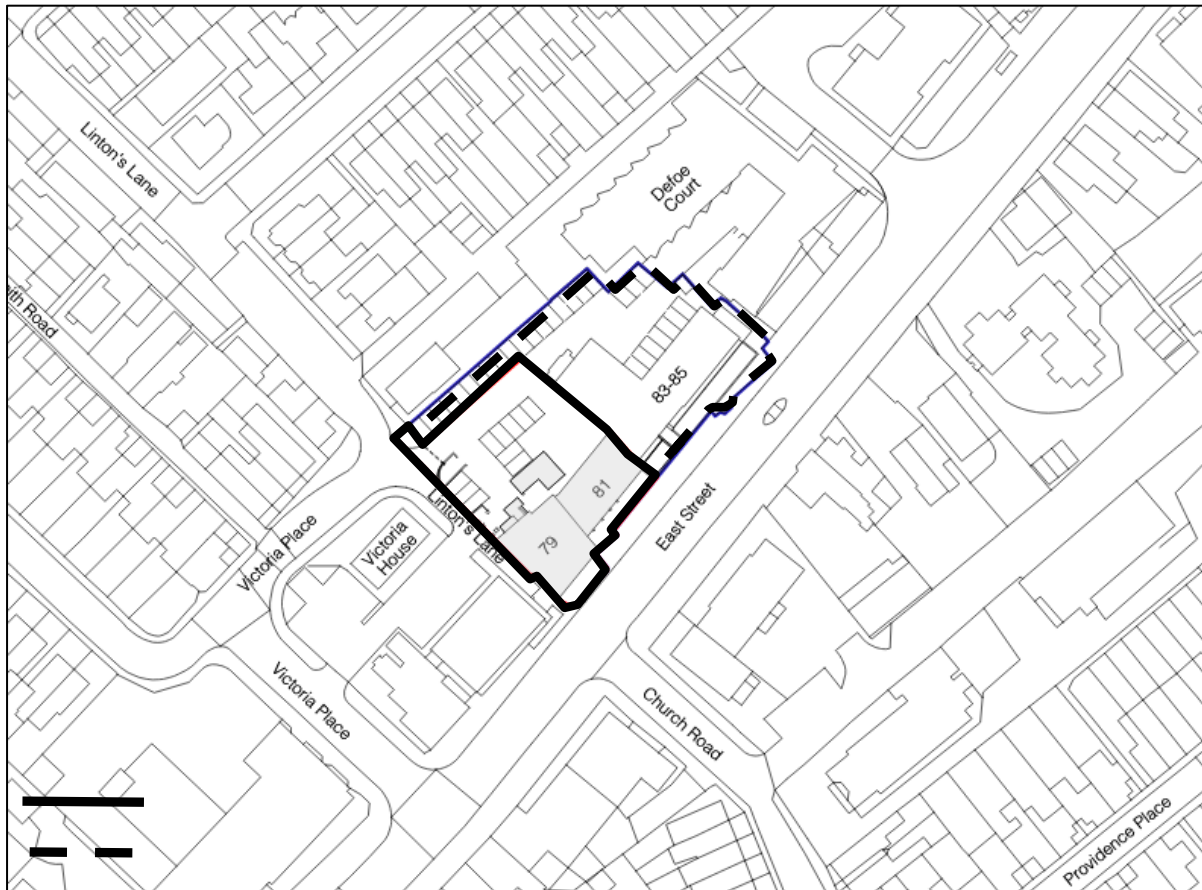


79-81 East Street, Epsom, Surrey, KT17 1DT

Application Number	22/01953/FUL
Application Type	Full Planning Permission (Major)
Address	79-81 East Street, Epsom KT17 1DT
Ward	Town Ward
Proposal	Demolition of 79-81 East Street and the construction of a part 5, part 6 storey building containing 31 residential units (10 x 1-bed, 17 x 2-bed and 4 x 3-bed) (Class C3) together with car parking, landscaping and access arrangements and associated works
Reason for Committee	Major development
Recommendation	Approval, subject to conditions, informatives and s106 legal agreement
Expiry Date	18 December 2023
Case Officer	Gemma Paterson
Contact Officer	Simon Taylor
Plans and Documents	Found at the following link: 79-81 East Street
Glossary of Terms	Found at the following link: Glossary and Terms



SUMMARY

1 Summary and Recommendation

- 1.1 The application is recommended for approval, subject to the completion of a Section 106 agreement to deliver affordable housing, to prevent occupation or use of the development by a person or persons(s) in possession of an Epsom and Ewell Residents Parking Zone Permit, and conditions and informatives. If the Section 106 Agreement is not completed by 14 June 2024 (ie within six months), the Head of Place is authorised to refuse the application.
- 1.2 The application is classified as a Major planning application and is referred to Planning Committee in accordance with Epsom and Ewell Borough Council's Scheme of Delegation.
- 1.3 The application seeks planning permission for the demolition of the existing building and the construction of a part 2, part 5 and part 6 storey building containing 31 residential units, together with car parking, landscaping and access arrangements.
- 1.4 The proposed development would contribute 31 new houses towards delivering the Council's housing target and would therefore be consistent with the NPPF and Council policy in so far as it seeks to significantly boost the supply of homes.
- 1.5 The proposal would also create a choice and mix of housing, thereby contributing towards the Borough being comprised of balanced and sustainable communities.
- 1.6 The proposal would exceed the policy requirement for onsite affordable housing, proposing to deliver 50% of affordable housing (16 units) in a mix and tenure that would contribute towards one of the Borough's greatest affordable housing needs. This weighs strongly in the planning balance.
- 1.7 Whilst the proposal would cause less than substantial harm to the setting of the Linton's Lane Conservation Area and the listed buildings at 1, 3, 10 and 12 Linton's Lane, even when giving great weight to the desirability of preserving the setting of the surrounding heritage assets, the public benefits would outweigh the less than substantial harm identified.
- 1.8 The proposal would meet the requirements of the National and local requirements for internal floor area and the provision of private communal amenity space within this scheme is regarded to be sufficient to meet the recreation needs of future occupiers.

- 1.9 The site is located within a main settlement, town centre location that is near to public transport, which offers a mode of transport other than the private car. The site is therefore in a highly suitable location in sustainable transport terms for new residential uses.
- 1.10 As a low car free development, the proposal would not meet the Council's parking standards, with a shortfall of 21 vehicle parking spaces. Notwithstanding a recommendation to secure a clause within a Section 106 Agreement to prevent occupation or use of the development by a person or persons(s) in possession of an Epsom and Ewell Residents Parking Zone Permit, the failure to provide any robust justification to consider the proposal as an exception to policy is an adverse impact in the planning balance.
- 1.11 Although the height of the proposed development would be notably taller than the existing buildings it surrounds, taken within the wider context, it would be identifiable as part of the gradual transitional passage between the suburban character of the far east of East Street (heading towards Ewell) and the larger, close-knit built form to the west of East Street, denoting the approach into the town centre.
- 1.12 The overall design of the development is acceptable, using a contrast of glazing, recessed balconies and materials to provide features of visual interest on the building.
- 1.13 It has also been satisfactorily demonstrated that a development of this scale could be provided on the site that does not have a significant harmful impact on neighbouring residential amenity, subject to conditions to secure details of privacy screening and to prevent new windows in the future.
- 1.14 The proposal would accord with the Council's policies in relation to trees, ecology, noise, land contamination and environmental sustainability.
- 1.15 The Council currently does not have a 5-year housing land supply. This means that the presumption in favour of sustainable development (paragraph 11 of the NPPF, also known colloquially as the 'tilted balance') is engaged, and that planning permission should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 1.16 Overall, whilst there are adverse effects in respect of this application, (the less than significant harm to the heritage assets and shortfall in on site car parking), these would not significantly and demonstrably outweigh the benefits, (these primarily being delivery of additional housing and a policy exceedance with affordable housing) when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. The application is therefore recommended for approval.

KEY INFORMATION

	Existing	Proposed
Site Area	0.1 hectare	
Land Use	Bar and music academy	Residential
Units	0	31
Floorspace	522m2	2487m2
Height	2 storeys	5-6 storeys
Density	N/A	310 dwellings per hectare
Affordable Housing Units	0	16
Car Parking Spaces	10	3
Cycle Parking Spaces	0	38

SITE AND PROPOSAL

2 Description of Site

- 2.1 The application site contains 2 no. two storey buildings – 79 East Street, a disused bar and 81 East Street, a music academy. The site has an area of 1036sqm and is bounded by East Street along the main frontage, with Victoria Place, Linton's Lane and residential gardens of the north.
- 2.2 The built form surrounding the site is diverse in scale, varying up to a maximum of 5 storeys. There are a mix of uses surrounding the site, including residential, commercial, office, supported living and educational premises, accommodated in built form of varying heights, between 2 and 5 storeys.
- 2.3 The site is adjacent to the Linton's Lane Centre Conservation Area boundary to the north and west of the site. Providence Place Conservation Area extends towards the north east beyond main East Street highway. To the north west of the site there are multiple listed buildings with a direct view of the site. Locally listed buildings lie beyond the East Street highway

3 Description of Proposal

- 3.1 The proposal involves the following:
- The demolition of the existing two storey buildings and the erection of part two, part five and part six storey building accommodating 31 residential units (Planning Use Class C3) and comprising 10 no. one bedroom units and 17 no. two bedroom units and 4 no. three

bedroom units. The ground floor layout would incorporate integral storage for refuse and cycles.

- The building would have a vertical emphasis, broken with concrete horizontal bands and glazing, and features a recessed sixth floor, measuring 19.0 metres in height from ground level with the fifth storey floor measuring 15.7 metres in height.
- The proposed development would provide 4 no. vehicle parking spaces, three of which would be for Blue Badge holders. In addition, an on street car club space is proposed.

