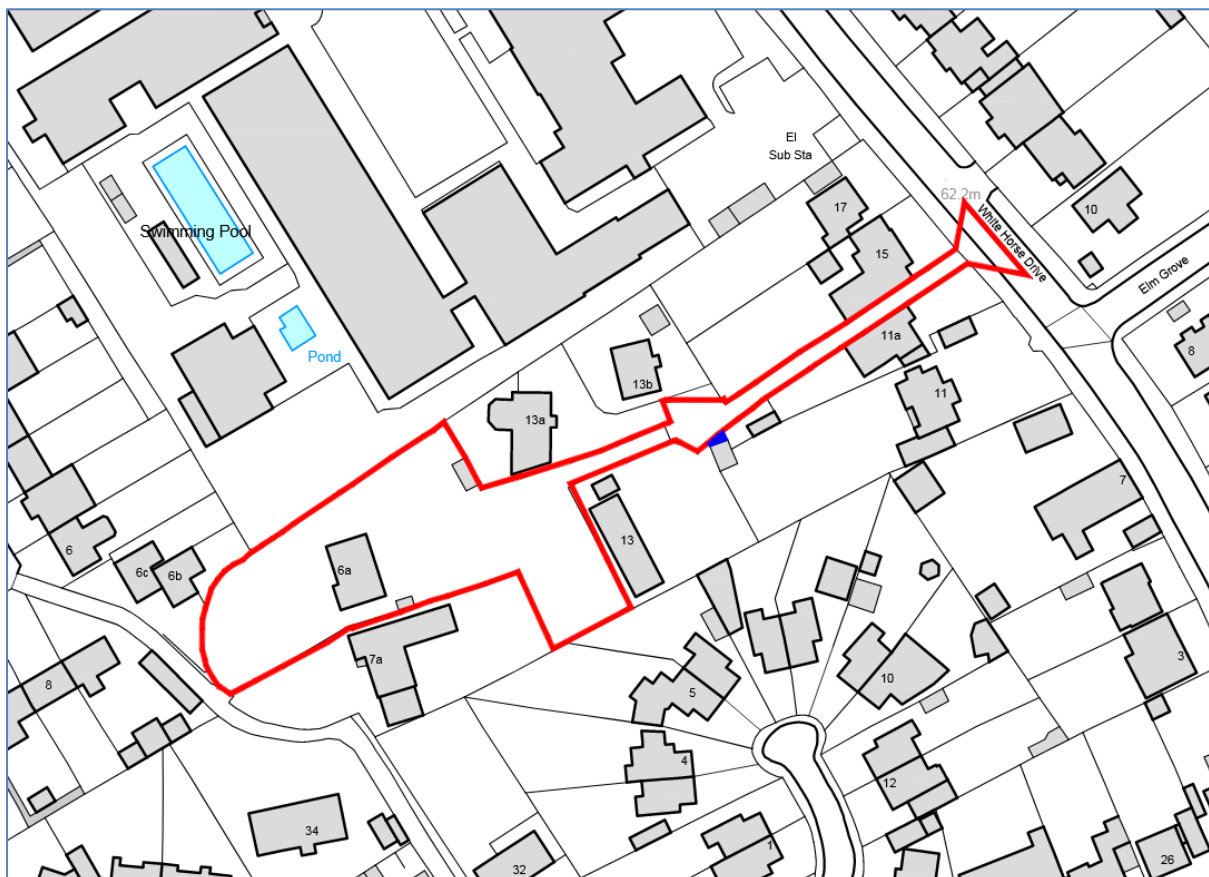


Planning Committee
18 April 2024

Planning Application
Number: 24/00107/FUL

6A Bucknills Close, Epsom, Surrey, KT18 7NY

Application Number	24/00107/FUL
Application Type	Full Planning Permission (Minor)
Address	6A Bucknills Close, Epsom KT18 7NY
Ward	Woodcote and Langley Vale Ward
Proposal	Demolition of residential dwelling at 6A Bucknills Close and the construction of five residential units (5 x 3-bed) (Class C3) together with car parking, landscaping, and access arrangements
Expiry Date	26 March 2024
Recommendation	Approval, subject to conditions and informatives
Number of Submissions	9
Reason for Committee	Called in by Ward Member
Case Officer	Gemma Paterson
Contact Officer	Simon Taylor, Interim Manager
Plans, Documents and Submissions	Available at 6A Bucknills Close
Glossary	Available here



SUMMARY

1. Summary and Recommendation

- 1.1. The application is recommended for approval, subject to conditions and informatives.
- 1.2. The application has been called to Committee by the Local Ward Member for the following planning reasons:

“The access road is unsuitable to serve 5 properties and be used by pedestrians. It looks as if you can't see the exit when you enter the drive way from either end, so drivers will not be aware whether the driveway is clear. White Horse Drive is already very congested at various times of the day, and the additional vehicles will add to this. It is also a road used by a large number of parents and children travelling to the schools.

Would the new footpath to Bucknills Close be used? It would need to be lit (light pollution into the back gardens of the neighbouring properties) and narrow and enclosed (a perceived safety issue for users or result in overlooking and lack of privacy).

The proposed position of the refuse / recycling bins is also an issue. I cannot see the residents from the pair of semis, taking all their refuse and recycling there. Nor can I see any of them being happy to take their bins down to Whitehorse Drive every time they need to be emptied. Given that each property may have 4 bins / containers (rubbish, dry recycling, glass, food), that makes 20 containers to house in a relatively narrow pavement in Whitehorse Drive.”

- 1.3. The application seeks planning permission for the demolition of the existing bungalow on site and the erection of 5 no. three bedroom units, together with car parking, landscaping, and access arrangements.
- 1.4. This application follows the refusal of planning application 23/00577/FUL for the demolition of the existing bungalow on site and the erection of 6 units, together with car parking, landscaping, and access arrangements.
- 1.5. This previous application was refused for the following reasons:

1) Vehicular and pedestrian risks

There is inadequate space available within the curtilage of the site to accommodate both pedestrian and vehicular movements in a safe manner. In addition, there is inadequate space to provide a 'passing space' for vehicles utilising the access road to allow oncoming vehicles from Whitehorse Drive to pass safely, resulting in the potential for vehicles to have to reverse out onto the highway in an area of high pedestrian activity.

The proposal would result in the risk of collision between vehicles and pedestrians using the access road and the development could cause danger and inconvenience to pedestrians and other highway users and interfere with the free flow of traffic on the adjoining highway, which would be contrary to Section 9 of the National planning Policy Framework 2023, Policy CS16 of the Core Strategy 2007. criterion 3 of Policy DM16 and Policies DM36 and DM37 of the Epsom and Ewell Borough Council Development Management Policies 2015, and objective 3 of the Surrey Transport Plan (LTP4) 2022-2032.

2) Lack of Car Parking

It has not been robustly demonstrated that the shortfall of on-site parking associated with the proposed development would not have a harmful impact on the surrounding area in terms of street scene harm or the availability of on-street parking. As such the proposed development cannot be considered an exception to policy and therefore fails to comply with criterion 3 of Policy DM16 and Policy DM37 of the Parking Standards for Residential Development SPD 2015.

3) Lack of Landscaping

The scale and layout of the proposed development prevents satisfactory replenishment landscaping on the site to mitigate for substantial tree loss, to the detriment of the verdancy of the area. Furthermore, it has also not been sufficiently demonstrated that the landscaping scheme proposed can be fully established in the long term, as a result of incompatibility, hard surface and below ground constraints that could prevent root growth and/or impact on future tree health and wellbeing. As such, the proposal would fail to comply with paragraph 131 of the National Planning Policy Framework 2023 and Policies DM5, DM9 and criterion 5 of DM16 of the Development Management Policies Document 2015.

- 1.6. This refused application is currently the subject of a valid planning appeal, although a start date has not yet been provided from the Planning Inspectorate and as such, no appeal decision has been made at the time of the writing of this report.
- 1.7. The application before Members seeks to address the concerns raised by Officers against the previous application (23/00577/FUL).
- 1.8. The proposed development would contribute four net gain houses 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.
- 1.9. The proposal would represent the optimal use of a vacant brownfield site for an identified housing need.

