schemes are developed, and existing supply and prevalence rates remain constant.

- 5.15 The Planning Need Assessment sets out that the proposed Care Home would be capable of caring for residents of all dependency levels, including those who require dementia care within a specialist unit, with well-specified, flexible, COVID-19 compliant accommodation to enable care to be administered most effectively.
- 5.16 Surrey County Council Adult Social Care formally commented on this application, setting out that as the planning application amounts to an alteration of the previously approved Care Home scheme, increasing the number of units to 81, the previous comments provided on planning application ref: 22/00728/FUL still apply. The previous comments are set out below:

The [Epsom & Ewell Accommodation Statement](#) states that at the time of publication there was an indicative need for both additional residential and nursing care home provision in the Epsom & Ewell Borough Council area. Since publication the following care homes have closed in the Epsom & Ewell Borough Council area, which amends the figures as follows:

- *Epsom Lodge - reduction of residential care home supply of 13 beds*
- *The Elders Care Home – reduction of residential care home supply of 23 beds*
- *Homelea – reduction of residential care home supply of 19 beds*

However, it is recognised that several residential and nursing care home planning applications have been received by Epsom & Ewell Borough Council since the publication of the Accommodation Statement. The outcomes of these applications should be reviewed by the Planning Authority to establish if this manifestly changes the outcome of the Accommodation Statement.

While the Applicant is an organisation with no history of operating care homes itself, there is no reference to a care provider working in partnership with the organisation in (the previous) application. There is therefore very little indication of what type of care will be delivered on Site, whether the care home would operate with or without nursing care provision, and no description of exactly how the particular development would benefit local residents or the joint health and social care system. (That) application therefore suffered by comparison with others that provided details of future operational plans. But there is no local planning policy that requires clarity on who will operate any future care development, nor any requirement for an operator statement alongside other statements in the application.

- 5.17 Surrey County Council Adult Social Care did not comment on the additional storey and changed footprint from a massing and scale

perspective, but it is their view that the Care Home designers should reflect further on the plans for the fourth floor. As per section 4.2 of the Applicant's Design and Access Statement, the sluice room on the fourth floor opens directly out into the hallway and staff do not have access to a WC next to it as per other floors.

- 5.18 To minimise risks of infection and maintain hygiene, it was suggested that the fourth-floor plan be reviewed, with a sluice room set further apart from bedrooms to minimise disruption through noise and to provide staff with the space and facilities needed to fully and safely dispose of waste etc.
- 5.19 The Applicant responded to Surrey County Council Adult Social Care's Comments by amending the layout of the fourth floor. The sluice room was moved into the staff area next to the nurse post. The two storerooms that were in this area were over-sized relative to the number of bedrooms on this floor and have been consolidated into a single storeroom at the end of the corridor where the sluice room was previously. There is also the other storeroom next to the stairwell at the other end of the fourth floor.
- 5.20 There is a need for en-suite wetroom bedrooms in Epsom and Ewell and the wider catchment area, and this proposal contributes towards this need. The scheme would contribute the equivalent of 44 units to Epsom & Ewell Borough Council's housing land supply, when applying the "Housing Delivery Test Measurement Rule Book". This is not merely a theoretical contribution to housing land supply. The proposal would enable older people to move from existing housing, freeing up that stock for use by others. Consequently, it is appropriate to have regard to this contribution as a benefit of the proposals.
- 5.21 It may be argued that some of those occupying the proposed units would be moving from outside of Epsom & Ewell Borough Council's authoritative area. The NPPF emphasises the importance of significantly boosting the supply of homes and this objective is not confined to specific areas. This is clearly set out within the Inspector's Appeal Decision for Epsom General Hospital (APP/P3610/W/21/3272074). The Inspector set out that freeing up housing stock in other Local Authority areas is a benefit.
- 5.22 Internally, the scheme has been designed to cater for residents requiring care and support, and Officers note that the Applicant had amended the fourth floor, to take into consideration the comments from Surrey County Council Adult Social Care. There is a focus on communal spaces and facilities, which encourages social interaction. Officers give this positive weight, as social and community benefits arising from this scheme.
- 5.23 The proposal has been designed to respond to its immediate surroundings. The scheme combines good design and landscaping, which is viewed positively, especially when judged against the Site's existing situation.

- 5.24 Taking the relevant facts into account, Officers are satisfied that the principle of the use on this site is acceptable.
- 5.25 The principle of the proposed development in land-use terms is consistent with National and Local Planning policies, including CS1 (and indirectly CS7 and CS8) and DM21.

6 Quality of Accommodation

- 6.1 Nationally Described Space Standards are not applicable to proposed C2 Uses. For reference, the Nationally Described Space Standards require a single bedroom to measure at least 7.5m² and a double (or twin) bedroom to measure at least 11.5m².
- 6.2 Paragraph 3.36 of Policy DM11 requires minimum private outdoor space to be provided for houses and flats, but this requirement is not applicable to proposed C2 Uses.
- 6.3 A Design and Access Statement accompanies this application. It sets out that the proposal seeks a five-storey building, to provide a Care Home including 81-bedrooms with private ensuite wet-rooms, including a lower ground floor for storage, plant and ancillary accommodation. The total number of bedrooms is optimal for an end-user.
- 6.4 All bedrooms would measure a minimum of 16sqm (which satisfies the minimum 11.5sqm standard for a double bedroom), each with an en-suite wetroom (approximately 20sqm in total).
- 6.5 The proposed bedrooms do not benefit from individual private amenity space, but there are communal amenity spaces proposed. The combined internal communal space measures approximately 710sqm, the external garden measures approximately 336sqm and the terraces at 1st, 2nd, 3rd and 4th floors measure 82sqm. This is broken down as follows:
- 8.77sqm of internal communal space per bedroom
 - 5.16sqm of garden/terrace space per bedroom, comprising 4.15sqm garden space per bedroom and 1.01sqm terrace per bedroom.
- 6.6 The Planning Statement that accompanies this application sets out that the design of the proposed development has been influenced by various Care Home sector specialists who have a first-time understanding of the needs of Care Home operators. This includes factors such as the amount of communal space per bedroom and preference for several separate spaces; provision of space for ancillary services/facilities for residents such as a hair salon, shop or café, provision of outdoor space at each level; bedroom size and provision of en-suite wetrooms as well as larger assisted bathrooms. The proposed development responds to these requirements.