CONSULTATIONS

Internal Consultees

Conservation	No objection subject to conditions
Contamination	No objection subject to conditions
Ecology	No objection subject to conditions
Waste	No objection subject to conditions
Trees	No comments received

External Consultees

Environment Agency	No comment to make on this application
Highway Authority	No objections subject to securing off site highway improvements through a Section 278 Agreement and the imposition of conditions
Lead Local Flood Authority	No objection subject to conditions
Fire Service	No objection, subject to informatives
Crime By Design	Expects all doors, windows and locks to be fully compliant with current building regulations
Thames Water	No comments received

Public Consultation

Neighbours	<p>The application was advertised by means of a site notice, press notice, and neighbour letters. 41 submissions were received, four of which were from the same two addresses. They raised the following summarised issues:</p> <ul style="list-style-type: none"> • Overdevelopment of a small site • Proposals exceed the density in an area of already high density • Negative visual impact on the street scene • Excessive height and bulk
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	<ul style="list-style-type: none"> • Out of character with the area • Sets a precedent for East Street • Proposal does not respect the Listed Buildings nor the Conservation Area and their settings • Building will dominate the Conservation Area • Inadequate parking provision on site • Proposal will prevent residents with permits from parking in local area • Reducing the car parking capacity putting existing residents under stress • Impact of additional traffic on extremely busy East Street • Impact of additional traffic on Linton Lane and Victoria Place would be enormous • Exacerbation of existing situation with access junction and two way traffic on the corner of Lintons Lane • Pollution risks from additional traffic • No shading of windows • Noise and disruption during the construction period • Noise and disturbance from increased traffic • Loss of light to Kingshott House • Loss of privacy to existing residents in area • Noise from adjacent gym would not be compatible to residential dwellings • Lack of landscaping • Lack of biodiversity • Additional waste cannot be supported • Financial impacts from tenant not renewing tenancy as result of proposal • Loss of view <p><u>Officer comment</u></p> <p>The third party comments relating to loss of a view and financial loss by way of a tenancy agreement is not a material planning consideration and is therefore not considerations in the assessment of this application.</p> <p>All other concerns raised by third parties form material planning considerations and are discussed in the body of the report.</p>
Epsom Civic Society	<ul style="list-style-type: none"> • Height is out of keeping with other 'tall' buildings • Overshadows dwellings in Lintons Lane and Victoria Place

	<ul style="list-style-type: none"> • Tenants and visitors will park in surrounding roads • No soft landscaping proposed • No demonstration of sustainable construction and design • Safeguards for key demolition works in the CMP • Investigate whether the single staircase adequate for fire escape purposes <p><u>Officer comment</u></p> <p>The Fire Service have assessed the application and raised no objection. The remaining concerns are discussed in the body of the report.</p>
Epsom Town Residents Association	<ul style="list-style-type: none"> • Building is too oppressive and out of keeping • Proposal will detract and overshadow Conservation Area • Inadequate amenity space, particularly for family sized homes • Parking is inadequate • Concern with location of Club Car Space, taking up residential parking permit space • No improvements for pedestrians/cyclists • Loss of tree from Lintons Lane /no meaningful landscaping • Need to secure affordable housing • Affordable housing not an excuse for bad design <p><u>Officer comment</u></p> <p>These concerns are discussed in the body of the report.</p>

PROPERTY HISTORY

App No	Description	Status
79 East Street		
17/00188/FUL	Redevelopment to provide ground floor commercial A1/B1 unit and 6x 2 bed apartments with parking ancillary accommodation together with 1	Approved 27 September 2017
05/00247/FUL	Proposed replacement windows to ground and first floor	Approved 7 July 2025
05/00250/ADV	One non-illuminated hanging sign and three externally illuminated fascia signs	Approved 7 July 2005
81 East Street		
17/01193/FUL	Demolition of existing building and redevelopment to form 6 apartments (4 x 2 bedroom and 2 x 1 bedroom)	Refused 24 April 2019
15/01082/PDCOU	Change of Use from offices (Class B1(a)) to a Dwellinghouse (Class C3) comprising 5 self-contained flat units	Prior Approval Refused 2 December 2015

App No	Description	Status
79 East Street		
07/00320/COU	Use for music recording, rehearsal and training; storage of music equipment and administrative offices for concert promotion, band management, music equipment hire and music tuition. (Sui Generis)	Approved 17 July 2007

SITE CONSTRAINTS

- Built Up Area
- Town Centre
- Adjacent to Listed Building (Grade II)
- Adjacent to Linton Lane Conservation Area
- Site of Special Scientific Interest Risk Area

PLANNING POLICY AND GUIDANCE

National Planning Policy Framework 2021 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 4: Decision-Making
- Section 5: Delivering a Sufficient Supply of Homes
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport
- Section 11: Making Effective Use of Land
- Section 12: Achieving Well-Designed Places
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15: Conserving and Enhancing the Natural Environment
- Section 16: Conserving and Enhancing the Historic Environment

Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS7: Housing Provision
- Policy CS14: Epsom Town Centre
- Policy CS16: Managing Transport and Travel

Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM4: Biodiversity and New Development
- Policy DM8: Heritage Assets
- Policy DM9: Townscape Character and Local Distinctiveness

- Policy DM10: Design Requirements for New Developments
- Policy DM11: Housing Density
- Policy DM12: Housing Standards
- Policy DM13: Building Heights
- Policy DM17: Contaminated Land
- Policy DM19: Development and Flood Risk
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

Epsom Town Centre Area Action Plan 2011 (Plan E)

- Policy E1: Town Centre Boundary
- Policy E2: Housing Capacity in the Town Centre

Supplementary Planning Documents and Guidance

- Parking Standards for Residential Development Supplementary Planning Document 2015
- Surrey County Council Vehicular and Cycle Parking Guidance 2018
- Surrey Transport Plan 2022–2032
- Sustainable Design Supplementary Planning Document 2016

Other Documentation

- Technical Housing Standards – Nationally Described Space Standards 2015
- Community Infrastructure Levy Charging Schedule 2014
- Strategic Housing Market Assessment Update 2019
- Manual for Streets 2007

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 as 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.

5 Principle of Development

Location of Development

- 5.1 The site is located within the built-up area of Epsom and Epsom Town Centre where the principle of development is acceptable in terms of the principles, objectives and policies in the CS, the DMPD and supporting guidance and documents.

Change of Use

- 5.2 79 East Street has a lawful Class E (b) use (restaurant), whilst 81 East Street has a lawful sui generis use for music recording, rehearsal, and training; storage of music equipment and administrative offices for concert promotion, band management, music equipment hire and music tuition.
- 5.3 There are no policies within the Core Strategy 2007, the Epsom Development Management Policies Document 2015 or within Plan E, Epsom Town Centre Action Plan 2011 that seek to retain Class E (b) uses within the Town Centre boundary and therefore there is no objection to the loss of the existing use of both 79 and 81 East Street as a result of the proposed development.

Housing Delivery

- 5.4 The Council has calculated its five-year housing land supply position as being 1.56 years. The Council is presently falling significantly short of this requirement and cannot presently demonstrate five years housing land supply.
- 5.5 Policy E1 of Plan E, Epsom Town Centre Area Action Plan 2011 permits, in principle and subject to other relevant policies, higher density housing.
- 5.6 Policy E2 of Plan E, Epsom Town Centre Area Action Plan 2011 seeks to deliver at least 635 new residential units within the Town Centre during the period 2011 and 2026.
- 5.7 Given the significant housing need within the Borough, the residential use of the site within a sustainable location is acceptable in principle, subject to the below other material planning considerations.

6 Impact on Heritage Assets

- 6.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 190, states that in considering applications which affect Listed Buildings, Local Planning Authorities must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 6.2 The application of the statutory duties within Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 combined with the guidance contained in the NPPF means that when harm is identified, whether that be less than substantial or substantial harm, it must be given considerable importance and great weight.
- 6.3 Additionally, the NPPF attaches great importance to the conservation and enhancement of the historic environment. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.4 Paragraph 200 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) Grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) Assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional
- 6.5 Paragraph 201 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) The nature of the heritage asset prevents all reasonable uses of the site; and
 - b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) The harm or loss is outweighed by the benefit of bringing the site back into use.

- 6.6 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.7 Whilst there is no statutory protection for the setting of a Conservation Area, paragraph 200 of the NPPF requires that consideration be given to any harm to or loss of significance of a designated asset, which includes Conservation Areas, from development within its setting.
- 6.8 This is further supported by paragraph 206 of the NPPF which states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”
- 6.9 Appendix 2 Glossary of the NPPF defines setting of a heritage assets as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 6.10 Policy DM8 of the DMPD set outs the Council’s intention to resist the loss of our Heritage Assets and take every opportunity to conserve and enhance them. It states that development proposals that involve or have an effect upon Heritage Assets must establish the individual significance of the Asset as part of the application or consent process. As part of the assessment process the significance of the Asset will be taken into account (namely whether it is a designated Heritage Asset or a non-designated Heritage Asset) when determining whether the impact of any proposed development is acceptable.
- 6.11 The site shares a boundary with Linton Lane Conservation Area. This designated heritage assets is largely characterised by two streets of late 19th century post railway residential development. Key aspects which reveal this include the uniformity of house types (including scale and massing), rectilinear street pattern, the predominant use of brick and slate on earlier buildings and a variety of materials on later buildings on Middle Lane.
- 6.12 The dwellings on Linton’s Lane in the Conservation Area pre-date the railway housing and are evident in their reduced scale and traditional materials including flint and weatherboarding. This was a much earlier byway than the rest of the Conservation Area which accounts for the older

dwelling on this road, which include 1, 3 and 10-12 (Grade II) and 7-9, 11 and 15-17 (locally listed).