- 1.10. The proposal would provide 4 no. three bedroom family market homes, meeting a need as identified in the latest evidence of the Housing and Economic Needs Assessment (HEDNA).
- 1.11. The proposal would not cause harm to the significance of an existing Grade II Listed Wall that partially encloses the south of the site.
- 1.12. The proposal would meet the National and local requirements for internal floor area and would therefore provide an acceptable level of internal amenity for future occupiers.
- 1.13. 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.
- 1.14. Subject to conditions in the event that planning permission is granted, the County Highway Authority has raised no objection to the scheme in respect of additional traffic generation, access or pedestrian safety.
- 1.15. The layout, scale, form and design of the proposed development would reflect the characteristics of the context that surrounds it.
- 1.16. It has 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 prevent new windows in the future.
- 1.17. The proposal would accord with the Council's policies in relation to ecology, flood risk, land contamination and environmental sustainability.
- 1.18. 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.
- 1.19. The provision of private amenity space within this scheme would not be wholly sufficient to meet the recreation needs of future occupiers and would represent an adverse impact in the planning balance.
- 1.20. Whilst the Council's Transport and Waste Manager has raised a concern against the scheme, the refuse and recycling arrangements have not changed from the scheme refused under 23/00577/FUL, a scheme to which the Council's Transport and Waste Manager raised no objection. There would also be reduced waste generation from the reduced number of dwellings. However, the objection from the Council's Transport and Waste in respect to refuse/recycling provision would represent an adverse impact in the planning balance.

- 1.21. The proposal would fail to provide comparative canopy mass planting in comparison to the loss of existing quality trees through the precursory site clearance, this being the basis of an objection from the Council's Trees Officer.
- 1.22. Overall, this agenda report will demonstrate that whilst there are adverse effects in respect of this application, these would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. The application is therefore recommended for approval.

PROPOSAL

2. Description of Proposal

- 2.1. The proposal involves the following works:
- The demolition of the existing single storey bungalow and the erection of 5 no. three bedroom houses, comprising a pair of semi detached properties and a terrace of three properties.
 - The semi-detached dwellings would measure 6.2 metres in width, 8.2 metres in depth and 9.1 metres in height individually. The terrace dwellings would measure 6.2 metres in width, 8.2 metres in depth and 9.1 metres in height individually
 - Pedestrian and vehicular access is via the existing access from White Horse Drive, with a new segregated route for future pedestrians proposed to the rear of the site, which would link to an existing public footpath (Footpath FP69).
 - 10 vehicle parking spaces would be provided within the site to serve the proposed development.

3. Key Information

	Existing	Proposed
Site Area	0.19h	
Units	1	5
Floorspace	97m ²	645m ²
Number of Storeys	1	2.5
Density	5 units per hectare	26 units per hectare
Car Parking Spaces	3	10
Cycle Parking Spaces	2	12

SITE

4. Description

- 4.1. The site measures 0.19 hectares and contains an existing single storey dwelling and a number of ancillary residential outbuildings. The southern boundary is partially enclosed with a Grade II Listed Wall.
- 4.2. The site is accessed partially via a shared drive from White Horse Drive, before the access becomes private to the site. The access road is shared with two residential properties (13a and 13b White horse Drive) and one commercial unit. (13 White horse Drive) which is a general builders office and yard.
- 4.3. Bounding the rear (west) of the site is a public footpath that provides access from Bucknills Close to Dorking Road.

5. Constraints

- Built Up Area
- SSSI Impact Zone
- Critical Drainage Area
- Great Crested New Impact Zone (Red)

6. Planning History

App No.	Description	Status
23/00577/FUL	Demolition of residential dwelling at 6A Bucknills Close and the construction of six residential units (1 x 2-bed, 2 x 3-bed and 3 x 4-bed) together with car parking, landscaping and access arrangements.	Refusal 16 November 2023 Appeal in Progress: Awaiting Start Date

CONSULTATIONS

Consultee	Comments
Internal Consultees	
County Highway Authority	No objection subject to conditions and informatives
Lead Local Flood Authority	No objection subject to conditions and informatives
Council Conservation Officer	No objection subject to informative
Council Ecologist	No objection
Council Tree Officer	Objection
Council Waste Manager	Objection

Consultee	Comments
Public Consultation	
Neighbours	<p>The application was advertised by means of neighbour notification to 27 neighbouring properties, concluding on 28 February 2024.</p> <p>9 submissions were received, two of which came from the same address. They raised the following issues:</p> <ul style="list-style-type: none">• Accidents waiting to happen with more congestion of White Horse Drive due to existing school traffic• Safety issues with access arrangements, particularly with vehicles turning• Increase in dwellings on a narrow road with poor sightlines existing onto a main road that is narrowed by vehicle parked on street opposite• Inadequate space to accommodate both pedestrian and vehicles in a safe manner• Inadequate space to provide a passing space for vehicle utilising the access road to allow oncoming vehicles from White Horse Drive to pass safely, resulting the potential to reverse back out onto White horse Drive• Shortfall of onsite car parking as the spaces proposed would not adequately cover visitors or service providers, creating pressure on street parking• The proposal would exacerbate existing parking problems on White Horse Drive• The proposal would exacerbate existing traffic on White Horse Drive, which is already gridlocked during school times in the morning and afternoon.• White Horse Drive will be blocked by construction traffic <p><u>Officer comment:</u> Highways issues are discussed in the body of the report.</p> <ul style="list-style-type: none">• Many trees on site have already been removed <p><u>Officer comment:</u> Precursory tree loss is discussed in the body of the report.</p>

Consultee	Comments
	<ul style="list-style-type: none">• Impact on wildlife <p><u>Officer comment:</u> Biodiversity issues are discussed in the body of the report.</p> <ul style="list-style-type: none">• Noise and disturbance from both construction and from residents of the completed development• Loss of views to 6c Bucknills Close• Loss of sunlight to 6c Bucknills Close• Loss of light to neighbouring properties• Loss of privacy to neighbouring properties <p><u>Officer comment:</u> Neighbour impacts are discussed in the body of the report.</p> <ul style="list-style-type: none">• Proposed properties are not in keeping with the character of the bungalow at 7a Bucknills Close <p><u>Officer comment:</u> Design impacts are discussed in the body of the report.</p> <ul style="list-style-type: none">• The refuse collection arrangements present issues as identified by the Council/s Waste Manager• Bins put on the pavement of White Horse Drive will cause obstruction <p><u>Officer comment:</u> Refuse and Recycling matters are discussed in the body of the report.</p> <ul style="list-style-type: none">• Surface water would be pumped into the private foul water drain that serves 13, 13a and 13b White Horse Drive. Permission for this connection has not been given• Only 6a Bucknills Close has a right of way over access road owned by occupier of 13 White Horse Drive. Objection on the basis that more than one house on 6a would exceed easement granted <p><u>Officer comment:</u> Matters relating to third party access are private matters that are not material considerations in the assessment of this planning permission.</p>

Consultee	Comments
	<p>In the event said accesses are not granted, the development could not be carried out in accordance with any approved plans, in the event permission is granted.</p>
Woodcote Residents Association	<p>Objection. Woodcote (Epsom) Residents' Society (W(E)RS) has carefully examined this application and wishes to object for the reasons as set out below.</p> <p>This new application has been submitted to address the reasons for refusal relating to 23/00577/FUL, namely the vehicular and pedestrian risks associated with the site access road; inadequate levels of on-site parking and a lack of landscaping.</p> <p>Whilst the on-site car parking shortfall and almost complete lack of landscaping associated with earlier application seem to have been addressed we consider that the access arrangements are still wholly inadequate.</p> <p>This application results in unamended site access arrangements but has now incorporated a separate pedestrian link at the rear of the site which provides footpath access onto Dorking Road via Bucknills Close. The applicant asserts in the Transport Statement that the 'small amount of additional pedestrian movements generated by the proposal would most likely to be travelling via Bucknills Close.'</p> <p>Whilst it is possible that a resident catching a bus might be attracted to use this footpath given the location of the bus stop, in the vast majority of cases residents wishing to walk into Epsom town centre or access local facilities such as schools, the hospital or Rosebery Park would use the quickest and shortest route. This would be via the access road onto Whitehouse Drive.</p> <p>We contend therefore that this application continues to fail to comply with the requirement in the SCC Design Guide that 'driveways should be widened to 4.1 metres where parking may regularly occur along the access road or where they also provide regular pedestrian access'.</p> <p>W(E)RS considers that the previous reason for refusal must still stand with inadequate space</p>