- 6.7 The Planning Statement sets out that although not applicable to Care Homes, Policy DM12 seeks to ensure appropriate external and internal space standards with reference to the Nationally Described Space Standards (2015) that require single bedrooms to have a floor area of at least 7.5sqm. The proposed bedrooms provide are 16sqm, each with an en-suite wetroom (approximately 20sqm in total).
- 6.8 The Planning Statement sets out that the two main communal areas (dining room and lounge) at each level have generous amounts of glazing to maximise natural light into these spaces. The fourth-floor main communal areas open out onto a roof terrace enclosed with railings and glazing between brick columns to create an additional amenity space for residents.
- 6.9 The Planning Statement sets out that the ground floor outdoor area provides a covered terrace and landscaped gardens.
- 6.10 Officers note that planning policy does not require minimum sized bedrooms or a minimum standard of private outdoor space to be provided for C2 Uses.
- 6.11 The proposal seeks 81 bedrooms, inclusive of en-suite wetrooms. Officers consider that the bedrooms proposed are adequately sized, at approximately 20sqm per room, including the en-suite wetroom, which exceeds Nationally Described space standards for a single and double bedroom, if this were applicable. The bedrooms do not benefit from private balconies, but communal amenity spaces are provided for residents, which benefit from outlook and access to sunlight.
- 6.12 Officers consider that the quality of the internal accommodation, and external amenity spaces, are acceptable.

7 Design and Character

Built Form, Pattern and Layout

- 7.1 Paragraphs 125, 130 and 134 of the NPPF refer to the need for functional and visually attractive development that is sympathetic to local character and history. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area. Policy DM9 of the DMPD requires a positive contribution to and compatibility with the local character and the historic and natural environment and Policy DM10 requires good design that respects, maintains or enhances the prevailing house types and sizes, density, scale, layout, height, form and massing, plot width and building separation, building lines and key features.

Design rationale

- 7.2 The Design and Access Statement (DAS) that accompanies this application explains the design rationale of the proposed Care Home.
- 7.3 The DAS sets out that the design of the approved residential scheme (ref: 20/01079/FUL) was developed in close consultation with Council Officers, undergoing two pre-application meetings. Various key design factors were established including siting, footprint, height, mass, materials, and elevational treatment. This new proposed for an 81-bedroom Care Home looks to retain these established design factors, and improve on them, where possible.
- 7.4 The DAS sets out that the proposal almost identically replicates the layout of the approved 70-bedroom Care Home scheme, with an additional “fourth floor” storey. This additional storey is set back from the typical lower stories and covers approximately half the area.
- 7.5 The approved 70-bedroom Care Home scheme was based on the operational requirements as set out by a single Care Home provider, limiting the number of storeys and the number of beds per storey. Since the approval of that planning application, alternative providers have expressed interest in additional beds.

Materials and Elevational Treatment

- 7.6 The DAS sets out that the proposed development utilises brick, as per the approved residential scheme, with stone banding to reflect and complement the Castle Parade buildings, located opposite. The DAS considers these to be appropriate materials, compatible with local character.
- 7.7 The DAS sets out that the elevational treatment of the proposed building has been developed to better suit the specific requirements of a Care Home, which consists of modular rooms, repeated across elevations and floors. Private external balconies are impractical for Care Home bedrooms, with shared balconies and amenities concentrated in communal areas and gardens.
- 7.8 The DAS sets out that to avoid repetitive fenestration, and to create interest and reduce noise from traffic, the elevation incorporates disordered brick pilasters, which reacquire regularity and order in correlation with the building corner dedicated to communal activities.

Height

- 7.9 The Ewell-By-Pass wing ranges from a min. 9.3m to a max. 17.5m above finished ground level and the London Road wing ranges from a min. 12.3m to a max. 17.5m above finished ground level.

7.10 The DAS sets out that an indicative plant enclosure, based on maximum parameters, proposed at roof level. The final details and exact requirements would be determined at detailed Mechanical and Electrical services (M&E) design stage. The proposed plant enclosure is set back off the South East and South West elevation lines, to minimise visibility from the public. The distance from the proposed building to the two-storey neighbouring dwelling at 77 and 77a London Road has increased from 7 metres in the approved scheme, to 23 metres in this proposal. On the Ewell By-Pass elevation, the height of the proposal has been reduced to five stories, compared to the six-storey approved scheme.

Officer comment

- 7.11 The height and massing of the proposed building has been developed to suit the requirements of a Care Home.
- 7.12 The siting and layout of the proposed building is virtually the same as the previously permitted 70-bedroom Care Home scheme at the Site, which in turns follows the principles of the previously permitted 45-flat scheme.
- 7.13 The change of note to the siting and layout of the proposed building is the extension of the wing that fronts Ewell By-Pass. This extension is set back from the building line of the main elevation of the Ewell By-Pass elevation. The proposed building varies from three-storeys to five storeys, with the additional part-storey at the upper level and roof-level plant enclosure largely fitting within the envelope of the approved 45-flat scheme. The side extension described is three-storeys, which together with the setback, provides an appropriate transition between the Care Home and the terraces houses at 147-153 Ewell By-Pass.
- 7.14 The use of brick (as per the previously approved schemes) and stone banding on the elevations reflect and complement the Castle Parade buildings opposite provide architectural detail and interest to the building.
- 7.15 The proposed building is appropriate in height, mass and design, drawing on design principles from the previous schemes, which were considered acceptable by the Council's Design and Conservation Officer, and Officers too.
- 7.16 The proposal complies with relevant sections of the NPPF, NPPG, Policies CS1, DM9 and DM10. Should planning permission be granted, a Condition is required, requiring details and samples of external materials to be submitted to and approved by the Local Planning Authority.

