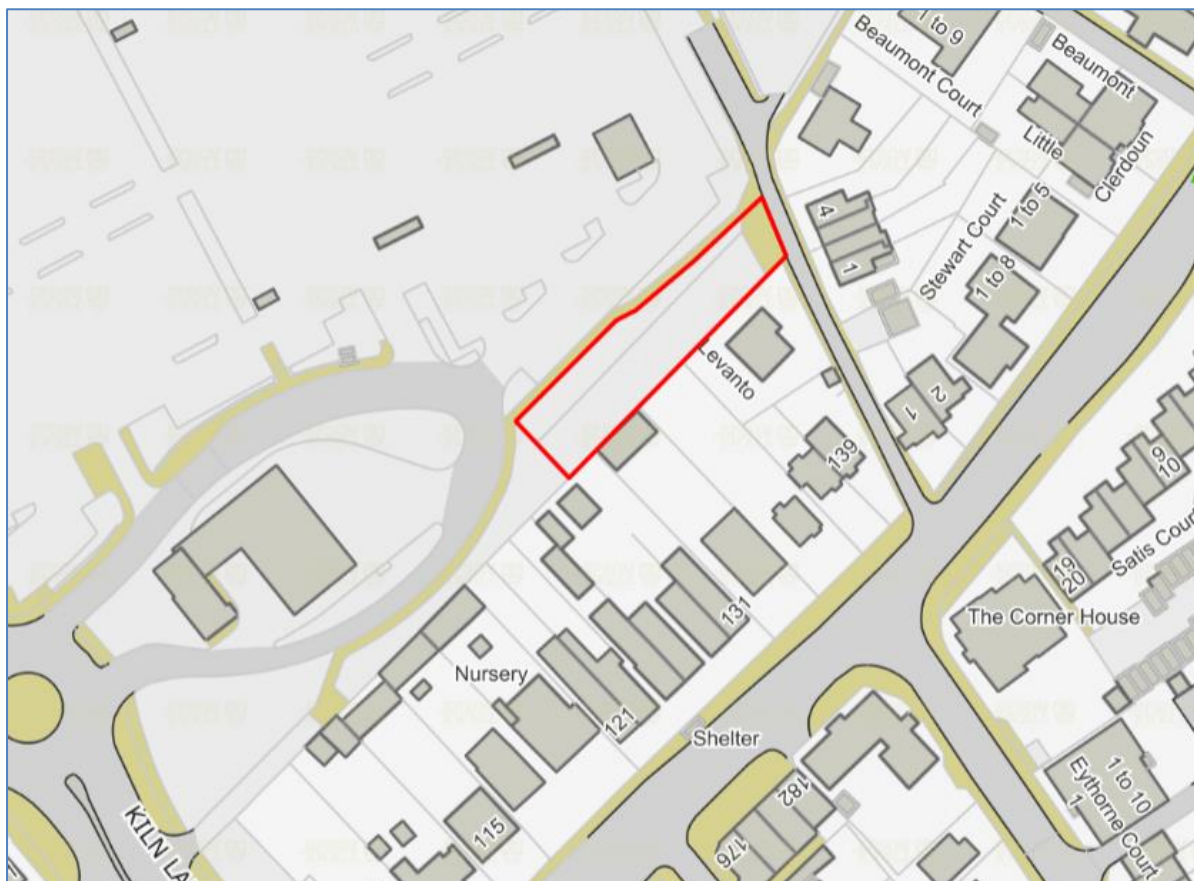


Planning Committee
7 November 2024

Planning Application
Number: 23/00158/FUL

23/00158/FUL - Land At Fairview Road, Epsom, Surrey, KT17 1JD

Application Number	23/00158/FUL
Application Type	Full Planning Permission (Minor)
Address	Land at Fairview Road, Epsom, Surrey KT17 1DL
Ward	Ewell Village Ward
Proposal	The erection of 3 modular buildings to provide temporary accommodation for residents in the Borough, with associated parking, refuse and plant room
Expiry Date	11 November 2024
Recommendation	Approval, subject to conditions and informatives
Number of Submissions	67 (original scheme), 42 (amended plans)
Reason for Committee	Council is the Applicant
Case Officer	Gemma Paterson
Contact Officer	Simon Taylor, Interim Manager
Plans, Documents and Submissions	Available at Fairview Road
Glossary of Terms	Found at the following link: Glossary of Terms