Consultee	Comments
	<p>available within the access road to safely accommodate both pedestrian and vehicular movements.</p> <p>In addition, there is inadequate space to provide a 'passing space' for vehicles utilising the access road to allow oncoming vehicles from Whitehorse Drive to pass safely, resulting in the potential for vehicles to have to reverse out onto the highway in an area of high pedestrian activity, especially at school arrival or departure times. The application would be contrary to Policy CS16 of the Core Strategy 2007, Policy DM16 and DM36 of the Epsom and Ewell Borough Council Development Management Policies 2015.</p> <p><u>Officer comment:</u> Highway matters are discussed in the body of the report.</p> <p>W(E)RS also has significant reservations about the practicality of the revised arrangements in this application for the refuse and recycling collection at an on-site bin collection point at the south-west corner of the site. Residents would be responsible for taking their own bins to the Bin Collection Point on collection days but in the case of Unit 1 this would involve pushing/pulling a number of bins some 86m distance from the rear garden bin storage area to the bin collection point on Bucknills Close.</p> <p>Residents at Unit 2 would have to transport bins over a distance of around 75m. It seems inconceivable that residents would be prepared to transport bins over this kind of distance. Nor should they be required to do so, especially from an accessibility and equalities perspective given that there are likely to be some elderly or disabled occupiers at some point in the future.</p> <p>It is considered that the unsatisfactory refuse /recycling arrangements means that the layout conflicts with Policy CS16 of the Core Strategy 2007 and Policy DM10 of the Development Management Policies Document 2015.with regard to the safe and convenient provision of refuse and recycling.</p> <p><u>Officer comment:</u> As discussed in the body of the report below, the refuse/recycling arrangements remain the same as those under application against</p>

Consultee	Comments
	<p>which the Council Transport and Waste Manager originally raised no objection.</p>
Epsom Civic Society	<p>Objection. Epsom Civic Society contends that the access arrangements are still inadequate and accordingly this application should be refused.</p> <p>The current application has not made any change to the site access driveway but has now incorporated a separate pedestrian link at the rear of the site which provides footpath access onto Dorking Road via Bucknills Close.</p> <p>The applicant asserts in the Transport Statement that the 'small amount of additional pedestrian movements generated by the proposal would most likely to be travelling via Bucknills Close.'</p> <p>Epsom Civic Society challenges that assumption. In the majority of cases residents will wish to walk into Epsom town centre or access facilities such as local schools, the hospital or the park and would use the quickest and shortest route which is via the access road onto Whitehouse Drive. Accordingly, the application continues to fail to comply with the requirement in the SCC Design Guide that 'driveways should be widened to 4.1 metres where parking may regularly occur along the access road or where they also provide regular pedestrian access'.</p> <p>The previous reason for refusal still stands with inadequate space available within the access driveway to safely accommodate both pedestrian and vehicular movements.</p> <p>In addition, there is inadequate space to provide a 'passing space' for vehicles utilising the access driveway to allow oncoming vehicles from Whitehouse Drive to pass safely, resulting in the potential for vehicles to have to reverse out onto the highway in an area of high pedestrian activity, especially at school arrival or departure times. The application would be contrary to Policies CS16, DM16 and DM36.</p> <p><u>Officer comment:</u> Highway matters are discussed in the body of the report.</p>

Consultee	Comments
	<p>Epsom Civic Society also significant reservations about the practicality of the revised arrangements in this application for the refuse and recycling collection that is now shown as an on-site bin collection point at the south-west corner of the site.</p> <p>Residents would be responsible for taking their own bins to the Bin Collection Point on collection days but in the case of Unit 1 this could involve pushing/pulling a number of bins some 90m distance from the rear garden bin storage area to the bin collection point on Bucknills Close. Residents at Unit 2 would have around 80m distance to negotiate.</p> <p>Epsom Civic Society considers it unacceptable that residents should be required to transport bins over this kind of distance, especially if elderly or infirm. Accordingly, we submit that the layout conflicts with Policy CS16 of the Core Strategy 2007 and Policy DM10 of the Development Management Policies Document 2015 with regard to the safe and convenient provision of refuse and recycling.</p> <p><u>Officer comment:</u> As discussed in the body of the report below, the refuse/recycling arrangements remain the same as those under application against which the Council Transport and Waste Manager originally raised no objection.</p>

PLANNING LEGISLATION, POLICY, AND GUIDANCE

7. Planning Policy

7.1. National Planning Policy Framework 2023 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a Sufficient Supply of Homes
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport
- Section 11: Making Effective Use of Land
- Section 12: Achieving Well-Designed and Beautiful 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

7.2. Epsom and Ewell Core Strategy 2007 (CS)

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

7.3. Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM11: Housing Density
- Policy DM16: Backland Development
- Policy DM17: Contaminated Land
- Policy DM19: Development and Flood Risk
- Policy DM21: Meeting Local Housing Needs
- Policy DM22: Housing Mix
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

7.4. Supplementary Planning Documents and Guidance

- Parking Standards for Residential Development Supplementary Planning Document 2015
- Surrey County Council Vehicular and Cycle Parking Guidance 2023
- Sustainable Design Supplementary Planning Document 2016

7.5. Other Documentation

- Housing and Economic Development Needs Assessment 2023
- Epsom and Ewell Environmental Character Study 2008
- Technical Housing Standards – Nationally Described Space Standards 2015
- Community Infrastructure Levy Charging Schedule 2014

PLANNING ASSESSMENT

8. Presumption in Favour of Sustainable Development

- 8.1. Paragraph 11 of the NPPF 2023 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.

- 8.2. 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.
- 8.3. Paragraph 11(d) of the NPPF 2023 is engaged where the Council's policies which are most important for determining the application are out-of-date. The practical application and consequence of this is that unless the site is in an area or affects an asset of particular importance that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 8.4. Footnote 7 to paragraph 11d identifies designated heritage assets as being assets of particular importance. There are no policies within the NPPF 2023 which provide a clear reason for refusal. The proposal therefore falls to be considered within paragraph 11d (ii) of the NPPF 2023 and when considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.

9. Principle of Development

9.1. Location of Development

- 9.2. The site is located within the built-up area of Epsom and the principle of development could be considered acceptable, subject to compliance with the principles, objectives, and policies in the CS, the DMPD and supporting guidance and documents.

9.3. Development of a Residential Garden

- 9.4. Policy DM16 of the DMPD indicates a presumption against the loss of rear gardens to maintain local character, amenity space, green infrastructure, and biodiversity, unless there is retention of green infrastructure for residents and wildlife and of neighbour amenity, avoidance of long access roads, development of a lesser scale and protection of trees, shrubs, and wildlife habitats.
- 9.5. The site is backland by definition as it involves development of an existing residential garden but is also already in a backland location. The assessment of the criteria of the policy, including that it utilises an existing long driveway that already serves several other properties, is referred to in the relevant sections of the Agenda Report below.

10. Housing Delivery

- 10.1. Paragraph 60 of the NPPF 2023 aims to significantly boost the supply of homes in areas where it is needed and addressing specific needs. Policy CS7 of the CS seeks to meet housing requirements in accordance with

Policy H1 of the South East Plan which is at least 2,715 homes within the period 2007-2022 or 181 new dwellings per annum.

- 10.2. The Council has calculated its five-year housing land supply position as being 1.59 years. The Council is presently falling significantly short of this requirement and cannot presently demonstrate five years housing land supply.

11. Density

11.1. The 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 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.

11.2. The proposal would have a housing density of 26 units per hectare, thereby making efficient use of the site in accordance with Policy DM11 of the Development Management Policies Document 2015. It also compares sufficiently favourably with the surrounding density which averages at 23 dwellings per hectare.

12. Affordable Housing

12.1. Paragraph 225 of the NPPF 2023 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to them, according to their degree of consistency with the NPPF.

12.2. Policy CS9 of the CS is the Council's policy in respect of securing affordable housing on new residential development sites, with triggers for securing affordable housing being a net gain of five dwellings, or a site area of 0.15ha.

12.3. However, Policy CS9 of the CS is not consistent with paragraph 64 of the NPPF 2023, which seeks the provision of affordable housing on major development sites (10 or more dwellings) or sites of 0.5 hectares or more. Paragraph 64 of the NPPF 2023 therefore has greater weight than Policy CS9 of the CS.

12.4. As such, affordable housing cannot be sought on this development.

13. Housing Mix

13.1. Paragraph 63 of the NPPF 2023 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.

- 13.2. 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.
- 13.3. Furthermore, the Housing and Economic Development Needs Assessment (HEDNA) 2023 Update recommends the breakdown of dwellings by size, as follows:

Beds	Provided	HEDNA Required
1	0%	10%
2	0%	35%
3	100%	35%
4 +	0%	20%

- 13.4. Whilst the proposal involves a much higher proportion of larger units than encouraged with the HEDNA, it meets Policy DM22 of the Development Management Policies Document 2015, as it would provide a minimum of 25% 3+ bedroom units. It is also located amongst other larger dwellings.
- 13.5. The proposal would therefore adequately support Borough's objective to provide a mix of housing to meet housing needs and support balanced and sustainable communities.