8 Heritage and Conservation

8.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that development must ensure the preservation of any nearby listed building, including its setting,

- 8.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving or enhancing the character or appearance of that area.
- 8.3 Paragraphs 197-202 of the NPPF requires consideration of the harm to the significance of a designated heritage asset. Paragraph 200 requires clear and convincing justification where there is harm to or the loss of a designated heritage asset. Paragraph 202 states that where there is less than substantial harm, the harm must be weighed against the public benefits.
- 8.4 Policy CS5 of the CS and Policy DM8 of the DMPD seek to protect and enhance heritage assets and their setting.
- 8.5 The Site is not listed, nor is it within a Conservation Area, but there are listed buildings in proximity to the Site.
- 8.6 A Heritage Statement, dated June 2023, accompanies this application. It considers the heritage assets in the vicinity of the Site and concludes that the only heritage asset that could be affected by the proposed development is the Listed terrace, nos. 79 to 85 London Road.
- 8.7 The Heritage Statement sets out that there is a varied and disparate surrounding townscape to the Listed terrace, within which the Site is a large, fragmented gap site, and with garages and a retail warehouse reflecting the proximity of the by-pass. The Listed terrace addresses London Road, with the significance of the terrace best appreciated/understood in views looking towards the building, along with its broadly contemporary and traditionally proportioned neighbours to both sides, with which it forms a small group. As a road fronting terrace, there is nothing about the orientation of the building towards the road that links or connects it with the Site.
- 8.8 The Heritage Statement sets out that Site does not serve to reveal or enhance the significance of the Listed terrace. The proposed development is relatively close to the Listed terrace, but the two are not immediately juxtaposed with each other. No. 77 London Road forms an intermediary transitional building, and there is a generous separation distance between this building and the closest part of the proposed development. This provides a sense of transition and there is no sense of the proposed development being too close in proximity, or causing harm due to its proximity, scale, height, or mass. On the contrary, the built form is logically arranged and forms a pleasing three-dimensional transition between the Listed terrace and the corner element that addresses and marks the By-Pass junction.
- 8.9 The Heritage Statement sets out that the proposed development does not dominate the Listed buildings and instead continues the building line of

London Road in a positive way, and of a scale and mass that is entirely appropriate and coherent. The mass of the proposed development is wholly appropriate, with a good quality new development that reinstates the building line on London Road and gives definition, can only be seen as positive. The mass of the proposed development is wholly appropriate, with a good corner presence and separation from the finer grain of the older buildings.

- 8.10 The Heritage Statement concludes that there would be no harm to the Listed Buildings and there are no resulting policy conflicts. The contribution made by the setting of the Listed Buildings to its significance would, if anything, be enhanced by the proposed development.
- 8.11 The site is not within an Archaeological Site. SCC Archaeology has formally commented on this application, confirming no archaeological concerns.
- 8.12 The Council's Design and Conservation Officer has not commented on this application, so Officers have relied upon comments given in the previously approved applications, which did not object to the schemes, but rather ensured that appropriate planning Conditions were attached to any planning permission, if granted.
- 8.13 There would be no harm to the nearby Listed Buildings and no resulting policy conflicts because of this proposal. There was no objection from the Design and Conservation Officer for the previous two planning permissions, subject to a Condition being attached to any planning permission granted, requiring samples of materials. This Condition is recommended for this application, should planning permission be granted.

9 Landscaping and Trees

- 9.1 Paragraph 131 of the NPPF, Policy CS3 of the CS, Policy DM5 of the DMPD and the Householder SPG seek the retention, protection and enhancement of existing and new trees, hedgerows, and other landscape features, with removal of trees supported by sound justification and appropriate replacement planting of native species.
- 9.2 The Design and Access Statement (DAS) that accompanies this application sets out that the proposed planting and soft landscaping areas have increased by 50% from the approved residential scheme (ref: 20/01079.FUL), as follows:
- Proposed 1.2-metre-wide planting to the majority of boundaries of residential properties, 1.2 metres along Ewell By-Pass, 1.2 metres – 2.3 metres along London Road, and a large area of planting on the corner of London Road and Ewell By-Pass
 - An additional large, landscaped garden facing Ewell By-Pass to serve as shared amenity breakout space for residents. Hedges and

trees to be planted along the boundary, to create a visual buffer to the highway.

- 9.3 A Landscape Proposal Softworks drawing accompanies this application, which illustrate the soft and hard landscape components of the proposal, giving details of materials and plant stock, sizes and densities proposed.
- 9.4 EEBC's Tree Officer formally commented on the application, setting out that more is expected from a development like this, in this location, where planning policy places emphasis on the need for trees to be incorporated into schemes, to provide for climate adaption and environmental improvement.
- 9.5 The Tree Officer queried whether funds could be obtained to plant trees on the verge by the Site, by Beaufort Way.
- 9.6 Officers note that the landscaping proposed as part of this application is very similar to that approved under the previously permitted scheme at this Site (70-bedroom Care Home scheme). The landscaping was considered acceptable in the previous scheme, subject to a Condition, and in the spirit of consistent decision making, the landscaping proposed as part of this scheme is therefore acceptable. It would be unreasonable to now consider otherwise, especially given that the siting and layout of the proposed building is similar to the previously consented 70-bedroom Care Home scheme at the Site.
- 9.7 It is noted that the previously permitted scheme did not allow for off-site tree planting. Officers maintain the view that off-site tree planting is not required for this scheme, having regard to Regulation 122 of the CIL Regulations, which sets out the limitations on the use of Planning Obligations.
- 9.8 It is unlawful for a Planning Obligation to be considered when determining a planning application for a development, which does not meet all the following tests:
- It is necessary to make the development acceptable in planning terms;
 - It is directly related to the development; and
 - It is fairly and reasonable related in scale and kind to the development.
- 9.9 Like the previous scheme (70-bedroom Care Home scheme), Officers do not consider that off-off street tree planting would be necessary to make this development acceptable in planning terms, given that the Site currently comprises no trees or landscaping, and that the proposal does provide for adequate hard and soft landscaping within the Site boundary.