- 6.13 To the south of the site is Providence Place Conservation Area, which consists of two streets containing terraced cottages from c1865 and c1880. The appraisal for the area notes they are a good example of the type of development which followed the building of the railway through Epsom in the mid-19 Century.
- 6.14 106 – 110 East Street are locally listed buildings comprising a set of mid-19th century dwellings which have been significantly altered.
- 6.15 This application is accompanied by a Heritage Statement, prepared by Heritage Information Ltd, dated December 2022 which concludes that the whilst the demolition of the existing buildings on site would have no impact on the setting of nearby designated heritage assessment, the increased height, scale and bulk of the new building may be perceived as causing less than significant harm to the setting of the surrounding designated heritage assets.
- 6.16 The Council's Conservation Officer highlights that whilst the proposed development would not have a significant impact upon the East Street streetscene, its scale and bulk would overshadow and overwhelm the scale of the listed houses in the Linton's Lane Conservation Area, especially 10-12 Linton Lane, which would only be located 12.0 metres from the proposed development.
- 6.17 The Council's Conservation Officer acknowledges that the proposed development would be likely to dominate the streetscape from views within Conservation Area, in particular impacting negatively on a significant view as identified on the Lintons Lane Townscape Appraisal Map accompanying the Lintons Lane Conservation Area Appraisal.
- 6.18 The Council's Conservation Officer concludes that the scale and bulk of the proposed development would be in complete contrast with the characteristics of this Conservation Area and would also affect the setting of 1 and 3 and 10 and 12 Linton's Lane.
- 6.19 Notwithstanding this, the Council's Conservation Officer, in taking into account the currently poor appearance of the site and existing views from within the Conservation Area of 83 East Street, is of the opinion that the proposed development would result in a moderate degree of less than substantial harm to the setting of the Linton's Lane Conservation Area and the Grade II Listed 1 and 3 Linton's Lane and 10 and 12 Linton's Lane.
- 6.20 With respect to the identified locally listed buildings within the Linton's Lane Conservation Area, the Council's Conservation Officer attributes the proposed development resulting in a small degree of less than substantial

harm to their setting because of the intervening screening between these buildings and the proposed development.

- 6.21 The Council's Conservation Officer acknowledges that the new building would also be from visible from Providence Place and Church Road which are within the Providence Place Conservation Area. Where it can be viewed, it is likely to dominate views and have a significant impact upon the skyline.
- 6.22 Notwithstanding this, the Council's Conservation Officer notes that such views would be limited from within the Providence Place Conservation Area and the proposal would not form part of any key views as identified in the Providence Place Townscape Appraisal Map accompanying the Providence Place Conservation Area Appraisal, and therefore considers the impact of the proposed development upon the setting of Providence Place Conservation Area to be a low level of less than substantial harm.
- 6.23 Whilst it is acknowledged that the Courts have made it clear that there is no spectrum of degree of harm within the less than substantial harm category (*James Hall v City of Bradford Metropolitan* 2019), as the Council's Conservation Officer has identified less than substantial harm to the significance of the setting of the Linton's Lane Conservation Area and 1, 3, 10 and 12 Lintons Lane, in accordance with paragraph 202 of the NPPF 2023, this harm must be weighed against any public benefits of the proposal. Great weight should be given to the asset's conservation irrespective of the scale of harm identified.
- 6.24 The NPPF identifies that public benefits could be anything that delivers economic, social or environmental progress, as described in paragraph 7. The NPPG further states that public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits (020 Reference ID: 18a-020-2019072).
- 6.25 The public benefits of the proposed development are:
- The contribution of net gain residential development to the Borough housing figures at a time that the Council cannot identify a five-year housing land supply and in considering the extent of the Council's housing shortfall and how long the deficit is likely to persist, given the timetable for the emerging Local Plan. Officers consider that significant weight is attached to this public benefit.
 - The significant contribution of affordable housing to the Borough, at a scale beyond the policy requirement and of a tenure that meets one of the Boroughs greatest affordable housing needs. Officers consider that significant weight is attached to this public benefit.

- The social benefits from an increase in choice and types of homes for different members of the community in proximity to the town and railway station. Officers consider that significant weight is attached to this public benefit.
- The generation of economic benefits from the employment during the construction phase of the proposed development. However, as this benefit is temporary, limited weight is attached to this public benefit.
- The direct economic and social benefits from investment into the nearby town centre from future residents, adding to the vitality and viability of the town centre. Although there is no evidence to suggest that the local economy would be disadvantaged without the expenditure generated from the proposed development, it is likely to provide some minor investments. For this reason, limited weight is attached to this public benefit.

6.26 Officers give considerable importance and weight to the desirability of preserving the setting and the features of special architectural and historic interest of the surrounding heritage assets. However, notwithstanding the considerable importance and weight that the less than substantial harm attracts, in this case, the accrued public benefits are considered to outweigh the less than substantial harm arising from the proposal.

6.27 Should permission be granted, conditions to secure details of materials are recommended. Given that the use of high quality materials and detailing is key to the proposed development appearing appropriate adjacent to a historic and architectural setting, it would be reasonable to recommend this condition on any granted permission.

7 Affordable Housing

7.1 Paragraph 63 of the NPPF states that affordable housing should be on site, unless a contribution is robustly justified and that it contributes to the objective of creating mixed and balanced communities.

7.2 Paragraph 65 requires major development to expect at least 10% of the total number of homes to be available as affordable homes, 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.

7.3 Notwithstanding the expectations of paragraph 65 of the NPPF, Policy CS9 of the CS specifies that residential developments of 15 or more dwelling should include at least 40% of the houses as affordable.

7.4 There is high demand for affordable housing throughout the Epsom & Ewell Borough for all types of housing. As of November 2023, there are 1327 households in housing need on the Council's housing register.

- 7.5 The Council has a high number of households in temporary accommodation (currently 240) to whom it owes an ongoing housing duty. This figure includes 80 households, who are housed in expensive nightly paid accommodation out of Borough. The total cost of temporary accommodation for 2023/24 is anticipated to exceed £1.5m.
- 7.6 The high demand for and the very low supply of social rented housing is a major contributing factor of homelessness in the Borough, with less than 90 social housing properties becoming available each year. This is especially the case for family sized accommodation, where the average waiting time for applicants with a high housing need in Band B is 18 months for those requiring a one bedroom property; 4-5 years for a two bedroom property and over 10 years for a 3 or larger bedroom property.
- 7.7 The proposal would provide 50% of the units proposed as affordable rent, which equates to 16 units. In addition, the applicant has agreed to limit the rent level to 70% of open market rent (including service charge), a reduction in the standard 80% rent level. This would be secured in perpetuity through a Section 106 Agreement and would ensure that the proposed affordable housing units are more affordable to potential tenants.
- 7.8 The Council's Affordable Housing policy requires a tenure split of 70% rented, and 30% intermediate housing. In meeting the policy requirement, this would equate to the proposed development having to deliver 8 rented units and 4 intermediate units, which would likely be in shared ownership. Rented housing best meets the needs of those on the housing register, as shared ownership is unattainable for almost all on the housing register. The provision of 16 units at rented housing therefore best meets this need.
- 7.9 Furthermore, whilst the Council has a need for all forms of affordable housing, the highest need is for two and three bedroom properties. The 50% affordable housing provision would meet these high needs by delivering 9 no two bed units and 2 no three bedroom units as part of the affordable housing provision.
- 7.10 The proposal would therefore exceed the CS9 of the CS policy requirement and would secure a significant amount of affordable housing at a tenure and form that would meet one of the Council's greatest housing needs, at a further reduced rent level of 70% open market rent. This would be a significant benefit of the scheme to be weighed in the planning balance.
- 7.11 Whilst the applicant has advised that it is their intention to deliver 100% of the scheme as affordable rent (at a maximum rent level of 70%), due to the requirements of the Registered Providers, this cannot be secured via a Section 106 Agreement and can therefore be given limited weight in the planning balance.

8 Density

- 8.1 Policy DM11 of the DMPD aims for the most efficient use of development sites with a demonstration of how density would contribute towards maintaining and enhancing the visual character and appearance of the wider townscape and lead to no net loss of biodiversity. Density is generally limited to 40 dwellings per hectare or alternatively, where it is allocated at a higher density, there is good site sustainability, and it conforms to the surrounding townscape.
- 8.2 Given the Borough's objectively assessed housing need, the Planning and Licencing Committee in May 2018 agreed to improve the optimisation of housing delivery for development sites in the Borough and in order to do this, reduced the weight given to Policy DM11 of the Development Management Policies Document 2015 during decision making.
- 8.3 Although the proposed housing density per hectare of the site is 310 dwellings per hectare, Officers acknowledge that the site is in a sustainable location with excellent access to facilities and transport and that the Council's density policy has reduced weight in decision making.
- 8.4 However, the failure to provide a policy compliant density is a minor adverse impact of the scheme to be weighed in the planning balance.

9 Housing Mix

- 9.1 Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community including families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.
- 9.2 Policy DM22 of the DMPD requires all residential development proposals for four or more units to comprise a minimum of 25% 3+ bedroom units, unless it can be demonstrated that the mix would be inappropriate for the location or endanger the viability of the proposal. Chapter 3 of EEBC's Strategic Housing Market Assessment Update 2019 recommends the breakdown of dwellings by size, as follows:

Beds	Required	Provided
1	10%	32%
2	50%	55%
3	30%	12%
4+	10%	0%

- 9.3 Although the proposal development involves a higher proportion of smaller units than encouraged within the Council's Strategic Housing Market Assessment Update 2019 and would not accord with Policy DM22 of the Development Management Policies Document 2015, Officers consider that the provision of a higher percentage of smaller units within a highly sustainable location would be appropriate, as it would result in a more efficient use of land.
- 9.4 Notwithstanding this, the failure to provide a policy compliant housing mix is a minor adverse impact of the scheme to be weighed in the planning balance.