14. Heritage and Conservation

- 14.1. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that development must ensure the preservation of any nearby listed building, including its setting.
- 14.2. Paragraphs 203-208 of the NPPF 2023 requires consideration of the harm to the significance of a designated heritage asset. Paragraph 206 requires clear and convincing justification where there is harm to or the loss of a designated heritage asset. Paragraph 202 states that where there is less than substantial harm, the harm must be weighed against the public benefits.
- 14.3. Policy CS5 of the CS and Policy DM8 of the DMPD seek to protect and enhance heritage assets and their setting.
- 14.4. Part of the southern boundary consists of a Grade II Listed Wall, the significance of which lies in its survival as an 18th Century garden wall, with orange brick and buttresses.
- 14.5. The proposal would not result in the loss of any part of the existing listed wall and the proposal would continue to retain its existing residential setting. As such, the Council's Conservation Officer has not attributed any harm to the significance of the setting of this Listed Wall as a result of the proposal.

- 14.6. As no harm has been identified, it is not necessary to weigh up the public benefits against any identified harm as required by paragraph 202 of the NPPF 2023. The proposal would therefore be in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas Act 1990) and Policy DM8 of the Development Management Policies Document 2015.
- 14.7. In the event permission is granted, it is reasonable to recommend an informative to advise that Listed Building Consent would be required from the Council before any works of alteration or demolition of the wall can be carried out and that the Council's Conservation Officer must be consulted if repairs to the wall are proposed, so that they can advise on works such as repointing using lime mortar.

15. Landscaping and Trees

- 15.1. Paragraph 136 of the NPPF 2023, 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.
- 15.2. The application is supported by an Arboricultural Report prepared by DPA, dated January 2024 which identifies that no trees are to be removed from the site to accommodate the proposal and recommends tree protection to specific off site trees during the construction phase of the development.
- 15.3. The history of the site suggests that the site was cleared of trees in advance of this planning application, including a significant Yew, Spruce and Cypress trees. It is also noted that during the assessment of previous planning application 23/00577/FUL, an Ash tree had been removed by the adjacent land owner.
- 15.4. A supporting Landscape Arrangement Plan (CWLD-NH-BC-LA-2361-02) identifies that 24 new trees are to be planted on the site, along with a number of native and ornamental hedging/planting.
- 15.5. The Council's Tree Officer acknowledges that the current scheme is an improvement to that refused 23/00577/FUL and that the reduction of built form on site to provide a frontage amenity space is welcomed. The Council's Tree Officer has suggested that further trees could be planted on this frontage area, to provide a denser tree scape. In the event permission is granted, a further soft landscaping scheme can be conditioned to secure this additional tree planting.
- 15.6. In the event that planning permission is granted, the Council's Tree Officer seeks some security this frontage amenity space can be kept in perpetuity and to be kept free from any residential amenity development.

- 15.7. This can be achieved through the soft landscape scheme condition. Because it is not within the curtilage of any of the dwellings, it would not be possible to erect any outbuildings in this area.
- 15.8. The Council's Tree Officer has not raised any objection to the proposed landscape provision or raised any concern in respect to whether this can be fully established in the long term. In the event planning permission is granted, the Council's Tree Officer has recommended conditions to secure a hard and soft landscaping scheme, including tree planting pit design, details in respect to landscape maintenance and management and an enhanced tree protection plan and method statement.
- 15.9. However, the Tree Officer is concerned that the proposal does not mitigate the precursory tree loss with comparative canopy mass planting.
- 15.10. Whilst Officers agree with the Council's Tree Officer that site clearance of quality trees as a precursor to development is not environmentally acceptable, given that the previous trees and hedgerows were not subject to any protection orders, the removal of trees can be carried out without the benefit of any planning or tree permission.
- 15.11. There is a fine balance between site optimisation and tree retention. The NPPF 2023 is clear in paragraph 136 that existing trees are to be retained wherever possible, whilst paragraph 123 of the NPF 2023 promotes effective use of land. It is clear that in order to maximise the use of the vacant brownfield site, there would be some tree loss. The proposal would provide some mitigation canopy cover, although it is acknowledged that this would not be to the extent that the site previously benefitted from.
- 15.12. Previous planning application 23/00577/FUL was refused, inter alia, for reasons relating to the failure to provide replenishment landscaping on the site to mitigate for substantial tree loss, to the detriment of the verdancy of the area. In contrast, the reduction of built form that sought under 23/00577/FUL allows for more tree planting, more open amenity areas and more soft landscaping.
- 15.13. However, the failure to provide comparative canopy mass planting is an adverse impact of the scheme to be weighed in the planning balance.

16. Quality of Accommodation

16.1. Internal Space

- 16.2. The Nationally Described Space Standards 2015 sets out internal space standards for new dwellings at a defined level of occupancy. It further states that to provide two bed spaces, a double/twin bedroom must have a floor area of at least 11.5m² and a single bedroom is required to have a floor area of at least 7.5 m².

Unit	Beds	Persons	Floorspace	Required	Complies
Plot 1	3	6	117m ²	108m ²	Complies
Plot 2	3	6	117m ²	108m ²	Complies
Plot 3	3	6	137m ²	108m ²	Complies
Plot 4	3	6	137m ²	108m ²	Complies
Plot 5	3	6	136m ²	108m ²	Complies

- 16.3. The above table demonstrates that all the proposed units would either meet or exceed the technical housing standards and would have an acceptable level of internal amenity, complying Nationally Described Space Standards 2015.
- 16.4. Furthermore, all internal primary accommodation would be served by unrestricted windows, allowing for light and air to enter and circulate the rooms they serve.
- 16.5. Officers are satisfied that the proposed units would have an acceptable level of internal amenity, complying with Policy DM12 of the Development Management Policies Document 2015 and the Nationally Described Space Standards 2015.

16.6. Outdoor Space

- 16.7. Policy DM12 of the DMPD and the Householder SPG requires private outdoor space that is usable, functional, safe, and accessible with good access to sunlight and meets the minimum requirements of 70m² for 3 or more bedrooms and a depth of 10 metres.

Unit	Beds	Provided		Required		Complies
		Depth	Area	Depth	Area	
Plot 1	3	7.2m	70m ²	10m	70m ²	Complies
Plot 2	3	7.2m	74m ²	10m	70m ²	Complies
Plot 3	3	16m	94m ²	10m	70m ²	Complies
Plot 4	3	16m	103m ²	10m	70m ²	Complies
Plot 5	3	4-18m	119m ²	10m	70m ²	Complies

- 16.8. Although the plans supporting this application would significantly exceed the amenity area standard, Plots 1, 2 and partially Plot 5 would not meet the minimum depth requirement. However, given that the private external amenity provision is exceeded and the shortfall is minimal, it would be difficult to substantiate a reason for refusal based upon the depth only.
- 16.9. Notwithstanding this, the proposal would fail to meet Policy DM12 of the DMPD and this is considered to be an adverse impact to be weighted in the planning balance.

17. Design and Character

- 17.1. Paragraphs 129, 135 and 139 of the NPPF 2023 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.
- 17.2. 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 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.
- 17.3. Criterion 1 of Policy DM16 of the DMDP requires demonstration that a proposal would not have an adverse impact upon rear garden land which contributes either individually or as part of a larger swathe of green infrastructure to the amenity of residents.
- 17.4. Criterion 4 of Policy DM16 of the DMDP require demonstration that a proposal would be more intimate in scale and lower than frontage properties to avoid any overbearing impact on existing dwellings and associated gardens.
- 17.5. The site is a residential plot, one of four residential plots that lie behind the gardens of residential properties that front White Horse Drive. A fifth backland plot contains a commercial premises. The site is accessed via a private driveway that runs the length of 13a and 15 White Horse Drive . Although a large plot, given the juxtaposition of the surrounding built form, the site does not contribute either individually or as part of a larger swath of green infrastructure.
- 17.6. The surrounding area has a suburban character that comprises of primarily detached properties that vary in appearance. The residential properties along White Horse Drive typically front onto the highway and are served by longitudinal plots, albeit plot sizes differ considerably. White Horse Drive also accommodates a large school.
- 17.7. Whilst the proposal would result in the loss of the existing chalet bungalow on site, it is not of any great architectural merit that warrants its retention and therefore there is no objection to its loss.
- 17.8. The proposal would introduce a significant amount of permanent built form and associated hard surfacing into existing garden, behind the street facing building line. However, the site is one of five plots in a backland location, and therefore the proposal reflects a backland layout that is not entirely uncharacteristic of this area. There would also not be any introduction of a long access drive, which Policy DM16 seeks to avoid.