- 9.10 Off-street tree planting is not considered to directly relate to this development, given that this development proposes hard and soft landscaping within the Site boundary. Off-street tree planting would not be fairly and reasonably related in scale and kind to this development, as this proposal seeks hard and soft landscaping within the Site as part of this proposal.
- 9.11 To reiterate, the landscaping proposed as part of this application is very similar to that approved under the previously permitted scheme at the Site, which was considered acceptable, subject to a Condition. It would be unreasonable to now require off-street tree planting as part of this proposal.
- 9.12 The proposal is considered to comply with Policy DM5.

10 Affordable Housing

- 10.1 Paragraph 65 of the NPPF set out that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development (b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students).
- 10.2 Class C2 use (Residential Institutions) relates to the provision of residential accommodation and care to people in need of care, other than a use within class C3 (dwelling houses). As the proposed use is not a C3 (dwelling house) use because the rooms are not self-contained, it does not attract the requirement for affordable housing.
- 10.3 The Council's Strategic Housing Manager formally commented on this application, setting out that the proposal is a Care Home, so no comment to give.

11 Neighbour Amenity

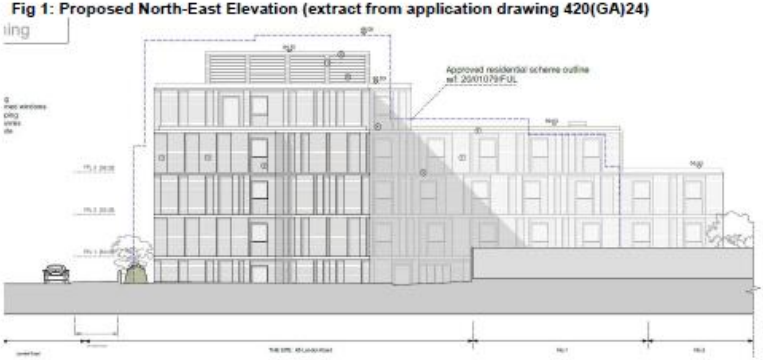
- 11.1 Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise whilst Paragraph 185 of the NPPF and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 11.2 Concerns have been raised by nearby neighbours that the proposal would adversely impact neighbouring amenity. These concerns have been taken into consideration by the Agent, who responded to the concerns by letter

(detailed within this section of the Report) and by Officers, within the assessment of this planning application.

- 11.3 The Design and Access Statement (DAS) that accompanies this application shows that the rear elevations of the proposed building that face the neighbouring residential properties are well set back from the Site boundary. 27.3 metres is provided between the (rear) north-west elevation of the London Road wing to the north-western boundary with 153 Ewell By-Pass. and 21.9 metres is provided from the (rear) north-east elevation of the Ewell By-Pass wing to the closest north-eastern boundary with the rear garden of 1 Elmwood Drive.
- 11.4 No windows are proposed in the north-west flank wall closest to 153 Ewell By-Pass and in the north-east flank wall closest to 77A London Road, the windows only serve the corridors. There is also a separation distance of 17 metres.
- 11.5 A Daylight and Sunlight Report accompanies this application. The proposed development was considered in relation to the Building Research Establishment Limited (BRE) guidelines on daylight and sunlight. Any reductions in daylight and sunlight to the neighbouring properties are minimal and in full accordance with BRE guidance. Similarly, any overshadowing effects are also negligible and full compliant with the BRE guidelines.
- 11.6 The Daylight and Sunlight Report concludes that the impact of the proposed scheme is minimal, and all residential neighbouring properties will retain very good daylight and sunlight amenity after development.
- 11.7 A Noise Assessment, dated 13 April 2023, supports this application. It establishes and quantifies the existing noise climate and recommends appropriate noise mitigation to protect future occupants, to comply with local planning policy.
- 11.8 The Assessment found that with appropriate mitigation, internal noise levels can meet the appropriate noise level in BS 8233 and local planning policy.
- 11.9 An Air Quality Assessment, dated March 2023, accompanies this application. it provides an assessment of potential key impacts associated with the construction and operational phases of the proposed development.
- 11.10 The Assessment sets out that a qualitative assessment of construction dust effects was undertaken, and the construction phase of the development is predicated to have a “medium risk” of nuisance and/or loss of amenity impacts due to dust nuisance. However, the risk of dust nuisance can be mitigated.

- 11.11 The Assessment sets out that a traffic-related impact assessment was scoped out as the proposed development is not anticipated to generate a significant amount of traffic. But dispersion modelling was undertaken to assess the residential suitability. The air quality dispersion modelling has concluded that as a minimum, mechanical ventilation with a NOx filter would be required on the ground floor of the proposed development.
- 11.12 The Assessment concludes that the proposed development is not considered to conflict with any national, regional, or local planning policy in relation to construction and operation phase dust and air quality nuisance.
- 11.13 EEBC Environmental Health formally commented on this application, recommending a Condition to reduce the levels of nitrogen dioxide in the ground floor residences to acceptable concentrations, subject to planning permission being granted. This same Condition was imposed on the planning permission for the 70-bedroom Care Home scheme.
- 11.14 A Condition is also recommended relating to noise, requiring the Applicant to submit a report setting out the proposed glazing specification and room ventilation approach to include sufficient calculations for compliance with the internal noise criteria contained within BS 8233:2014 and the ANC/loA Acoustics Ventilation and Overheating Residential Design guide. This Condition was imposed on the planning permission for the 70-bedroom Care Home scheme.
- 11.15 The Agent prepared a letter to respond to the concerns raised by neighbours, including that the proposal would adversely impact neighbouring amenity. The contents of the letter are summarised below:

Concern raised	Agent consideration and response
Additional height	<p>The additional height of the proposed building compared to the building approved under application ref: 22/00728/FUL (70-bedroom Care Home scheme) is achieved by way of an additional of a “part storey” only. This increases the height of the building where the two wings meet at the corner of London Road and Ewell By-Pass and along part of the east wing that fronts London Road.</p> <p>The additional part storey and roof-level plant enclosure are located in this area so as to not exceed the height envelope of the building approved under the 45-flat scheme and so not to create a sense of enclosure for the properties to the rear, including 1 and 3 Elmwood Drive.</p>

Concern raised	Agent consideration and response
	<p>Similarly, the extension of the west wing that fronts Ewell By-Pass and extends outside the envelope of the previously approved buildings is deliberately restricted to three-storeys, in order not to create an overheating impact on neighbouring properties.</p> <p>The proposed north-east elevation, which faces 1 and 3 Elmwood Drive is shown in Figure 1 (below) with the blue dashed outline representing the height of the 45-flat scheme. This illustrates that the additional height has been sensitively sited away from the Ewell By-Pass wing that runs parallel with the rear of 1 and 3 Elmwood Drive and instead places the additional height on the part of the building that is perpendicular to the rear of 1 and 3 Elmwood Drive in order to minimise the impact and largely keep within the height envelop of that building that has already been approved.</p> <p>Fig 1: Proposed North-East Elevation (extract from application drawing 420(GA)24)</p> 
<p>Noise and vibration</p>	<p>The nature of the construction project and its relationship to sensitive receptors is not such that it warrants any extraordinary measures beyond those that are governed by existing legislation relating to noise and vibration and good construction practice.</p> <p>Furthermore, the construction of the proposed development would not give rise to any greater potential impacts than the two developments already approved at the Site.</p> <p>The planning permission for the 70-bedroom Care Home scheme was subject to a Condition that restricted hours of demolition and construction, and it is anticipated that the same Condition would be imposed, should planning permission be granted.</p>
<p>Ventilation for future residents</p>	<p>The proposed ventilation strategy is set out in the Energy and Sustainability Statement that accompanies this application and is the same as the ventilation</p>

Concern raised	Agent consideration and response
	<p>strategy for the approved 70-bedroom care home scheme application.</p> <p>The planning permission for the 70-bedroom Care Home scheme was subject to a Condition requiring further details of the proposed glazing specification and room ventilation approach to demonstrate compliance with internal noise criteria. It is anticipated that the same Condition would be imposed should planning permission be granted for this current application.</p>
<p>Inadequate proposed boundary treatment from a safety perspective</p>	<p>Proposed site plan ref: 420(SP)03 shows the boundary of the car park with the adjacent gardens as comprising a proposed 1.2-metre-wide hedge, a proposed wall, and the existing fence. The proposed hard landscaping plan (ref: D0456_001 C) shows the car parking areas as being surrounded by kerbs.</p> <p>It is the Applicant's view that the presence of a raised kerb and the 1.2-metre-wide hedge would give sufficient warning to any driver accidentally overrunning a parking space to brake before contact would be made with the brick wall. In the highly unlikely event that a car was to mount the kerb, crash through the hedge and strike the brick wall with sufficient impact to cause the wall to collapse, the close boarded fence would likely provide protection from falling bricks.</p>

11.16 Officers are satisfied that the scheme has been proposed to limit adverse impacts on nearby neighbours. The letter prepared by the Agent, dated 15.09.2023, provides comprehensive comments and responses to the concerns raised by neighbours, and the Daylight and Sunlight Report demonstrates that all residential neighbouring properties would retain very good daylight and sunlight amenity after development, should this proposal be granted planning permission.

11.17 The proposal accords with Policy DM10.

12 Parking and Access

12.1 Policy CS16 of the CS encourages an improved and integrated transport network and facilitates a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should provide safe, convenient, and attractive accesses for all, be appropriate for the highways network, provide appropriate and effective parking provision, both on and off-site and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.

- 12.2 Policy DM36 sets out that to secure sustainable transport patterns and usage across the Borough, we will (inter alia) prioritise the access needs of pedestrians and cyclists in the design of new developments.
- 12.3 Policy DM37 sets out that developments will have to (inter alia) demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.

Car Parking

- 12.4 The Council's "Parking Standards for Residential Development Supplementary Planning Document", dated December 2015, sets out minimum car parking requirements for residential development. For "other forms of development", the Council refers to Surrey County Council's guidance.
- 12.5 Surrey County Council Vehicular and Cycle Parking Guidance sets maximum car parking standards for Care Homes, at a level of 1 car parking space per 2 residents, or individual assessment/justification. This means that this Site should provide a maximum of 41 car parking spaces, subject to individual assessment/justification.
- 12.6 The Transport Assessment that accompanies this application sets out that Surrey County Council identified that this Site could be a suitable location for a car free residential development, as the Site is ideally located to facilities required by a short walk (as per previous pre-application discussions). Public transport services to local and wider destinations including London are also accessible within a reasonable walk or short cycle journey. As such, it is perfectly reasonable to anticipate that many of the staff members would not commute to the Site by private car.
- 12.7 The Transport Assessment considers that due to the nature of the development, the likelihood of residents owning and using a private vehicle is very low, and the proposed car parking spaces would most likely be used by staff and visitors. Therefore, the proposed 25 car parking spaces are based on an understanding of the likely requirements of any future care home operator for staff and visitor car parking.
- 12.8 The Transport Assessment sets out that the previously approved scheme, for a 70-bedroom Care Home, provided 24 car parking spaces.
- 12.9 The Transport Assessment sets out that in line with Surrey County Council Highways; standards, electric charging points would be installed on 20% of all car parking spaces. Up to three of the car parking spaces would be sized to disabled car parking dimensions and one car parking bay will be dedicated for use by an ambulance. There would also be

provision for a drop off/pick up bay, which would not impact the car park operation when occupied.