10 Quality of Accommodation

- 10.1 Paragraph 130 of the NPPF states that planning decision should ensure that developments (inter alia) create places that are accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 10.2 Policy DM12 of the DMPD states that all new housing developments including conversions, are required to comply with external and internal space standards and must provide appropriate external private and/or communal amenity space to meet the needs generated by the development.
- 10.3 The Nationally Described Space Standards 2015 sets out internal space standards for new dwellings at a defined level of occupancy. It further states that in order to provide two bed spaces, a double (or twin bedroom) must have a floor area of at least 11.5m².
- 10.4 The following table provides an analysis of the internal floor area against technical standards:

Flat Number (bed/person)	National Standard	Proposed Internal Area
A001 (1b/2p)	50m ²	52.7m ²
A002 (1b/2p)	50m ²	53.1m ²
A003 (1b/2p)	50m ²	53 m ²
A004 (1b/2p)	50m ²	54.5m ²
A101 (3b/4p)	74m ²	83.m ²
A102 (2b/3p)	61m ²	63.9m ²
A103 (2b/3p)	61m ²	63m ²
A104 (2b/3p)	61m ²	62.2m ²
A105 (2b/4p)	70m ²	71m ²
A106 (2b/4p)	70m ²	70.9m ²
A201 (1b/2p)	50m ²	50.6m ²
A202 (1b/2p)	50m ²	50.5m ²
A203 (2b/3p)	61m ²	63m ²
A204 (2b/3p)	61m ²	62.2m ²

A205 (2b/4p)	70m ²	71m ²
A206 (2b/4p)	70m ²	70.9m ²
A301 (1b/2p)	50m ²	50.6m ²
A302 (1b/2p)	50m ²	50.5m ²
A303 (2b/3p)	61m ²	63m ²
A304 (2b/3p)	61m ²	62.2m ²
A305 (2b/4p)	70m ²	71m ²
A306 (2b/4p)	70m ²	70.9m ²
A401 (1b/2p)	50m ²	50.6m ²
A402 (1b/2p)	50m ²	50.5m ²
A403 (2b/3p)	61m ²	63m ²
A404 (2b/3p)	61m ²	62.2m ²
A405 (2b/4p)	70m ²	71m ²
A406 (2b/4p)	70m ²	70.9m ²
A501 (3b/4p)	74m ²	77.3m ²
A502 (3b/4p)	74m ²	78.9m ²
A503 (3b/4p)	74m ²	79.9m ²

- 10.5 The above table demonstrates that all the proposed units would exceed the technical housing standards. Furthermore, all internal primary accommodation would be served by unrestricted windows, allowing for light and air to enter and circulate the rooms they serve.
- 10.6 Officers are satisfied that the proposed units would have an acceptable level of internal amenity, complying with Policy DM12 of the DMPD and the Nationally Described Space Standards 2015.
- 10.7 Paragraph 3.36 of the supporting text for Policy DM12 of the DMPD states that to provide adequate private amenity space for development of flats, a minimum of 5m² of private amenity space for 1-2 person dwellings should be provided and an extra 1m² should be provided for each additional occupant. A 3 person flat should have 6m² provision of private amenity space and a 4 person flat should have 7m².
- 10.8 The private amenity space provided to serve all units are in the form of terraces or balconies are as follows:

Flat Number (bed/person)	Policy Minimum	Proposed Amenity Area
A001 (1b/2p)	5m ²	10.7m ²
A002 (1b/2p)	5m ²	7.3m ²
A003 (1b/2p)	5m ²	8.4m ²
A004 (1b/2p)	5m ²	8.4m ²
A101 (3b/4p)	7m ²	11.6m ²
A102 (2b/3p)	6m ²	6m ²
A103 (2b/3p)	6m ²	6m ²
A104 (2b/3p)	6m ²	6m ²
A105 (2b/4p)	7m ²	7m ²

A106 (2b/4p)	7m ²	7m ²
A201 (1b/2p)	5m ²	6m ²
A202 (1b/2p)	5m ²	5.1m ²
A203 (2b/3p)	6m ²	6m ²
A204 (2b/3p)	6m ²	6m ²
A205 (2b/4p)	7m ²	7m ²
A206 (2b/4p)	7m ²	7m ²
A301 (1b/2p)	5m ²	6m ²
A302 (1b/2p)	5m ²	5.1m ²
A303 (2b/3p)	6m ²	6m ²
A304 (2b/3p)	6m ²	6m ²
A305 (2b/4p)	7m ²	7m ²
A306 (2b/4p)	7m ²	7m ²
A401 (1b/2p)	5m ²	6m ²
A402 (1b/2p)	5m ²	5.1m ²
A403 (2b/3p)	6m ²	6m ²
A404 (2b/3p)	6m ²	6m ²
A405 (2b/4p)	7m ²	7m ²
A406 (2b/4p)	7m ²	7m ²
A501 (3b/4p)	7m ²	13.2m ²
A502 (3b/4p)	7m ²	13.2m ²
A503 (3b/4p)	7m ²	7.7m ²

10.9 The table above demonstrates that all units either meet or exceed the minimum requirements for private amenity space set out in Policy DM12 of the DMPD.

10.10 It is therefore considered that the proposed units and would therefore provide sufficiently good, private amenity space to future occupiers of the development, in compliance with policy.

11 Trees and Landscape Character

11.1 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.

11.2 The application is accompanied by an Arboricultural Report, prepared by DPA consultants, dated December 2022 which confirms that there are no trees existing on the site and that whilst trees adjacent to the site are not the subject of a Tree Preservation Order, they are within a Conservation Area where all trees and hedges are protected.

11.3 The Arboricultural Report identifies that the proposal would not result in the loss of any off site trees and these would be retained and protected during construction works. No concerns are raised relating to the future

health of the trees to be retained and the footprints of the proposed building.

- 11.4 The proposal provides very little in respect of landscaping. The site currently has no vegetation to East Street and the proposal would provide raised planters, similar to those existing outside Kingshott House and Duke House, which would make a small contribution to the verdancy along East Street.
- 11.5 Further minimal landscaping is proposed within the car parking area, to provide some small contribution towards the softening of the hard surfacing.
- 11.6 In the event planning permission is granted, full tree protection details and landscape details would be secured by way of conditions.

12 Design and Visual Impact

Built Form, Pattern and Layout

- 12.1 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.
- 12.2 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 of the DMPD 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.
- 12.3 East Street is a mixed use area with a strong building line on both sides of main highway. The majority of the built form faces the highway, providing active frontages. There is no uniformity in plot size, although the predominant plot character is a good distribution of frontage built form, with hard surfacing to accommodate rear vehicle parking. A number of the new developments along East Street also feature some frontage landscaping strips or accommodate trees, to bring some verdancy to this densely built form area.
- 12.4 To the west of East Street, moving towards the High Street, the built form to the south of the highway is tall and close knit, commencing with the three storey commercial units at 2a – 16a East Street and extending to the four storey Emerald House (14 East Street), part three/four storey Post Office (18 East Street) and the four storey retail unit at 20 - 40 East Street.

- 12.5 In comparison, two storey built form lines the north of East Street highway, until Crossway House and Bradford House (39 and 39a East Street), which are both five storey developments. Beyond this is the four storey Newport House (40 East Street) and then a further run of two storey built form.
- 12.6 As you move further east towards Ewell Village and particularly past the Kiln Lane junction, the built form relaxes into three and two storey development and benefits from more landscaping and greater pockets of spaciousness.
- 12.7 The existing built form on the site comprises 2 no two storey buildings of no great architectural merit, with the heights ranging from 6.0 metres to 8.6 metres.
- 12.8 Policy DM13 of the Development Management Policies Document 2015 states [inter alia] that buildings higher than 12 metres will be inappropriate in all areas of the Borough except the identified areas within the Epsom Town Centre Boundary where buildings up to a maximum height of 16 metres will be allowed in certain locations. As defined in the Proposals Map in Plan E, the site lies in an area subject to a building height maximum of 12 metres.
- 12.9 Policy E7 of Plan E, Epsom Town Centre Area Action Plan 2011 seeks to restrict buildings outside of identified opportunity sites (of which the current site is not one) to a height of 12 metres.
- 12.10 However, in May 2018, the Licensing and Planning Policy Committee took a decision to set aside Policy DM13 of the Development Management Policies Document 2015. This was due to the policy restricting opportunities for growth in the Borough. It should be noted that although this policy remains part of the development plan, it is afforded limited weight in the decision-making process and in regard to the presumption of sustainable development.
- 12.11 As Policy E7 of Plan E, Epsom Town Centre Area Action Plan 2011 is similar to Policy DM13 of the Development Management Policies Document 2015 in that it also restricts opportunity for growth within the Borough, it is not unreasonable to also afford it limited weight in the decision-making process and in regard to the presumption of sustainable development.
- 12.12 The built form along East Street is diverse in scale and height, with a number of buildings extending over 12 metres in height as identified in the table below:

Building Number/Name	No. of Floors	Overall Height
The Proposal	6	18.8m
22/01954/FUL (83-85 East Street)	5	15.8 m (17.8 m to top lift shaft)

18 East Street	3/4	16.3m
20 – 40 East Street	4	14.3m
Crossways House (39)	5	15.7m
Bradford House (39A)	6	18.4m
Newplan House (41)	4	15.0m (to eaves)
55 East Street	4	13.6m
64-74 East Street	4	17.62m
87 East Street	3/4	14m
144 East Street	4	13m

12.13 To the east of the site lies 83-85 East Street, which is a site currently the subject of planning application 22/01954/FUL, that, if granted, would result in the erection of a building with an overall height of 15.8 metres (17.8m to top of lift shaft). However, as existing, the building at 83-85 East Street is a four storey building measuring 13 metres (15.7 metres to top of lift shaft). To the west of the site is 73-77 East Street Court, a two storey built form and to the south, beyond the highway, is the three storey form of Glen House. To the rear of the site lies the two storey residential development of Linton Lane, Victoria Place and Middle Lane.

12.14 The height of the proposed development would therefore be notably taller than these adjacent buildings, from both the East Street streetscene and from the Linton's Lane scene.

12.15 Notwithstanding the presence of smaller scale built form in the immediate vicinity, the site does not fall within the character area to the east of East Street (past the Kiln Lane junction and before the highway converts to Epsom Road), that has a low rise, open suburban character. The proposed development would instead be identifiable as part of the gradual transitional passage between this suburban character and the larger, close-knit built form to the west of East Street, denoting the approach into the town centre.

12.16 The height of the proposed development would therefore not be read in isolation with the adjacent built form, but in context of these larger buildings, which would be readily apparent in longer views when travelling along East Street towards the town centre, facilitated by a bend in the highway.

12.17 In terms of massing, whilst the proposed built form would extend further into the rear of the site than the existing built form layout on site, it would not extend significantly beyond the built form of adjacent Kingshott House and Dukes House, thereby respecting the existing pattern of development of the area in terms of distribution of frontage built form and rear hard surfacing.