- 17.9. The plots would be laid out to incorporate the existing backland built form into a loose L shaped pattern, and the proposed dwellings would be modest in size, sitting comfortably within their plots and reflecting the scale of plots surrounding the site. The proposal would therefore have a coherent relationship with the existing backland development and the wider area which comprises several cul-de-sacs.
- 17.10. In terms of design, the built form has been traditionally designed, utilising a mixture of hipped roofs and car slides, with features of interest, such as canopies and dormer windows. The design would enable the proposed dwellings to integrate well with the surrounding built vernacular.
- 17.11. Whilst the scheme would not be readily visible from the White Horse Drive street scene as a result of the intervening built form, Plots 3, 4 and 5 would be visible from the Bucknills Close. However, the proposed built form would be viewed in context with the existing properties on Bucknills Close and would therefore not appear incongruous from this public vantage point.
- 17.12. In light of the above, the proposal would accord with Policies CS1 and CS5 of the CS, Policies DM9, DM10 and criteria 1 and 4 of Policy DM16 DMPD.

18. Neighbour Amenity

- 18.1. 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 191 of the NPPF 2023 and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 18.2. Criterion 5 of Policy DM16 of the Development Management Policies Document 2015 require demonstration that a proposal would not have an adverse impact on the privacy of existing homes and gardens and unacceptable light spillage avoided.
- 18.3. **6b Bucknills Close**
- 18.4. The rear elevation of Plot 5 would be within 4.0 metres of the far rear shared boundary with 6b Bucknills Close and within 13 metres of its flank elevation. Whilst it is acknowledged that the proposal would therefore have a greater presence upon the occupiers of this neighbouring property than the existing situation, the separation distances retained would prevent any overbearing impacts or any loss of outlook.
- 18.5. In terms of loss of sunlight, whilst the proposal may result in a small loss of light to the curtilage of this neighbouring property in the very early hours of the morning during the summer months, it would continue to receive sunlight from early morning onwards.

18.6. With respect of overlooking, the dormer window at first floor level in Plot 3 is orientated on the roof slope so as not to provide direct views of the internal or external rear curtilage of 6b Bucknills Close. Whilst it is acknowledged that the occupiers of this neighbouring property are likely to have a greater perception of overlooking from the proposed development, any views achievable of private amenity area would be obscured due to the juxtaposition of the dormer windows and these areas.

18.7. 7a Bucknills Close

18.8. The north flank elevation of 7a Bucknills Close is within 1.3 – 2.8 metres of the shared northern boundary, with a minimum distance of 2.5 metres retained between the built form.

18.9. 7a Bucknills Close is a single storey bungalow and therefore the presence of the two storey built form at Plot 3 would be greater upon the occupiers of this neighbouring property than that of the existing bungalow. However, as a result of the separation distances to retained between the built form and the flank to flank relationship, the occupiers would not face any issues of overbearing or loss of outlook impacts.

18.10. With respect to loss of internal light, there are two double windows and one single window on the north flank elevation of 7a Bucknills Close, all of which are fixed in obscure glaze. One of these double windows are top opening only, with the single paned window fixed shut. The remaining double window does not appear to be fixed. The third party correspondence submitted in objection to this application advises that these windows serve bathrooms and kitchens. The drawings associated with previous planning permission at 7a Bucknills Close confirms this (90/00190/FUL).

18.11. Officers note that one of kitchens is dual aspect, with the primary window located on the western elevation. Utilising the plans associated with 90/00190/FUL, the light to this western window would not be breached by the built form in Plot 3. Whilst the proposal may therefore result in some loss of light to this kitchen through the secondary north window, this internal accommodation would still gain unrestricted light from the primary window.

18.12. The bathrooms at 7a Bucknills Close are not primary accommodation and therefore any loss of light to these windows caused by the proposal would not significantly harm the amenities of the occupiers of this neighbouring property.

18.13. The remaining kitchen window would be within 3.8 metres of the two storey built form of Plot 3, which is likely going to reduce the levels of light this window currently gains. Furthermore, this window is likely to lose direct sunlight mid evening in the summer months, as a result of the intervening built form.

18.14. However, the window would still receive daylight, albeit slightly reduced, as a result of the separation distances and this would continue to receive sunlight during the majority of the summer months and all through the winter months. Whilst the occupiers may note a marginal loss of light to the kitchen as a result of the development, it would not be so significant as to cause a level of harm that would warrant a reason for the refusal of this application.

18.15. As a result of the southern orientation of this neighbouring building, the proposal would not cause any issues in terms of loss of sunlight to the rear external amenity area.

18.16. In terms of overlooking, the first floor windows proposed in Plot 3 may create some new opportunities for overlooking towards the far rear curtilage of 7a Bucknills Close. However, any overlooking achieved would be focused towards the far rear curtilage of 7a Bucknills Close rather than the more private patio areas, which is a situation considered to be typical in a dense residential area such as this.

18.17. 13a White Horse Drive

18.18. The east principal elevations of Plots 4 and 5 would be within 24 metres of the west boundary of 13a White Horse Drive , with a distance of over 28 metres retained proposed and existing built form. These separation distances would prevent and issues of overbearing, loss of light, overlooking or loss of outlook impacts.

18.19. Plots 1 and 2 would be 10.8 metres from the boundary of the rear curtilage of 13a Bucknills Close, with front facing primary windows. Officers are satisfied that this distance would prevent any opportunities for clear and direct overlooking into the private curtilage of this neighbouring property.

18.20. 13 White Horse Drive

18.21. Plots 1 and 2 would be within 2.4 metres of high level windows associated with this property. However, as 13 Bucknills Close purpose built office block and not residential accommodation, the relationship is considered acceptable.

18.22. Roseberry School

18.23. Given the educational function of this neighbouring complex, the relationship to the proposed development is considered to be acceptable.

18.24. 5 & 6 Orchard Gardens

18.25. The first floor windows proposed in Plots 1 and 2 may create some new opportunities for overlooking towards the far rear curtilage of these neighbouring properties. However, any overlooking achieved would be focused towards the far rear curtilage Close rather than the more private patio areas, which would be over 20 metres from the new windows.

18.26. General Amenity

18.27. Whilst the proposed development is likely to generate a greater level of domestic noise through pedestrians arriving and leaving the site than the current situation, this level would not be to an extent that would be incongruous within the surrounding residential context.

18.28. Whilst the proposed development would introduce additional light spillage than the existing situation, given the urban character of the area, the light spillage generated by the proposal would not extend to a level above and beyond a domestic use that would otherwise harm the amenities of the occupiers of surrounding properties.

18.29. The construction phase of the development has the potential to cause disruption and inconvenience to nearby occupiers and users of the local highway network. However, these issues are transient and would be minimised through conditions securing working/delivery hours and a Construction Management Plan. The Construction Management Plan would seek to control HGV movements and deliveries, as well as secure a programme of works.

18.30. In light of the above, and on balance, it is considered that the proposal would comply with Criterion 2 of Policy DM16 and Policy DM10 of the DMPD.

19. Parking and Access

19.1. 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.

19.2. Previous planning application 23/00577/FUL was refused due to concerns raised by the County Highway Authority relating to the access to the site, and an increased amount of vehicular and vulnerable road user conflict, generating a highway safety risk.