- 12.10 The Transport Assessment sets out a Car Park Management Plan (CPMP) is proposed. This is expected to be subject to a Condition should planning permission be granted. This would ensure that the car park provision on Site is fully managed, and to ensure that no overspill car parking occurs.

Cycle Parking

- 12.11 The Transport Assessment sets out that Surrey County Council's Vehicular and Cycle Parking Guidance (2018) does not provide direct requirements for cycle parking for Care Homes. Therefore, a provision of 10 secured and weather-proof cycle parking spaces are proposed at this stage. There will be scope to expand the provision if needed, but it is expected that such provision would be sufficient for staff members, visitors and possibly some residents.

Pedestrian and Vehicle Access and Manoeuvrability

- 12.12 Paragraph 110 of the NPPF requires safe and suitable access, paragraph 111 allows for refusal where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe and paragraph 112 seeks to minimise conflicts between pedestrians, cyclists, and vehicles. This is reinforced in Policy CS16 of the CS and DM10 of the DMPD.
- 12.13 The Design and Access Statement (DAS) that accompanies this application sets out that access to the Site will remain in the same location as the approved residential scheme (ref: 20/01079/FUL), via London Road, in the form of a footway crossover at the south-eastern side of the Site. The existing access, located closer to the junction, would be removed.

Servicing

- 12.14 Policies DM32 and DM38 of the DMPD aims to ensure that rear servicing is provided or retained in new development. Where it is not possible or practical, alternative solutions must not cause highway obstruction.
- 12.15 The Transport Assessment sets out that all servicing would be undertaken within the Site and would not require any delivery vehicles to wait on London Road or Ewell By-Pass. There is space within the Site for a van to undertake a delivery without blocking the access road or car parking spaces.

12.16 The Transport Assessment sets out that swept path analysis has been undertaken for a 11.2 metre refuse vehicle (in excess of the current requirements to accommodate a 10.8 metre vehicle) to demonstrate that it can enter and exit the Site in a forward gear. The swept path analysis is within Appendix 1 of the Transport Assessment.

12.17 The Transport Assessment sets out that bin stores are located in convenient positions, adjacent to the turning head and within 20 metres walk from the turning head.

London Road & Ewell By-pass Signalised Junction – Pedestrian Crossing Improvements

12.18 The Transport Assessment sets out that Surrey County Council had requested within previous pre-application comments, that a push-button crossing would be provided across London Road, south of the Site, to form part of the signalised junction of London Road and Ewell By-Pass. Currently for both the eastbound and westbound lanes of London Road, pedestrians cross between traffic phases without the aid of pedestrian signal heads. The dedicated left turn on London Road (to Ewell By-Pass south) does have a push-button crossing already, which is proposed to remain in its current form.

12.19 The Transport Assessment sets out that that the proposed access sketch in Appendix H (of the Transport Assessment) illustrates the proposed position of the new signalised push-button controlled pedestrian crossings, which are in a similar position to the existing crossing points, but with the crossings over the eastbound lane on London Road moved further west to achieve a staggered crossing.

12.20 The Transport Assessment sets out that the central island has been increased to 6.4 metres long and 3 metres wide to accommodate the staggered crossing and safe pedestrian refuge in the centre of the junction. Signal heads have been relocated to fit with the island and out of the pedestrian path and keep left bollards proposed.

12.21 The Transport Assessment sets out that to facilitate the additional length of the island, the stop line on London Road for westbound traffic has been pushed back a short distance of approximately 2 metres, and the kerb line outside of the Development Site moved by approximately 400mm, to achieve two 3 metre lanes prior to the merge of eastbound traffic.

12.22 The Transport Assessment sets out that the pedestrian crossing phases work with the existing traffic phases, and as such add no additional delay into the junction.

Trip Generation

12.23 Policy DM35 of the DMPD requires consideration of the impact upon the transport network via a Transport Assessment or Statement.

12.24 The Transport Assessment sets out that the proposed scheme maintains the full range of highway improvements as the permitted residential scheme (45-flat scheme) and while changing the appearance of the proposal and the land use, it is expected to generate less trips than the permitted residential scheme. Therefore, the transport impact of the proposed development would be less severe than the previously assessed residential scheme. There are no transport impact reasons to refuse the proposed development.

Surrey County Council Highways

12.25 Surrey County Council Highways formally commented on this application, with no objection, recommending S106 Obligations and Conditions.

12.26 The response sets out a “site specific comment”, which concludes that the proposal would not impact on the safety or operation of the surrounding highway network with regards to vehicular trips to or from the Site.

12.27 The “site specific comment” does not refer to the proposed car parking spaces. However, as set out above, due to the nature of the development, the likelihood of residents owning and using a private vehicle is very low and the proposed car parking spaces would most likely be used by staff and visitors. Therefore, the proposed 25 car parking spaces are based on an understanding of the likely requirements of any future care home operator for staff and visitor car parking. Furthermore, this Site is in a sustainable location, ideally located to facilities a short walk away. Public transport services to local and wider destinations are also accessible within a reasonable walk or short cycle journey. As such, it is perfectly reasonable to anticipate that many of the staff members would not require to commute by private car.

EEBC Waste Team

12.28 EEBC’s Waste Team was formally consulted on this application and raise no objections.

Officer comment

12.29 The proposal is supported by a Transport Assessment, which confirms that the full range of highway improvements secured within the permitted residential scheme (45-flat scheme) are secured as part of this application, and that it is expected that this Care Home would generate less trips than the permitted residential scheme.