12.18 As a result of its additional scale, massing and height, is clear that the proposed development would have a greater presence than the existing situation in views from parts of Victoria Place and Linton's Lane and these

views are likely to be isolated as they would not be viewed in context with the built form of East Street. Within these views, the proposed development would be viewed alongside smaller residential units and would therefore be incongruous in this regard.

- 12.19 However, there are residential roads of predominantly two storey built form that view the larger buildings of East Street in isolation from the joining junctions, such as Linden Place and Adelphi Road. The views achievable from Victoria Place and Linton Lane would be no different to these existing situations.
- 12.20 The overall design of the proposed building is considered acceptable. It would take the form of a vertical block with horizontal window patterning that would respond suitably to the setting. The contrast of the glazing on the recessed balconies, the concern horizontal banding defining each floor and the materials use in the construction of the sixth floor would provide both visual relief and features of interest on the building .
- 12.21 In light of the above, Officers are satisfied that the overall form and design of the proposed development is acceptable as it would be sympathetic to the overall character and appearance of East Street and contribute to the existing townscape.
- 12.22 Should permission be granted, it is strongly recommended that a condition to secure details of materials to be approved by the Local Planning Authority prior to development taking place on site. This is to ensure that the materials and finishes used in the construction of the development are of a high quality and are suitable for a building that marks the transition into the Town Centre.
- 12.23 The Design Out Crime Officer has recommended that the applicant apply for a Secure by Design accreditation. This would ensure that the development would use security products that are Police preferred specification, which is a recognised standards for all security products that can deter and reduce crime. Furthermore, it would allow the Crime Reduction Advisor to be involved in all stages of the development in terms of security aspects. If permission is granted, it is reasonable to advise the applicant to seek the Secure by Design accreditation by way of an informative.

13 Neighbour Amenity

- 13.1 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.
- 13.2 The neighbouring properties most affected by the proposed development would be the current occupiers of 83 East Street (Kingshott House), (as well as the potential future occupiers of the 3 no unit development

currently under consideration under planning application 22/01954/FUL), which bounds the north east of the site; 10-12 Linton Lane, which bounds the north of the site; 73-77 East Street Court, which lies to the south west of the site, beyond Linton's Lane; and Glen House, which is located to the south of the site, beyond the East Street highway.

Kingshott House

Outlook/Overbearing Implications

The north east elevation of the proposed development would directly face the south west elevation of Kingshott House. Whilst the proposal would have a much greater presence upon the occupiers of the 8 existing flats facing onto the development site, as a result of a retained distance of 10 – 13.2 metres between the proposed and existing built form, there would be no unacceptable issues of loss of outlook or overbearing impacts upon the existing occupiers of these flats.

Daylight/Sunlight Implications

- 13.3 The proposal is supported by a Daylight and Sunlight Report, prepared by Waterslade, dated December 2022. The report considers three measurements of daylight; Vertical Skyline Component (VSC); No-Sky Line (NSL) and Daylight Illuminance (DI)
- 13.4 The report advises that it is important to ensure that retained daylight levels (vertical sky light component (VSC) are good and commensurate with the urban nature of the site. In considering guidelines, the report makes reference to BRE guidelines which considered that a VSC of 18% is a reasonable and accepted level of daylight in many urban areas (Appendix F Figure F1 BRE Site Layout Planning for Daylight and Sunlight 2022).
- 13.5 NSL considers daylight distribution. BRE guidelines advise that if, following construction of a new development, the NSL moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.80 times its former value this will be noticeable to the occupants, and more of the room will appear poorly lit.
- 13.6 With respect to DI, the UK National Annex (Daylight in buildings. BS EN 17037. London, BSI, 2018.) gives illuminance recommendations of 100 lux in bedrooms, 150 lux in living rooms and 200 lux in kitchens.
- 13.7 Although the proposal would reduce the amount of light reaching the existing windows on the south west elevation of Kingshott House, the majority of the rooms would retain a VSC of 18% or above, with the NSL impact minimal and comfortably achieving the DI targets.

- 13.8 The exceptions to this would be the bedrooms serving the south west corner flats. As existing, these bedrooms on the ground floor and first floor are poorly located and are served by a single small window, which is a result of the design compromises of converting an office block into flats. Therefore, these two bedrooms already received very low levels of light (below 100 lux) and are already likely to supplement the achievable daylight levels with electric lighting.
- 13.9 It is a material consideration that these two bedrooms as existing are disadvantaged in terms of recipients of daylight, due to poor design. Within the context of the existing situation, the proposal would not further harm the amenities of the occupiers of these two bedrooms beyond the current situation and it would therefore be difficult to substantiate a reason of the refusal of this application on this basis.
- 13.10 It is also noted that the living rooms associated with these two flats would continue to achieve figures of circa 600 lux, which are excellent daylight figures.
- 13.11 At the second and third floor, whilst the NSL figure indicates that these bedrooms would have notable impacts on daylight distribution, the DI retained would be above 100 lux, meeting both the BRE and British Standard target of lux for bedrooms.
- 13.12 Overall, whilst there would be a noticeable reduction in daylight to this property, the remaining daylight in each unit, bar the ground floor and first floor bedrooms serving the south west corner flats, with sunlight levels remaining high for an urban location such as this.

Overlooking/Privacy Implications

- 13.13 The windows on the north east elevation of the proposed development would either be angled away from the south west elevation of Kingshott House or obscurely glazed. Furthermore, the balconies proposed would not directly face the south west elevation of Kingshott House. As such, the proposal would not create any issues of overlooking or loss of privacy upon the occupiers of Kingshott House.

Proposed Development at 83-85 East Street

Outlook/Overbearing Implications

- 13.14 The south west elevation of the proposed development would directly face the fourth floor north east elevation of the development currently considered under 22/01953/FUL. As a result of a distance of 10 – 13.2 metres retained between the two developments, there would be no issues of loss of outlook or overbearing impacts upon the future occupiers.

Daylight/Sunlight Implications

- 13.15 There are three windows and two balconies proposed on the south west elevation of the development. Two of these rooms would be dual aspect and would be served by primary front and rear windows which can gain unrestricted daylight and sunlight.
- 13.16 The proposed development considered under 22/01954/FUL would be built wholly within the footprint of 83-85 East Street and although a floor higher, would still obtain the same levels of daylight, light distribution and sunlight considered to be acceptable in the living accommodation in the floors below. As such, the proposal would not create any issues of loss of daylight/sunlight upon the future occupiers of the potential development currently considered under 22/01953/FUL.

Overlooking/Privacy Implications

- 13.17 Due to the angle of the windows proposed on the north east elevation of the proposed development and considering that any of the direct facing windows were dual aspect rooms and are therefore restricted with obscured glazing, the proposal would not create any issues of overlooking or loss of privacy upon the future occupiers of the potential development currently considered under 22/01953/FUL.

73-77 East Street

- 13.18 As 73-77 East Street is a commercial building and not in a residential use, the relationship with the proposed development is considered to be acceptable.

10 and 12 Linton's Lane

Outlook/Overbearing Implications

- 13.19 The proposed development would be between 12 - 27 metres from the built form of 10-12 Lintons Lane and between 10 - 25 metres from the rear curtilage of 10 Linton's Lane. Although the proposed development would have a greater presence upon the occupiers of 10 and 12 Linton Lane than the existing situation, the retention of such distances would prevent any issues of loss of outlook or overbearing impacts upon the occupiers of these adjacent properties.

Daylight/Sunlight Implications

- 13.20 In respect of impact on internal accommodation, the Daylight and Sunlight Report concludes that the front windows serving 10-12 Linton's Lane would not be impacted by the scheme and that there would be no overall impact of the windows associated with 12 Linton's Lane.

- 13.21 There are two ground floor windows and one first floor window in the side elevation of 10 Lintons Lane, which serve hallways (see planning permission 07/00262/LBA). Whilst the proposal would reduce the VSC to 19%, this is the BRE guidelines and the impact as measured by the NSL would be minor and compliant within the guidelines.
- 13.22 Furthermore, the sunlight impact would be small and fully compliant with the guidelines.
- 13.23 The Daylight and Sunlight Report concludes that the proposal would reduce the amount of direct sunlight to the rear curtilage associated with 10 Linton's Lane. The BRE criterion for garden or amenity area is for at least half a garden or amenity space to receive at least two hour of sunlight on 21 March 21. If, as a result of a new development an existing garden or amenity space does not meet the above, then the loss of amenity is likely to be noticeable. The Daylight and Sunlight Report demonstrates that the garden curtilages of both 10 and 12 Linton's Lane would continue to achieve 2 hours of sunlight to more than 70% of their area on the 21st of March, which is compliant with the BRE guidelines.

Overlooking/Privacy Implications

- 13.24 The proposal would introduce a large number of windows and balconies to the site, which would face towards 10 and 12 Lintons Lane.
- 13.25 There are windows serving primary accommodation located on the far north west elevation of the proposed development that would be within 13 metres of windows serving secondary accommodation in the side elevation of 10 Lintons Lane. This retained separation distance, along with the secondary nature of the accommodation that these existing windows serve, would prevent any harmful loss of amenity to the occupiers of this neighbouring property.
- 13.26 The proposed balconies on the far north west element of the proposed development have the potential to allow for direct and views into the private patio area of 10 Linton's Lane from external usable floor area. However, privacy screening along part of the north west elevation of this balcony is proposed to partially mitigate for this direct overlooking. Whilst it is not eliminated in its entirety, the provisions made to the balcony are an acceptable balance of protecting neighbour amenity and providing good internal amenity to future occupants. In the event that permission is granted, details of privacy screening can be secured by way of a condition and installed prior to occupation and retain and maintained in perpetuity.
- 13.27 The remainder of the windows on the north west elevation of the proposed development would be located over 26 metres from the curtilage associated with 10 Linton's Lane. Whilst the proposal is likely to result in the occupiers of 10 Linton's Lane having a greater presence of overlooking above the existing situation, these retained distances and

balcony screening would prevent any clear or direct views of this amenity area.