19.3. Trip Generation

- 19.4. The application is supported by a Transport Statement (TS), prepared by RGP, reference 23/7054/TS02 and Transport Statement Addendum (TSA), reference 23/7054/TN02 and dated March 2024. In respect of existing vehicular trip generation, the TS contains data of a traffic count survey of the existing access taken in November 2023 undertaken over a 24 hour period, whilst the TSA contains data of a more recent undertaken traffic count survey over a seven day period in February 2024.
- 19.5. The traffic surveys have identified that the level of vehicle movements utilising the existing access road are consistently low, with an average of 18 two way vehicle movements during a typical weekday, with 1-2 of those movements taken during peak hours.
- 19.6. In terms of existing pedestrian trip generation along the existing access, both surveys suggest this averages as 19 two way pedestrian movements during a typical weekday. These movements were found to typically be outside of the peak hours and generally associated with school activities and postal/courier deliveries.
- 19.7. In considering the proposed trip generation associated with the development, the TRICS database has been consulted using data associated with similar development scenarios, as well as considering this data against the most recent Census data for the local area.
- 19.8. In forecasting the proposed vehicle trip generation associated with the proposed development, a generation of an additional 17 two way vehicle movements have been calculated, totalling an overall average of 35 two way movements from the site as a result of the proposal, which includes a maximum of 3 additional car movements during both peak AM and PM during a typical weekday. For pedestrian movements, this has been calculated to increase to an overall of 6 two way pedestrian movements, totalling an overall average of 25 two way pedestrian movements as a result of the proposal.
- 19.9. The TS and TSA concludes that the proposed vehicle movements associated with the development would not have a material impact on the and that the proposed levels of pedestrian movements.
- 19.10. The County Highway Authority note that the proposal seeks a reduced number of dwellings from that sought under previous planning application 23/00577/FUL and are satisfied that the traffic count survey and TRICS Assessment undertaken and reported within both the TS and TSA provide a robust and realistic assessment of the likely impact of the both the vehicular and pedestrian resulting from the proposed development

19.11. In terms of the impact of vehicular traffic on the highway network, the County Highway Authority are satisfied the residual cumulative impacts of the development would not have a material impact on the capacity of the surrounding network.

19.12. In terms of the increase in pedestrian movements, the County Highway Authority seek to secure transport mitigation in the form of:

- Provision of improvements to bus stops of Dorking Road (Westlands Court and Epsom Hospital) to provide Real Time Passenger Information
- Provision of signage within the site to notify all users that separate pedestrian and vehicular access is not possible and that the access road is shared use
- Retention of the passing place located on the access road on the eastern side of the site, adjacent to 13b White Horse Drive

19.13. Subject to securing the above mitigation measures, the County Highway Authority considered that any additional risk to pedestrian safety resulting from the proposal can be mitigated. The County Highway Authority therefore raise no objection to the proposal in terms of danger and inconvenience to pedestrians and other highway users.

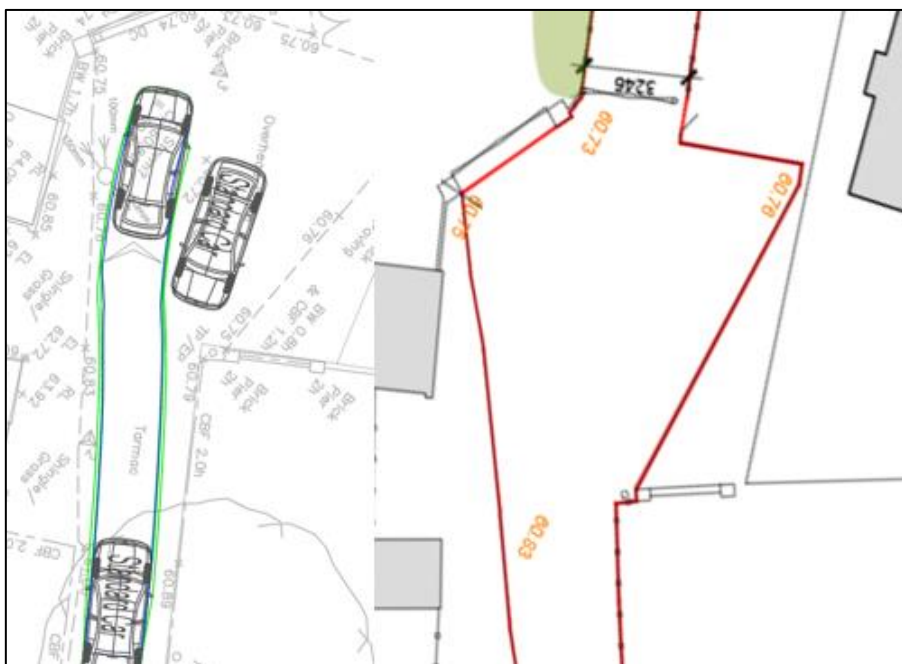
19.14. Vehicular Access and Manoeuvrability

19.15. Paragraph 114 of the NPPF 2023 requires safe and suitable access, paragraph 115 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 116 seeks to minimise conflicts between pedestrians, cyclists, and vehicles. This is reinforced in Policy CS16 of the CS and DM10(x) of the DMPD.

19.16. The proposed development would be served by the existing private drive and shared access to White Horse Drive. The proposal would retain the existing access but proposes improvement to its geometry and surface.

19.17. The TS states that the 3.1 metre width (at its narrowest point) of the existing access meets the minimum access requirements set out in the Surrey Design Guide, which is 2.75 metres for a domestic driveway, but where they are likely to be served by service vehicles or a parking court, they should be a minimum of 3.0 metres wide.

19.18. The existing access provides a single lane width for a distance of 55 metres from White Horse Drive, up to a widened area and passing place as shown below:



19.19. The TS considers the existing access to provide sufficient inter visibility between vehicles at either end and allow a vehicle to wait safely and pass either end. The TS suggests that due to the good intervisibility, it would be extremely unlikely that a vehicle would need to reverse back onto White Horse Drive. Notwithstanding this, such a manoeuvre would be no different to that associated with any of the driveways on White Horse Drive.

19.20. As illustrated in the Transport Assessment, the scheme originally sought to extend the double yellow lines on the northern side of the carriageway, opposite the entrance. This was to enable that any street parked vehicles would not prevent larger vehicles, such as a fire appliance, from entering the site, by being an obstruction within the turning circle.

19.21. However, a revised swept path analysis now demonstrates that a fire vehicle can enter the site when travelling from either direction along Whitehorse Drive, even when there are vehicles parked on the carriageway opposite the entrance. There would therefore not be any loss of on street car parking.

19.22. The County Highway Authority have reviewed the vehicle access arrangements, including the swept path analysis for fire vehicles, and have not raised any highway safety concerns in this regard.

19.23. Pedestrian Access and Manoeuvrability

19.24. Paragraph 114 of the NPPF 2023 requires safe and suitable access whilst 116 seeks to minimise conflicts between pedestrians, cyclists, and vehicles. This is reinforced in Policy CS16 of the CS and DM10(x) of the DMPD.

19.25. The width of the existing access onto White Horse Drive would not meet the 4.1 metres required for an access road that would also allow for regular pedestrian access via a 1.0m path alongside the access, as well as vehicular access.

19.26. Although the proposal is likely to generate a small number of pedestrian movements, to prevent the regular use of the existing access, a new segregated route for future pedestrians is proposed to the rear of the site, which would link to an existing public footpath (Footpath FP69). This new pedestrian route would extend along the south flank of Plot 3, as depicted by the green line shown in the drawing below:



19.27. The TS advises that this new footpath would be the quickest route to local bus services, as shown in the map overpage. The new footpath would provide a dedicated walking route that is only 25m longer than via the vehicular access when measured from Plots 3, 4 and 5, which is minor.



19.28. The County Highway Authority are satisfied that subject to securing the aforementioned mitigation measures, any additional risk to pedestrian safety resulting from the proposal can be mitigated. The County Highway Authority therefore raise no objection to the proposal in terms of danger and inconvenience to pedestrians and other highway users.

19.29. Car Parking

19.30. Policy DM37 of the DMPD and the Parking Standards for Residential Development SPD specify a minimum requirement for two parking spaces for a 3-bed unit. Parking spaces are to be 2.4m x 4.8m.

The proposal would provide 10 vehicle parking spaces within the site, comprising 2.0 no. dedicated off road spaces to serve each unit, thereby meeting the Council's residential Parking Standards.

19.31. In respect of electric vehicle charging, one charging point per dwelling will be provided, which meets the requirements of the County standards.

19.32. Cycle Parking

19.33. 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.

19.34. The Council's Parking Standards requires cycle parking provision to be in line with the minimum levels identified in the Surrey County Council Vehicle, Cycle and Electric Vehicle Parking Guidance for New Development 2023.

19.35. In order to meet the County Cycle Standards, 3 or more bedroom units would be expected to provide 2.0 secure cycle storage spaces. Each unit would be provided with secure, undercover cycle storage that would accommodate 2.0 cycles. In the event that permission is granted, it would be reasonable to seek the design details of this proposed storage.

19.36. Construction Management

19.37. The County Highway Authority recognise that the construction phase of the proposed development would be likely to result in an increased highway risk, due to the presence of larger vehicles and potentially higher number of vehicle movements at different times of the day. As such, the County Highway Authority recommend a condition to secure a Construction Management Plan, in order to limit any risks to highway safety and capacity during this phase.