12.30 The scheme does not provide 41 car parking spaces, which is the maximum number of spaces required by Surrey County Council Vehicular and Cycle Parking Guidance. Due to the nature of this development, residents are unlikely to own and use a private car, and so most car parking spaces would be used by staff and visitors. Therefore, the proposed 25 car parking spaces are based on an understanding of the likely requirements of any future care home operator for staff and visitor parking. A Car Park Management Plan would be secured via Condition, should planning permission be granted, to ensure that the car park provision on Site is fully managed.

12.31 SCC Highways sets out that the proposal would not impact the safety or operations of the surrounding highway network, subjecting to securing appropriate S106 Obligations and Conditions, should planning permission be granted.

13 Ecology and Biodiversity

13.1 Paragraphs 174 and 180 of the NPPF, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

13.2 An Ecological Appraisal Report, dated June 2023, accompanies this application. It sets out that the proposed development has potential to impact breeding birds, the Site is dominated by buddleia *Buddleja davidi*, and DEFRA's standing advice is that this species should be treated as an invasive species, but as a whole, the Site supports habitats of low ecological value.

13.3 The Ecological Appraisal Report recommends that no further surveys are carried about, but mitigation is proposed, and enhancements.

13.4 A Reptile Survey, dated June 2020, accompanies this application. The Survey suggest that the Site does not support reptiles, but the availability of suitable habitat means that the presence of reptiles cannot be discounted. It is therefore necessary to take mitigation steps, outlined within the Report, and Ecological Appraisal Report.

13.5 EEBC's Ecologist formally commented on this application, setting out that the Reports are in order, and that the recommendations should be subject to a Condition, should planning permission be granted.

14 Flooding and Drainage

- 14.1 Paragraphs 159 and 167 of the NPPF, Policy CS6 of the CS and Policy DM19 of the DMPD state that development at medium or high risk from flooding must ensure that there is no increase in flood risk, whether on or off site, and implementation of flood resilience and mitigation to reduce it to acceptable levels.
- 14.2 Paragraph 167 of the NPPF, Policy CS6 of the CS 2007 and Policy DM19 of the DMPD seek the implementation of sustainable urban drainage systems (SUDS).
- 14.3 A Flood Risk Assessment & SuDS Strategy Report accompanies this application. This sets out that the Site is located within Flood Zone 1, indicating a low risk of flooding from fluvial and tidal sources. The Site is also at very low risk of surface water flooding.
- 14.4 The Report proposes a SuDS drainage strategy, to ensure that flood risk downstream is reduced. The Report was supplemented by a letter from EAS, dated 08.09.2023.
- 14.5 Surrey County Council Local Lead Flood Authority (LLFA) formally commented on this application, confirming that the proposed drainage scheme is acceptable subject to securing Conditions, should planning permission be granted.
- 14.6 Thames Water formally commented on this application, setting out that with regard to foul water sewerage network infrastructure capacity, there is no objection. With regard to surface water network infrastructure capacity, there is no objection. The proposed development is located within 15 metres of a strategic sewer. A Condition is required if planning permission is granted, a piling method statement is required.
- 14.7 The proposal accords with Policy CS6 and DM19.

15 Contamination and Remediation

- 15.1 Paragraph 183 of the NPPF and Policy DM17 of the DMPD requires consideration of ground conditions and risks to end users.
- 15.2 The Site is close to several potential sources of contamination, including an infilled brick pit.
- 15.3 A Preliminary Investigation Report, dated June 2023, accompanies this application, which concludes that a ground investigation and further risk assessment should be carried out to investigate the potential for ground contamination. EEBC Contaminated Land reviewed the Report and

proposed a Condition be applied to any planning permission granted, to ensure that future investigations/assessments are carried out.

15.4 The proposal accords with Policy DM17.

16 Environmental Sustainability

16.1 Policy CS6 of the CS stipulates that development should incorporate sustainable development and reduce, or have a neutral impact upon, pollution and climate change. This includes incorporation of renewable energy, use of sustainable construction methods and sustainable building design, flood management, reduction in water use and improvement of water quality and minimisation of noise, water and light pollution.

16.2 On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.

16.3 An Energy and Sustainability Statement accompanies this application, dated May 2023. It demonstrates how the development could be taken forwards in accordance with best practice sustainable design and construction policies. The scheme would deliver a series of sustainability measures, which include:

- Sustainable material selections
- The development of a site waste management plan
- Water conservation measures aligning with BREEAM WAT 01 requirements
- SuDS strategy to achieve a run-off rate of 1 l/s, with flows attenuated via SuDS measures
- A comprehensive ecological strategy to deliver a net gain in biodiversity alongside ecological protection measures
- Incorporation of climate adaption measures, including permeable paving and landscaping
- A 13.6% reduction in CO2 emissions and 13.98% reduction in primary energy beyond a Part L2a 2013 baseline
- Renewable heat pumps and PV providing 27.15% of the development's predicted energy needs.

16.4 The proposed measures are sufficient to ensure the proposal compiles with Policy CS6.

17 Accessibility and Equality

17.1 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 development would be fully accessible for all users.

- 17.2 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.
- 17.3 Age is a protected characteristic, so the Equality Act 2010 is engaged. There is no detrimental impact on any protected characteristics, in fact, the scheme is positive in this respect.

18 Planning Obligations and Community Infrastructure Levy

- 18.1 Paragraphs 55 and 57 of the NPPF requires consideration of whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, but only where they are necessary, related to the development, fair and reasonable.
- 18.2 Policy CS12 of the CS and the Developer Contributions SPD require that development must be able to demonstrate that the service and community infrastructure necessary to serve the development is available, either through on-site provision or a financial contribution via a planning obligation.
- 18.3 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. It is payable at £20/m² index linked.