Glen House

Outlook/Overbearing Implications

- 13.28 As a result of the intervening highway, the proposed development would be located over 22 metres from this property, thereby ensuring that there would be no issues of loss of outlook or overbearing impacts upon the existing occupiers within.

Daylight/Sunlight Implications

- 13.29 Whilst the Daylight and Sunlight Report concludes that the ground and first floor front windows serving this neighbouring property would experience VSC and NSL reductions as a result of the proposal, they would retain VSC's of at least 21%. Furthermore, the sunlight impact would be minor and fully compliant with the BRE guidelines.
- 13.30 Therefore, whilst the occupiers of this property may experience a reduction in light levels and light distribution, the levels retained would be within the recommended guidelines and would therefore not be significantly harmful to the amenities of the occupiers of this neighbouring property.

Overlooking/Privacy Implications

- 13.31 Due to a window to window separation of over 22 metres, the proposal would not cause any significant issues of direct overlooking or loss of privacy to the occupiers of this neighbouring property.

General Amenity

- 13.32 Officers acknowledge that as a result of the increase in built form on the site, the proposal would have a greater presence upon the occupiers of the surrounding neighbouring properties than the existing situation. However, as demonstrated above, the material impacts would not be so harmful as to warrant a reason to refuse this application.
- 13.33 Whilst the proposed development is likely to generate a greater level of domestic noise this level would not be to an extent that would be incongruous within the surrounding residential context.
- 13.34 The construction phase of the development has the potential to cause disruption and inconvenience to nearby occupiers and users of the local highway network. Whilst some of these issues are transient and could be minimised through the requirements of construction hours planning conditions if permission were to be granted, given that the construction

works could impact on the vehicle access/parking serving the adjacent Kingshott House and Jukes House, any permission granted would be subject to a Construction Management Plan, which would require the applicant to carefully manage the construction impacts, including the retention of suitable access for surrounding residents during the construction works.

14 Highways, Parking and Access

- 14.1 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.
- 14.2 The application is supported by a Transport Statement, prepared by Lime Transport and dated December 2022 and subsequent . The Transport Statement gives an account of the existing local highway network and local accidental data, as well as highlighting the accessibility benefits of the site. The County Highway Authority are satisfied that this highways account gives a fair representation of the site.

Pedestrian and Vehicle Access and Manoeuvrability

- 14.1 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.
- 14.2 The proposal would not involve any changes or modifications to the existing vehicular and pedestrian accesses to the site.

Traffic Generation

- 14.3 The Transport Statement has predicted the additional traffic generation and traffic flow associated with the proposed development and advises that to achieve this, the TRICS (Trip Rate Information Computer System) database has been used. The methodology used to predict the traffic generation has taken into consideration the low level of parking proposed and has predicted the person trip generation by mode.
- 14.4 This has calculated that the proposed use would generate 11 vehicle movements per day, 2 of which would be during peak AM and PM times.

- 14.5 The main daily trip movements are attributed to public transport users, with a prediction of 72 daily movements, 14 of which would be during peak AM and PM times, with pedestrian movements predicted as 58 movements, 9 of which would be during peak AM and PM times.
- 14.6 For completeness, the Transport Statement has also predicted the combined additional traffic generation arising from the development proposed at 83-85 East Street, currently considered under planning application 22/01954/FUL. This exercise has predicted that the proposed development under 22/01954/FUL would generate an additional single vehicle movement, which would be outside of AM and PM peak times, with the main movements attributed to pedestrian (6 daily trips) and public transport movements (9 daily trips).
- 14.7 In combination, the predicted mode trip generation for the two developments would be 12 daily vehicle movements, 64 pedestrian movements and 79 public transport movements.
- 14.8 In terms of deliveries and service trip generation, the Transport Statement predicts that the proposal would generate 22 daily delivery and servicing vehicle trips (44 movements) and it is anticipated that these would be undertaken from the existing car park on site.
- 14.9 The County Highway Authority is satisfied that the TRICS assessment provides a robust and realistic assessment of the likely impact of the proposed development on the highway network and that the residual cumulative impacts of the development would not have a material impact on the capacity of the surrounding network.

Site Sustainability

- 14.10 Paragraphs 104, 110 and 112 of the NPPF seek to ensure the growth of sustainable transport in managing development and approval of planning applications.
- 14.11 In light of the anticipated increase in pedestrian and public transport movement generated by the proposed development, trip generation associated with the proposal, and given the need to encourage sustainable transport and offer high quality, accessible infrastructure for future occupiers, the County Highway Authority have requested that the applicant commit to providing offsite highway improvements as follows:
- Pedestrian footpath improvements, including provision of dropped kerbs and tactile paving, in a scheme to be submitted and approved in writing by the Local Planning Authority
 - Provision of Real Time Passenger information to be provided at the existing bus stops located along East Street near to the site. The works would be limited to two bus stops.

- Provision of a car club vehicle and car club vehicle parking space on the adjacent highway for five years

- 14.12 County Highway Authority consider these improvements to be necessary and reasonable given the scale of the proposed development and its subsequent impact on the local highway network, which requires appropriate mitigation. Such works can be secured through a Section 278 Agreement with the County Highway Authority, in the event that permission is granted.
- 14.13 The details supporting this application advise that a vehicle hire company has expressed interest in managing a car club parking space in the vicinity.
- 14.14 The County Highway Authority acknowledges the third party concern in respect of the loss of a residents parking permit vehicle space to accommodate the proposed car club vehicle and advise that as the space would be on the public highway, rather than a private road, the space is open for all the public to use and the proposed car club space would be for public use. Furthermore, the County Highway Authority advise that typically the provision of a car club vehicle can reduce private car ownership by up to 10 private vehicles, which could therefore reduce the on street parking pressure within the environs of the new development.

Car Parking

- 14.15 Policy DM37 of the Development Management Policies Document 2015 seeks to ensure that new schemes provide an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.
- 14.16 The site lies within the Epsom Town Centre Boundary (as defined in Plan E: Epsom Town Centre Action Plan). Within this boundary, the Council's Parking Standards for Residential Development SPD 2015 expects the minimum parking standards for 1 and 2 bedroom flats to be 0.75 spaces per unit and for 3+ bedrooms, 1.0 space per unit.
- 14.17 Therefore, in order to meet the Council's Parking Standards for Residential Development SPD 2015, the site would be expected to accommodate 25.0 vehicle parking spaces within the site to serve the proposed development.
- 14.18 The proposal would be a low car development, providing only 4.0 dedicated parking vehicles to serve the site, 3.0 of which are to be dedicated to disabled parking. Feasibly therefore, only 1.0 vehicle parking spaces would be available to all future occupiers of the site. A further vehicle space is proposed within the site to serve a displaced vehicle parking space from neighbouring Kingshott House.

- 14.19 The proposal is therefore short of 24.0 on site vehicle parking spaces required to meet the Council's Parking Standard.
- 14.20 When assessing new development that does not accord with the Council's Parking Standards, the Council needs to consider whether the displacement of vehicle(s) from new development would exacerbate parking stress on surrounding areas that are currently already close to parking stress tolerance, as a result of the number of residential developments or parking restrictions within the surrounding area.
- 14.21 The Transport Statement highlights the sustainable nature of the site, along with 2011 Census data to establish local car ownership rates for existing residents. It should be noted that it is not yet possible to filter car ownership data from the 2021 Census by type, size or tenure, which is why 2011 Census data is used.
- 14.22 In considering existing car ownership rates, the Transport Statement addendum notes that the census data identifies existing car ownership for flats in geographical area as 0.72 cars per household, which is similar to Council's Parking Standards for flats within the area.
- 14.23 The Transport Statement addendum further notes that the census data identifies existing car ownership for affordable flats in geographical area is 0.62 vehicles per flat.
- 14.24 The Transport Statement notes that car ownership falls to just 0.35 just 500m south west in the town centre and given the close proximity of the development to the town centre. The Transport Statement attributes this decrease to the proximity of facilities and the nature of the dwellings within the town centre, with 32% being one bedroom and 46% being two bedrooms.
- 14.25 The Transport Statement also identifies that the number of affordable housing is higher in the town centre than the geographical area that the site falls within and provides two appeal decisions in which the Inspector has conclude that car ownership in social rented housing scheme is lower than that of private housing.
- 14.26 In considering that 88% of the proposed development would be one and two bedroom flats, 50% affordable rented and in close proximity to the town centre, the Transport Statement concludes that it is appropriate to assume that the demand for car ownership at the site would be closer to 0.35 vehicles per unit. This would equate to a demand for 11.0 vehicle parking spaces at the site.
- 14.27 Whilst Officers note the case put forward by the Transport Statement in respect of a lower demand of ownership, the use of the Census data statistics is considered to be reasonable to establish the existing vehicle ownership for the geographical area of the site. Whilst it is noted that

vehicle ownership may decrease closer to the town centre, this is not robust justification to apply these statistics to the site.