20. Refuse and Recycling Facilities

20.1. 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 6m of the public highway.

20.2. The proposal includes individual bin storage for each property but also seeks to provide communal bin storage to the rear of Plot 3 to serve the proposed development. This communal bin store would be accessed via the new pedestrian route that would extend along the south flank of Plot 3. The communal bin store would then be accessed by the Council's Waste Service as part of their collection route that includes 6a, 6b, 6c and 7a Bucknills Close. The Council's Waste and Transport Manager raises no objection in respect of the capacity or collection location of the proposed communal storage area.

20.3. The refuse and recycling facility proposed under this current application remain unchanged from that submitted under previous planning application 23/00577/FUL, to which the Council's Waste and Transport Manager raised no objection.

20.4. Notwithstanding this, the Council's Waste and Transport Manager has now raised concerns in respect of the 'drag distance' between Plots 1 and 2 and the proposed communal bin store, citing the excessive distances potentially creating health and safety issues for future residents of these plots or, in the event that future occupiers qualify for the Council's assisted collection service, potential health and safety issues for the Council's Waste Service employees.

- 20.5. The drag distance to the communal bin store would be approximately 60 metres Plot 1 (blue line) Plot 2 (red line), as shown in the diagram below:



- 20.6. These distances exceed the guidance of 30 metres set out in the Annex 2 of the Sustainable Design SPD.
- 20.7. Under planning application 23/00577/FUL, the applicant worked with the Council's Waste and Transport Manager to adjust the previous scheme to satisfy detailed comments and secure a scheme that the Council's Waste and Transport Manager was satisfied with.
- 20.8. It is noted that the location of the proposed refuse/recycle storage area and Plots 1 and 2 remains identical to the scheme refused under 23/00577/FUL. The Council's Waste and Transport Manager did raise concerns under 23/00577/FUL to the drag distance relating to Plots 1, 2 and 6, but after the submission of amended plans demonstrating the provision of individual storage areas for Plots 1, 2 and 6 in rear gardens rather than a communal bin storage areas outside of Plot 6, was satisfied.
- 20.9. The Council's Waste and Transport Manager acknowledges that the objection relating to the drag distance of Plots 1, 2 and 6 of 23/00577/FUL was not maintained but considers that the concern raised should form part of the consideration for this proposal.
- 20.10. Given that the Council's Waste and Transport Manager appeared satisfied with amended plans supporting 23/00577/FUL and given that the scheme under this current application remains identical in terms of drag distance, Officers consider that it would now be unreasonable to refuse the application on this basis.

21. Ecology and Biodiversity

- 21.1. Paragraphs 180 and 186 of the NPPF 2023, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 21.2. The application is supported by a Preliminary Ecological Appraisal, prepared by Ecology Partnership, dated 2023, a Bat Roost Survey, prepared by Environmental Business Solutions, dated 16 August 2023 and a subsequent revision, dated 24 August 2023.
- 21.3. None of the emergency surveys noted bats emerging from any of the existing buildings on site. The Bat Roost Survey therefore concludes that the proposed development would not have a negative impact on local bat or bird population.
- 21.4. The Council's Ecologist has reviewed all the supporting ecological documents and is concerned about the downgrading of the suitability of the bungalow as low and the subsequent limited coverage of the emergency surveys time wise. However, the Council's Ecologist has recommended that if the bungalow is not demolished by the beginning of the next bat season, then another bat assessment and follow up surveys are required before demolished can occur. Officers are satisfied that, in the event of an approval, such a recommendation can be conditioned.
- 21.5. In light of the above, the proposal would not prejudice the existing ecological value of the site and would enhance the conservation potential of a site, as a result of a minor biodiversity net gain would arise from the proposed development, in accordance with Policy DM4 of the Development Management Policies Document 2015. The application predates policy requirements for mandatory 10% biodiversity net gain but the biodiversity enhancements outlined in the supporting ecology reports (bat boxes, sparrow and swift nests and fruit tree planting) are conditioned, in the event the application is granted.
- 21.6. 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.

22. Flooding and Drainage

22.1. Flood Risk and Vulnerability

- 22.2. Paragraphs 165 and 173 of the NPPF 2023, 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.
- 22.3. The application is supported by a Management of Surface Run Off Document, prepared by Hurbet Stumpp Ltd, Revision B, dated 11 May 2023.
- 22.4. In terms of fluvial flooding, the site is located in an area of low flood risk, outside of Flood Zone 2 and 3 as identified on the Environment Agency Flood Risk Maps and therefore the proposed development, would be wholly in Flood Zone 1. As such the development has low risk of fluvial flooding. Furthermore, the access to the site is also located within Flood Zone 1 and would continue unimpeded to provide safe access to and from the residential developments in the event of a flood.
- 22.5. As the proposed development would lie within Flood Zone 1, neither the sequential test nor the exceptions test, as set out in the Governments guidance 'Flood risk assessment: the sequential test for applicants' 2017 needs to be carried out.
- 22.6. With respect to pluvial flooding, the site is mainly comprising of garden curtilage, which is underlain with London Clay. The built form and hard surfacing proposed would increase impermeability of the site.
- 22.7. In considering a suitable surface water drainage system, as a result in the underlying London Clay, the use of infiltration drainage is discounted as a method for the disposal of surface water run of created by the development. It is therefore proposed to discharge surface water runoff into the existing surface sewer at a controlled rate, by utilising a granular blanket beneath permeable paving and two below ground chambers. The chambers would discharge into a packaged pumping station, which will limit the discharge into the receiving sewer.
- 22.8. Rainwater butts would be provided to each new dwelling to receive and store surface water runoff from the roof. When full, they will overflow back into the rainwater downpipes and into the below ground surface water drainage system.
- 22.9. The Lead Local Flood Authority have confirmed that the drainage proposal satisfies the requirements of the NPPF 2023 and has recommended that should permission be granted, a suitable conditions is required to ensure that the drainage system is installed in accordance with

the agreed details and is properly implemented and maintained throughout the lifetime of the development.

- 22.10. As such, it is considered that the flood risk and surface water flooding have been addressed in accordance with Policy CS6 of the Core Strategy 2007, Policy DM19 of the Development Management Policies Document 2015 and the requirements of the NPPF 2023.

23. Contamination and Remediation

- 23.1. Paragraph 189 of the NPPF 2023 and Policy DM17 of the DMPD requires consideration of ground conditions and risks to end users. The site is listed as potentially contaminated on the Council's register.
- 23.2. The Council's Land Contamination Officer has advised that there is infilled land on the site. In the event that permission was granted, the Council's Land Contamination Officer recommended conditions to secure a site investigation scheme and any subsequent remediation.
- 23.3. In the event permission is granted, these conditions would ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with Policy DM17 of the DMPD and the requirements of the NPPF 2023.

24. Environmental Sustainability

- 24.1. On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.
- 24.2. Policy CS6 of the CS stipulates that development should incorporate sustainable development and reduce, or have a neutral impact upon, pollution and climate change. This includes incorporation of renewable energy, use of sustainable construction methods and sustainable building design, flood management, reduction in water use and improvement of water quality and minimisation of noise, water, and light pollution.
- 24.3. The application is supported by a Design and Access Statement, prepared by Twenty 20 Architecture Ltd, rev C, dated May 2023 which identifies the sustainable measures proposed for the development.
- 24.4. These include insulation in compliance with or to exceed the requirements of Building Regulations, energy efficient condensing boilers and high efficiency panel radiators with individual thermostatic valves or under floor heating for domestic heating and ventilation via natural means of opening windows and trickle vents with mechanical extractors for bathroom/ WC if appropriate. Low flow appliances with supply restrictor valves, low flow

shower heads, spray taps and dual flush toilets would potentially provide up to 40% saving in water usage.

- 24.5. Whilst the supporting details do not show for the provision for solar panels, the applicant is agreeable to provide these and therefore in the event planning permission is granted, details of these can be secured by way of condition.
- 24.6. In light of the above, it is considered that the proposal would be able to secure a sustainable development outcome and would therefore accord with Policies CS1 and CS6 of the Core Strategy.

25. Accessibility and Equality

- 25.1. 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 dwellings are open plan and adaptable for disabled use and level access is afforded through pedestrian areas such that no issues are raised.
- 25.2. 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 because of the development.