CONCLUSION BALANCE

19 Planning Balance

- 19.1 The Site is previously developed land within the Built-Up Area of Epsom & Ewell, with extant planning permissions for a 45-flat scheme and a 70-bedroom Care Home scheme. The proposed development seeks to provide a specialist form of accommodation (Use Class C2).
- 19.2 Accompanying the planning application is a Planning Need Assessment (Caterwood), which indicates that there is a need for en-suite wetroom bedrooms within Epsom and Ewell and the wider catchment area. The proposal contributes towards this need. It also enables the freeing up of housing stock for use by others and contributes the equivalent of 44 units to Epsom & Ewell Borough Council's housing land supply, when applying the "Housing Delivery Test Measurement Rule Book".
- 19.3 The proposal has been designed to respond to its immediate surroundings. The scheme combines good design and landscaping, which is viewed positively, especially when judged against the Site's existing situation. Internally, the scheme has been designed to cater for residents requiring care and support.

- 19.4 There is a presumption in favour of granting sustainable development unless the application of policies gives a clear reason for refusing permission (paragraph 11 of the NPPF).
- 19.5 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.
- 19.6 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. Having regard to identified need, this benefit is given significant weight.
- 19.7 The proposal seeks a widened footway, push button controlled pedestrian crossing facilities and improved bus infrastructure. The proposal has been formally assessed by SCC Highways and the Local Planning Authority's Waste Team. These social improvements benefit the wider community and weigh further in the balance.
- 19.8 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.
- 19.9 The proposal would achieve a landscape improvement on the site though the extent attracts limited weight. The proposal also demonstrates how the development could be taken forwards in accordance with best practice sustainable design and construction policies.
- 19.10 The minor adverse impacts of this proposal, which include the proposal not providing a maximum number of 41 car parking spaces in accordance with Surrey County Council's Vehicular and Cycle Parking Guidance, is not considered to demonstrably outweigh the benefits of the scheme, when assessed against the NPPF as a whole.

RECOMMENDATION

20 To grant planning permission subject to the requirements of the s106 legal agreement in PART A and the conditions and informatives in Part B

Part A

Grant planning permission, in accordance with the proposed Conditions and informatives and subject to a Section 106 Agreement being signed by 09 February 2024, securing the following Heads of Terms:

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

Part B

If 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 (as amended), 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) Timescale

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

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

2) Approved details

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

420(SP)03 Rev P00 - Proposed Site Plan

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

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GA 420(GA)01 Rev P00 - Proposed Basement Floor GA
420(GA)02 Rev P00 - Proposed Ground Floor GA
420(GA)03 Rev P00 - Proposed First Floor GA
420(GA)04 Rev P00 - Proposed Second Floor GA
420(GA)05 Rev P00 - Proposed Third Floor GA
420(GA)06 Rev P01 - Proposed Fourth Floor GA
420(GA)07 Rev P00 - Proposed Roof Plan GA
420(GA)20 Rev P00 - Proposed Elevations GA - Proposed Streetscapes
420(GA)21 Rev P00 - Proposed Elevations GA - Southwest
420(GA)22 Rev P00 - Proposed Elevations GA - Southeast
420(GA)23 Rev P00 - Proposed Elevations GA - Northwest
420(GA)24 Rev P00 - Proposed Elevations GA - Northeast
D0456_001_C - Landscape Proposal Hard works
D0456_002_D - Landscape Proposal Soft works

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

3) Materials

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

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

4) Construction Transport Management Plan

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

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

- l) the approved details shall be implemented during the construction of the development

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

5) Means of enclosure

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

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

6) Travel Plan

Prior to the occupation of the development a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the 'Heads of Travel Plan' document (if appropriate, specify). And then the approved Travel Plan shall be implemented (trigger point to be added on site specific basis) and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority

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

7) London Road access

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

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

8) EV charging

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

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

9) Car Park Management Plan

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

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

10) SuDS details

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

- a) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. Associated storage volumes shall be provided using an infiltration-based strategy.
- b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.). Including details of the rainwater planters.
- c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk. Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.

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

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

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

11) SuDS verification report

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

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

12) Piling Method Statement

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

13) Nitrogen dioxide assessment

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

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

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

14) Noise treatment details

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

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

15) Internal noise criteria details

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

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

16) Ground/groundwater contamination

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite

receptors, in accordance with Policy DM17 of the Development Management Policies 2015 and the National Planning Policy Framework

17) Remediation scheme

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

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

18) Pedestrian splays

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

19) Stopping up of existing access

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

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

20) Parking and turning

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

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

21) Cycle parking

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

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

22) Unexpected contamination

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

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

23) Hours of work

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

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

24) Compliance with Reptile Survey

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

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

25) Compliance with Sustainability Report

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

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

26) Landscape design proposal

The development shall take place in accordance with D0456_001_C - Landscape Proposal Hard works and D0456_002_D - Landscape Proposal Soft works. The landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained

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

Informatives

- 1) The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see: <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see: www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice
- 2) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels

or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149)

- 3) The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment
- 4) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage
- 5) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:
<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types
- 6) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway
- 7) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service
- 8) Sub ground structures should be designed so they do not have an adverse effect on groundwater
- 9) If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on SCC LLFA's website. If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards. Sub ground structures should be designed so they do not have an adverse effect on groundwater. If there are any further queries please contact the Flood Risk, Planning, and Consenting Team via SUDS@surrey.gov.uk.

- 10) As required by Building Regulations part H, paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 11) Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharged into the public sewer.
- 12) Thames Water would advise that management of surface water from new development should follow Policy SI 13 Sustainable Drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services would be required,
- 13) Thames Water recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities.
- 14) There are public sewers crossing or close to the Site. If significant work is planned near to the sewers, it's important that you minimise risk of damage. The Applicant is advised to read Thames Water's guide to working near to or diverting pipes.
- 15) Thames Water advises the Applicant that the development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The Applicant is encouraged to read the Environment Agency's approach to groundwater protection and may wish to discuss implications for their development with a suitably qualified environmental consultant.