- 14.28 Although Officers do not accept the case that in general, car ownership in social rented housing scheme is lower than that of private housing, applying the Census data of 0.62 vehicle ownership to the proposed 16 affordable housing units would equate to a requirement to provide 10 vehicle parking spaces. In combination with the 0.74 vehicle ownership applied to the remaining 15 units, which equates to a requirements to provide 12.0 vehicle parking spaces, this results in the proposed development having a total demand for 22.0 parking spaces.
- 14.29 In light of the above, Officers are not satisfied that a robust case has been made to reduce the shortfall in parking from 21.0 vehicle parking spaces to 11.0 vehicle parking spaces.
- 14.30 Notwithstanding the case put forward for a lower demand of parking at the site, the site does not provide vehicle parking for 11.0 vehicles. Although 4.0 vehicle parking spaces are proposed within the site, 3.0 are dedicated to disabled vehicle parking and are therefore not open to all future residents at the site. This would leave a minimum shortfall of 10.0 vehicle parking spaces from the site, which would be displaced into the surrounding on street parking network.
- 14.31 There are a high number of varying parking restrictions in place within the surrounding highway network, ranging from double yellow lines to permit parking. These restriction limit the opportunities for future residents to park on street, resulting in a high demand for unrestricted kerbside in the area.
- 14.32 The application is supported by Parking Survey, which identifies that two parking beat surveys were carried out on the (weekday) nights of 12 and 13 October 2023, between 00:30 and 05:30, to ensure that the maximum demand for residential parking was captured.
- 14.33 The parking beat surveys have followed the Lambeth methodology, using a 200m survey area. The conclusion of the parking beats survey is that during the survey hours 139 vehicles were parking out of the 174 available spaces, equating to an 80% of available capacity.
- 14.34 Typically, practical capacity is reached when 85% of the spaces are occupied. Although the results of the parking beat survey demonstrated that there is capacity for 35 vehicle to be parked within the survey area, any further parking beyond 11.0 vehicle spaces would breach the 85% practical capacity.
- 14.35 However, the unrestricted parking available during the hours of the parking beat survey is as a result of the majority of the parking restrictions being lifted between the hours of 19:59 – 09:00 and at weekends. Whilst

the parking beats surveys demonstrate that there is on street capacity to accommodate the parking of the displacement of 11.0 vehicles from the site in the hours between 19:59 – 08:59, the parking restrictions operating from 09:00 – 20:00 would prevent any restricting parking during the weekday daytime hours.

- 14.36 The Transport Survey considers these restrictions to assist in enforcing a low car development. In the event permission is granted, a Section 106 Agreement would be entered into to prevent occupation or use of the development by a person or person(s) in possession of an Epsom and Ewell Residents Parking Zone Permit, to prevent any further parking stress on residential parking zones.
- 14.37 Notwithstanding the above, in reality, it is likely that future owners of the development that have a necessity to own a vehicle will seek out other unrestricted areas to park a vehicle during the weekday daytime hours.
- 14.38 Officers are aware that there is unrestricted on street parking within 800m of the surrounding highway network. However, without any demonstration that the shortfall of 21.0 vehicle spaces can be accommodated within this network, Officers cannot be satisfied that the proposal would avoid an unacceptable impact on on-street parking conditions and local traffic conditions.
- 14.39 As there is a failure to robustly demonstrate that the level of on-site parking associated with the proposed development would have no harmful effect on the surrounding area in terms of street scene or the availability of on street parking, the proposed development would not be considered as an exception to policy. This is a significant adverse impact that will need to be weighted in the planning balance.

Cycle Parking

- 14.40 Policy DM36 of the DMPD requires the provision of cycle networks and facilities and Policy DM37 requires minimum provision of cycle storage as set out in Annexe 2 - Parking Standards for new development.
- 14.41 The proposal would provide covered and secure cycle facilities for the parking of 35 bicycles, which would accord with the policy requirements.
- 14.42 In the event that planning permission is granted, the County Highway Authority have recommended a condition to secure the provision of a charging point for e-bikes with the site.

Construction Management

- 14.43 Should planning permission be granted, this would be subject to a condition to secure a Construction Management Transport Plan, which would include details of contractors parking, loading and storage of plant

and materials, as well as preventing any HGV movements to and from the site between the hours of 07:00 – 09:30 and 15:00 – 17:00.

15 Refuse and Recycling Facilities

- 15.1 Policy CS6 of the CS stipulates that development should minimise waste and encourage recycling. Annex 2 of the Sustainable Design SPD sets out that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers within 6 metres of the public highway.
- 15.2 A new integrated refuse/recycling storage area would be created at ground floor level, adjacent to the access to Linton's Lane. Whilst this would displace the existing refuse/recycling storage area for the adjacent property at 83-85 East Street, this would be relocated within the site, adjacent to the proposed refuse/recycling storage area. The waste and refuse would be collected as part of the Council's existing collection service.
- 15.3 Having reviewed the refuse/recycling arrangements proposed, the Council's Transport and Waste Services Manager considers them to be acceptable in terms of capacity, storage and access.

16 Ecology and Biodiversity

- 16.1 The Local Planning Authority have a duty of care under Section 41 of the Natural Environment and Rural Communities Act 2006 to ensure that planning permission is not granted for any development that has potential to unlawfully impact on protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 16.2 Paragraph 180 of the NPPF states (inter alia) that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
- 16.3 Policy CS3 of the CS sets out that development that is detrimental to the Borough's biodiversity will be minimised, and where it does take place, adequate mitigating measures should be provided. Wherever possible, new development should contribute positively towards the Borough's biodiversity.
- 16.4 Policy DM4 of the DMDP seeks to ensure that new development takes every opportunity to enhance the nature conservation potential of a site and secure a net benefit to biodiversity. It sets out that development affecting any site or building that supports species protected by Law including their habitats, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the

identified species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity.

- 16.5 The application is supported by a Preliminary Ecology Appraisal and Preliminary Roost Assessment, prepared by The Ecology Partnership, dated December 2022.
- 16.6 Following a site inspection, the Assessment concludes that the existing buildings on the site are not suitable to support roosting bats and the adjacent off-site trees are immature and therefore do not support potential roosting features for bats.
- 16.7 There was no evidence of badger or great crested newt activity on the site, due to limited habitat. For this reason, the Assessment concludes that the site does not provide suitable habitat for badgers or great crested newts to be present.
- 16.8 The Council's Ecology Officer has reviewed all the reports and considers it to be appropriate in scope and methodology and recommends a condition to secure the mitigation measures as set out in Section 4.9 – 4.15 of the Preliminary Ecology Appraisal and Preliminary Roost Assessment, prepared by The Ecology Partnership, dated December 2022.
- 16.9 Subject to the abovementioned conditions should permission be granted; the Local Planning Authority are satisfied that they have carried out their duty of care under Section 41 of the Natural Environment and Rural Communities Act to protect the species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 16.10 The proposal would not prejudice the existing ecological value of the site and would enhance the conservation potential of a site in accordance with Policy CS3 of the CS 2007, Policy DM4 of the DMPD 2015 and the requirements of the NPPF.

17 Flooding and Drainage

- 17.1 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.
- 17.2 The application is supported by a SuDS Strategy, prepared by EAS, reference 4044/2022 B – Final and dated December 2022.
- 17.3 In terms of fluvial flooding, the site is located in an area of low flood risk, outside of Flood Zone 2 and 3 as identified on the Environment Agency

Flood Risk Maps and therefore the proposed development would be wholly located in Flood Zone 1. As such the development has low risk of fluvial flooding.

- 17.4 Furthermore, the access to the site is also located within Flood Zone 1 and would continue unimpeded to provide safe access to and from the residential developments in the event of a flood
- 17.5 As the proposed development would lie within Flood Zone 1, neither the sequential test nor the exceptions test, as set out in the Government's guidance 'Flood risk assessment: the sequential test for applicants' 2017 needs to be carried out.
- 17.6 The site lies within Ground Water Source Protection Zones 1-3 and in a Zone 2 Inner Protection Zone. Furthermore, the site is located above a Secondary A aquifer. The site is currently developed, and the run off from the existing building flows unrestricted to the surface water sewer in East Street, whilst the car park drains unrestricted into the foul sewer in Linton's Lane.
- 17.1 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).
- 17.2 With respect to pluvial flooding, site is underlain by impermeable geology, making infiltration methods unviable for the site. Therefore, an attenuation strategy is required.
- 17.3 The constraints of the site prevent above ground attenuation features, such as a pond or swale. The most appropriate SuDS disposal method to support the proposed development is a green roof and within the existing carpark, an area retrofitted for porous asphalt.
- 17.4 The roof run off would provide some surface water attenuation by slowing the flow of the water from the roof, which would then be directed to the sub base of the porous asphalt and then discharged via the private surface water sewer towards East Street where it will be discharged to the adopted sewer works.
- 17.5 The Lead Local Flood Authority have confirmed that the drainage proposal satisfies the requirements of the NPPF and has recommended that should permission be granted, suitable conditions are required to secure the details of the design of the surface water drainage scheme and to ensure that it is properly implemented and maintained throughout the lifetime of the development.
- 17.6 As such, it is considered that the flood risk and surface water flooding have been addressed in accordance with Policy CS6 of the CS and Policy DM19 of the DMDP and the requirements of the NPPF.

18 Contamination and Remediation

- 18.1 Paragraph 183 of the NPPF states that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 18.2 Paragraph 184 of the NPPF continues where a site is affected by contamination issues, responsibility for securing a safe development rests with the developer and/or landowner in accordance with paragraph 179 of the NPPF.
- 18.3 Policy DM17 of the DMPD states [inter alia] that where it is considered that land may be affected by contamination, planning permission will only be granted if it is demonstrated that the developed site will be suitable for the proposed use without the risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.
- 18.4 The application is supported by a Desk Study/Preliminary Land Quality Risk Assessment Report, prepared Jomas Associates Ltd, reference P3776J2662/CLP and dated October 2022. This document indicates that there are potential harmful receptors to both human health and controlled waters from potential ground contamination and recommends an intrusive investigation to further assess this.
- 18.5 The Council's Contaminated Land Officer has reviewed this document and has recommended conditions to secure a site investigation scheme to determine the extent of contaminants within the ground.
- 18.6 This condition would ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.
- 18.7 The proposal is therefore considered to accord with Policy DM17 of the DMPD and the requirements of the NPPF.

19 Noise

- 19.1 Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location by taking into account the effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

- 19.2 This includes, inter alia, mitigating and reducing to a minimum the potential adverse impacts resulting from noise from new development and to avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 19.3 A Noise Assessment, prepared by Love Design Studio, reference PR490_VO, dated October 2022 has been submitted in support of this application which demonstrates that suitable noise levels will be achieved inside all habitable rooms, subject to enhanced acoustic performance glazing in identified units and high trickle ventilators.
- 19.4 The proposal is therefore considered to be acceptable in terms of noise, taking into consideration the prevailing noise levels.
- 19.5 Noise and vibration impacts during the demolition and construction phases of the development can be controlled by way of a Construction Management Plan to ensure that the impacts upon neighbouring amenities can be minimised and monitored, in the event permission is granted.
- 19.6 Subject to the relevant safeguarding conditions should permission be granted, that there would be no detectable effect on health or quality of life for the future occupiers of the site due to noise, in accordance with the requirements of the NPPF.