26. Planning Obligations and Community Infrastructure Levy

- 26.1. Paragraphs 55 and 57 of the NPPF 2023 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.
- 26.2. 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.
- 26.3. The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is chargeable for CIL payments because it involves a net increase in dwellings. It is payable at £125/m² index linked.

CONCLUSION

27. Planning Balance

- 27.1. As the Council cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11(d) of the NPPF is engaged as the policies which are most important for determining the application are out-of-date. There are no footnote 8 policies which would provide a clear reason for refusing permission and which would prevent the tilted balance from being applied.
- 27.2. 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.
- 27.3. Section 2 of the NPPF has an underlying presumption in favour of sustainable development which is carried through to the Development Plan. Policy CS1 of the CS expects development to contribute positively to the social, economic, and environmental improvements in achieving sustainable development whilst protecting and enhancing the natural and built environment.
- 27.4. **Social Considerations**
- 27.5. The proposed development would make a meaningful 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 extent of the Council's housing shortfall and how long the deficit is likely to persist, this benefit is given significant weight in the planning balance.
- 27.6. The proposal would use a vacant brownfield site for an identified housing need. Given the extent of the Council's housing shortfall and how long the deficit is likely to persist, this benefit is given significant weight in the planning balance.
- 27.7. **Economic Considerations**
- 27.8. 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

27.9. 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 and therefore this would amount to a minor benefit

27.10. Social Adverse Effect

27.11. Whilst Plots 1, 2 and partially Plot 5 would fail to meet the depth requirement of Policy DM12 of the DMPD, given that the private external amenity provision is exceeded and the short fall to full policy compliance is minimal, this would amount to a minor adverse effect.

27.12. The proposal would result in an undesirable 'drag' distance for the refuse and recycle bins between Plots 1 and 2 and the bin collection area. However, as the Council's Waste and Transport Manager appeared did not object to the scheme submitted under 23/00577/FUL and given that the scheme under this current application remains identical in terms of drag distance, this would amount to a minor adverse effect.

27.13. Environmental Adverse Effect

27.14. The proposal would fail to provide comparative canopy mass planting in comparison to the loss of existing quality trees through the precursory site clearance. Although tree re-provision is sought on the site, it would not mitigate for the extent of the loss. However, in order to promote the effective use of this vacant, brownfield site for net gain housing that would contribute to the Council's housing deficit, tree loss would be inevitable. The Council's Tree Officer is satisfied that the replacement tree planting has sufficient underground environment and growth space to reach potential. For this reason, the failure to fully mitigate for the primitive tree loss on the site would amount to a moderate adverse effect.

27.15. Conclusion

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

27.17. In the event of an approval, there is reasonable justification to remove permitted development rights from the new development, in order to prevent overdevelopment of the site, detrimental impacts on new tree planting, adverse effects on neighbouring amenity and adverse traffic and parking implications. Officer therefore recommend a condition to remove Class A – F permitted development rights.

RECOMMENDATION

To grant planning permission subject to the following conditions and informatives:

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 2024/PO255 LP
Drawing Number 2024/PO255 CP
Drawing Number 2024/PO255 001 Rev A
Drawing Number 2024/PO255 010
Drawing Number 2024/PO255 011
Drawing Number 2024/PO255 C001 Rev A
Drawing Number 2024/PO255 012 Rev A
Drawing Number CWLD-NH-BC-LA-2361-02
Drawing Number CWLD-NH-BC-LA-2361-04

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) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) HGV deliveries and hours of operation
- (g) measures to prevent the deposit of materials on the highway
- (h) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (i) no HGV movements to or from the site shall take place between the hours of 08:00 and 9.00 am and 3.00 pm and 4.30 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, White Horse Drive, Dorking Road or Ebbisham Road during these times
- (j) 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

No development shall commence unless and until a ground contamination desk study and Conceptual Site Model shall be undertaken in accordance with current best practice guidance. The results of the desk study shall be submitted to and approved by the Local Planning Authority and the development shall be implemented in accordance with the approved details.

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. Enhanced Arboricultural Method Statement/ Tree Protection Plan

No development shall commence unless and until an enhanced Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved

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

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

7. Hard and Soft Landscaping

No development shall commence unless and until full details of both hard and soft landscape proposals, including tree planting pit design and 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-Demolition Condition (May 2024)

8. Updated Bat Survey

Notwithstanding the conclusions of the Preliminary Ecological Assessment, prepared by The Ecology Partnership, dated March 2023, and the Bat Roost Assessment, prepared by The Ecology Partnership, revised August 2023, in the event that the existing building has not been demolished by the next Bat Season (commencing May 2024), an updated Bat Assessment and follow up surveys shall be submitted to and approved in writing by the Local Planning Authority prior to any development taking place post May 2024.

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.

Pre Occupation Conditions

9. Transport Mitigation

The development hereby approved shall not be first occupied unless and until a scheme to improve highway/transportation matters in the following areas:

- Provision of improvements to bus stops on Dorking Road (Westlands Court and Epsom Hospital) to provide RTPI (Real Time Passenger Information).
- Provision of signage within the site to notify all users that separate pedestrian and vehicular access is not possible, and that the access road is shared use.
- Retention of the passing place located on the private access road on the eastern side of the site, adjacent to No. 13b.

shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to first occupation.

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

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. Electric Vehicle Charging Points

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

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

12. 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 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.

13. Cycle Store Details

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

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

14. Solar Panels Details

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

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

15. Compliance with Drainage Scheme

The drainage system shall be installed in strict accordance with the Management of Surface Water Run-off, Revision B prior to first occupation of the development. The maintained drainage system shall thereafter be maintained in accordance with the approved details.

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

16. Compliance with Ecological Surveys

In the event that the demolition of the existing building is carried out prior to May 2024, the development shall be carried out in strict accordance with the Preliminary Ecological Assessment, prepared by The Ecology Partnership, dated March 2023, and the Bat Roost Assessment, prepared by The Ecology Partnership, revised August 2023, prior to the first occupation, 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 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.

17. Compliance with Sustainable Design Measures

The development shall be carried out in strict accordance with the sustainable design measures contained in the Design and Access Statement, prepared by Twenty 20 Architecture Ltd dated Jan 2024 (Rev B), reference 1726 and dated July 2021, prior to the first occupation, 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.

During and Post Development Conditions

18. Ground Contamination Investigation

If the desk study Conceptual Site Model indicates there are ground contamination risks, intrusive ground investigation and risk assessment shall be undertaken following any demolition and prior to the commencement of further development in accordance with current best practice guidance to determine the existence, extent and concentrations of any made ground/fill, ground gas and contaminants with the potential to impact sensitive receptors on and off-site. The report of the findings, including the revised Conceptual Site Model, shall be submitted to and approved by the Local Planning Authority and must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options (if remediation is deemed necessary), and proposal of the preferred option(s).

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

19. Ground Contamination Remedial Method Statement

If ground/groundwater contamination, filled ground and/or ground gas are found to present unacceptable risks, prior to the commencement of further development unless otherwise agreed in writing by the Local Planning Authority, and in accordance with current best practice guidance, a detailed scheme of risk management measures to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be designed and submitted to the Local Planning Authority for approval. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures including waste management and waste disposal.

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.

20. Ground Contamination Remediation

Prior to any occupation of the site, the approved remediation scheme prepared under Condition 19 must be carried out in accordance with its terms. The Local Planning Authority and Contaminated Land Officer must be given two weeks written notification of commencement of the remediation scheme works.

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.

21. Ground Contamination Remediation Verification

Following completion of the remedial scheme and prior to any occupation of the site, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

22. Unexpected Ground Contamination

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

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

23. Certificate of Completion Ground Contamination

Following completion of the remedial scheme and prior to any occupation of the site, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

24. Long Term Monitoring and Maintenance Ground Contamination

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority. These must be conducted in accordance with current best practice guidance.

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.

25. Hours of Work

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

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

26. Removal of Permitted Development Rights

Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this order) development under Classes A-F shall be carried out on the site.

Reason: To safeguard the privacy and amenity of the adjoining occupiers, maintain adequate amenity space, protect the future health and wellbeing of replacement tree planting and to safeguard the cohesive appearance of the development in accordance with Policy DM10 of the Development Managements Policies Document 2015.

27. 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 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).
5. 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.
6. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building

Regulations) and two formal quotes from the distribution network operator showing this.

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

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

8. This permission does not grant any works of alteration to, or demolition of the existing Grade II wall, as such works require Listed Building Consent. Council's Conservation Officer must be consulted if repairs to the wall are proposed, so that they can advise on works such as repointing using lime mortar.