20 Environmental Sustainability

- 20.1 Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location by taking into account the effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 20.2 Consideration of sustainability and climate change are embedded within the Council's current adopted Core Strategy and Development Management Policies Document. Specifically, Policy CS1 of the DMPD sets out that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development - both in Epsom and Ewell, and more widely. Changes should protect and enhance the natural and built environments of the Borough and should achieve high quality sustainable environments for the present, and protect the quality of life of future generations.
- 20.3 Policy CS6 of the DMPD sets out that development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change.

- 20.4 The application is supported by an Energy and Sustainability Statement, prepared by Love Design Studio, dated December 2022. This statement outlines that the overall energy strategy for the development capitalises of passive design measures (orientation that suits daylight/sunlight, air tight, well insulated fabric shell, efficient lighting etc) to maximise the fabric energy efficiency. The scheme includes window reveals and balconies to reduce the requirement for active cooling and proposed Air Source Heat Pumps for space heating and domestic hot water, as well as meeting water consumption in requirements with the Council's Sustainable Design SPD.
- 20.5 For the construction phase, all timber and timber products used would be from legally harvested and traded sources. Construction Waste Management would also be considered during the post planning stage, should permission be granted, to ensure that site waste can be reduced, reused, recycled or recovered wherever possible.
- 20.6 Subject to a condition to secure these sustainable measures as part of a detailed design in the event permission is granted, the proposal would be able to secure a sustainable development outcome and would therefore accord with Policies CS1 and CS6 of the Core Strategy.

21 Accessibility and Equality

- 21.1 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. The proposal would provide a life access to all floors and 75% of the on site parking proposed would be dedicated disabled parking.
- 21.2 The Council is required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There would be no adverse impacts as a result of the development.

22 Climate Change

- 22.1 On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.
- 22.2 The site lies within a sustainable location within reasonable walking distance of six bus stops that provide good connections to wider public transport serves, such as rail services and is within reasonable walking distance of local facilities and services.
- 22.3 Whilst the proposal is presented as a low car development, which is in the spirit of reducing carbon footprint, this would need to be considered in the light of other material considerations.

23 Planning Obligations and Community Infrastructure Levy

- 23.1 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.
- 23.2 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.
- 23.3 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 £125/m² index linked.

CONCLUSION BALANCE

24 Planning Balance

- 24.1 As the Council cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11 (d) of the NPPF is engaged as the policies which are most important for determining the application are out-of-date.
- 24.2 Footnote 7 to paragraph 11d (ii) indicate that policies relating to designated heritage assets are relevant to its application. In undertaking the balanced exercise set out in paragraph 202 of the Framework, whilst the proposal would result in less than substantial harm to the significance of the heritage assets, it has been demonstrated that the benefits of the scheme would outweigh that harm, whilst giving considerable importance and weight preservation of the designated heritage asset. Therefore, as there is no clear heritage reason for refusing the proposal, the tilted balance in paragraph 11d (ii) remains engaged.
- 24.3 The presumption is therefore to grant permission for sustainable development unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.

Social Benefits

- 24.4 The proposed development would make a 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.

- 24.1 The proposal would provide affordable housing in excess of the policy requirement, proposing to deliver 50% of affordable housing (16 units) in a mix and tenure that would contribute towards one of the Borough's greatest affordable housing needs. This benefit is given substantial weight in the planning balance.
- 24.2 The proposal would create a choice and mix of housing, thereby contributing towards the Borough being comprised of balanced and sustainable communities. This benefit is given moderate weight.

Economic Benefits

- 24.3 The proposal would provide economic benefits through employment during the construction phase 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 minor benefit
- 24.4 Whilst there is no evidence to suggest that the local economy would be disadvantaged without the expenditure generated from the proposed development, it is not unreasonable to conclude that future occupiers of the development would create additional expenditure to the Brough because of the highly sustainable location close to Epsom Town Centre and therefore this would amount to a minor benefit.

Environmental Benefits

- 24.5 The scheme proposes to incorporate a sedum green roof, along with therefore enhancing biodiversity on site. This additional biodiversity gain would amount to a minor benefit.

Social Adverse Impacts

- 24.6 The failure to provide a compliant housing density is a limited adverse effect in light of the Council's decision to limit the weight to the housing density policy.
- 24.7 The failure to provide a policy compliance mix is a limited adverse effect, given the Government's aim to efficiently utilise brownfields sites in sustainable locations.

Environmental Adverse Impacts

- 24.8 The proposal would contribute to the bedrooms serving the bedroom windows on the ground and first floor south west corner flats of Kingshott House receiving low levels of light. However, consideration is given to the fact that these two bedrooms already received very low levels of light

as a result of the poor design of converting an office block into flats and are already likely to supplement the achievable daylight levels with electric lighting. Within this context, the proposal would not further harm the amenities of the occupiers of these two bedrooms beyond the current situation and therefore this adverse impact is limited.

- 24.9 The shortfall of on-site car parking spaces would not be compliant with DM37 of the DMPD. There has been some justification for the shortfall, insofar as that the site is located in a sustainable location, within walking distance to the main town centre with all its associated amenities and public transport links. Furthermore, the proposal includes securing public transport improvements to the direct serving bus shelters, in order to encourage the use of alternative transport. The proposal would also include the provision of a car club space, which would contribute towards mitigation for the shortfall of parking on site. Whilst these are material considerations, they are not so robust as to be seen as an exception to policy. This is a significant adverse impact of the scheme.

Overall Balance

- 24.10 Overall, whilst there are limited to significant adverse effects in respect of this application, there are significant to substantial benefits associated with the delivery of housing within a sustainable location and the delivery of above compliant affordable housing. Officers recognise that there is a finely balanced consideration, but the harm would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. The application is therefore recommended for approval.

RECCOMENDATION

PART A

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

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

vehicle including provision of parking space on the public highway and pump priming being met by the developer.

and the following conditions and informatives.

PART B

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

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

Conditions:

1. Time Limit

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

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

2. Approved Details

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

Drawing Number 2429_PL_002_B
Drawing Number 2429_PL_100_C
Drawing Number 2429_PL_101_C
Drawing Number 2429_PL_102_C
Drawing Number 2429_PL_103_C
Drawing Number 2429_PL_104_C
Drawing Number 2429_PL_105_C
Drawing Number 2429_PL_106_C
Drawing Number 2429_PL_200_B
Drawing Number 2429_PL_201_B
Drawing Number 2429_PL_202_C
Drawing Number 2429_PL_203_C
Drawing Number 2429_PL_210_B

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

Pre-Commencement Conditions

3. Materials

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

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

4. Construction Transport Management Plan

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

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

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

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

5. Ground Contamination

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

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

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

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

6. SuDS Details

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

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

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

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

7. Tree Protection Plan

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

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

8. Construction Environmental Management Plan

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

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

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

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

Pre-Above Ground Conditions

9. Landscaping

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

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

Pre Occupation Conditions

10. Parking/Turning

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

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

11. Pedestrian Improvements

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

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

12. Public Transport Improvements

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

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

13. Electric Vehicle Charging Points

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

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

14. Refuse/Recycling Store Details

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

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

15. Cycle Store Details

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

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

16. Drainage Verification Report

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

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

17. Privacy Screening Details

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

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

During and post development conditions

18. Compliance with Ecological Survey

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

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

19. Compliance with Noise Report

The proposal shall be carried out in strict accordance with the recommendations of the Noise Assessment, prepared by Love Design Studio, reference PR490_VO, dated October 2022.

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

20. Compliance with Sustainable Design Measures

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

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

21. Hours of Work

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

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

22. Obscure Glazing

The windows identified on approved drawing numbers 2429_PL_102_C, 2429_PL_103_C and 2429_PL_1024_C as being installed with translucent glazing shall be non-opening below 1.7 metres above finished floor level and installed, retained and maintained with obscure glazing to the extent that intervisibility is excluded.

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

23. No Additional Windows/Openings

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

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

Informatives:

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

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

4. The permission hereby granted shall not be construed as authority to carry out any works (including Statutory connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out

on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see: <http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see:

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

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

11. Compliance with the Building Regulations 2010 will normally ensure compliance with the Fire Safety Order in respect of means of warning and escape in case of fire. However, the responsible person is advised to carry out a fire risk assessment of the proposals at this stage, to identify any risks that might require remedial measures when the premises is occupied, as a result of the nature of the occupancy and/or processes carried on there. Any such measures that are identified should be incorporated into the current design.
12. Your attention is drawn to the series of publications produced by the Department for Communities and Local Government (CLG), which provides information for the responsible person about the Fire Safety Order. These publications are available from Government Services and Information website at: <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents>.
13. Responsibility for ensuring that a building is provided with appropriate fire safety arrangements rests with the responsible person once the building is occupied. The responsible person should, therefore, ensure that the fire safety arrangements in place are adequate and comply fully with the requirements of the Fire Safety Order.
14. Fire safety information in accordance with Regulation 38 of the Building Regulations 2010 should be provided to the responsible person at the completion of the project or when the building or extension is first occupied. This information should take the form of a fire safety manual and form part of the information package that contributes to the fire risk assessment that will need to be carried out under the Regulatory Reform (Fire Safety) Order 2005.
15. Passive fire protection measures, particularly fire stopping, fire barriers and fire resisting compartmentation, restricts the spread of smoke and fire through a building through hidden areas such as voids. Surrey Fire and Rescue Service recommend that careful attention is given to this detail during construction. Certification of this work can be beneficial to confirm the suitability of the structure to meet its performance requirement lay out in this design application.
16. Surrey Fire and Rescue Service would strongly recommend that consideration is given to the installation of AWSS (ie; Sprinklers, Water Mist etc) as part of a total fire protection package to:

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

The use of AWSS can add significant benefit to the structural protection of

buildings in the event of a fire. Other benefits include supporting business recovery and continuity if a fire happens.

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