SUMMARY

1. Summary and Recommendation

- 1.1. The Council is the applicant and as such the application is referred to Planning Committee in accordance with Epsom and Ewell Borough Council's Scheme of Delegations.
- 1.2. The proposal relates to the installation of 3 modular buildings to provide temporary accommodation for residents in the Borough, with associated parking and refuse point at Land at Fairview Road, Epsom, Surrey, KT17 1JD.
- 1.3. The site is located within an area that is close to public transport, which offers a mode of transport other than the private car. It also offers opportunities to walk to local shopping and employment facilities, as well as the town centre. The site is therefore in a suitable location in sustainable transport terms for new residential uses.
- 1.4. The proposal would reuse vacant, suitable brownfield land within a sustainable location for an identified need.
- 1.5. The application is supported by documentation to evidence that the existing Class B8 (storage and distribution) use of the site was marketed for a period exceeding 18 months without generating any interest for the existing use. As such, the loss of the existing Class B8 (storage and distribution) use of the site is accepted.
- 1.6. The proposal would meet key objectives in the Council's Homelessness and Rough Sleeping Strategy 2022-2027 and subsequent Homelessness and Rough Sleeping Strategy Action Plan 2022-2027 by identifying an opportunity for the development of temporary accommodation on Council owned sites. The proposal would help meet an acute demand for temporary accommodation and would contribute towards the Council discharging its homeless duty.
- 1.7. A temporary permission of five years is recommended to enable a review to take place to reassess demand for such accommodation and therefore the future need for such temporary accommodation.
- 1.8. Whilst the proposed modular buildings would have a shortfall of 10m² in respect of meeting the Nationally Described Space Standards 2015 for internal floor area, a good level of internal amenity is nonetheless provided for occupiers residing on a temporary basis.
- 1.9. Although acknowledged that the proposed modular buildings would not respect the pattern of development and character of the local area, the addition of further diverse built form into the street scene would not

significantly (or permanently) detract from the visual appearance of the immediate or wider surrounding area.

- 1.10. The County Highway Authority are satisfied that the proposed development would not result in a significant increase in traffic generation or that would otherwise result in issues of highway safety or cause issues with the operation of the existing highway network. The site would continue to be served by the existing access off Fairview Lane which is to remain an adequate access for the number of vehicular and pedestrian movements generated by the proposal. The proposal would meet the Council's parking standards.
- 1.11. It has also been satisfactorily demonstrated that a development of this scale could be provided on the site that does not have a harmful impact on neighbouring residential amenity.
- 1.12. The proposal would accord with the Council's policies in relation to ecology, land contamination and environmental sustainability.
- 1.13. Overall, whilst there are adverse impacts in respect of this application, it has been demonstrated that these would not outweigh the benefits. The application is therefore recommended for approval.

PROPOSAL

2. Description of Proposal

- 2.1. The proposal involves the following works:
 - The erection of 3 modular buildings measuring 8.0 metres in width, 9.6 metres in depth with an overall height of 2.7 metres
 - The provision of 3 vehicle parking spaces to serve the proposed modular buildings
 - The provision of ancillary works including refuse/recycle storage and access paths
- 2.2. The application was amended on 6 September 2024 in the following manner:
 - Remade red line area to the public highway, including Fairview Road
 - Redesigned modular buildings
 - Reconfiguration of the site layout, including more detailed block plan
- 2.3. The amended application included Certificate D, which is submitted where the owner of the land (the vehicular access along Fairview Road) is unknown. The application was reconsulted to residents (see Section 10).

3. Key Information

	Existing	Proposed
Site Area	0.08 hectares	
Units	0	3
Floorspace	N/A	153m ²
Number of Storeys	N/A	1
Density	N/A	37dph
Affordable Units	N/A	3
Car Parking Spaces	N/A	3
Cycle Parking Spaces	N/A	3

SITE

4. Description

- 4.1. The site is located off Fairview Road, Epsom, to the rear of 131–139 East Street and adjacent to the Kiln Lane Sainsbury's petrol station and car park. The site benefits from direct access to Fairview Road. Fairview Road is a privately maintained road, with part being a County publicly maintainable footpath (footpath 18).
- 4.2. Footpath 18 runs pass the site and branches off the north east, terminating at The Kingsway. To the north of the site lies Footpath 17, which terminates at West Street. Both footpaths provide access to Glyn School with footpath 17 also providing access to Sainsbury's and the Longmead Industrial Estate.

5. Constraints

- Built Up Area
- Site of Special Scientific Interest Risk Area
- Great Crested Newt Impact Zone
- Public Footpath (to frontage)
- Flood Zone 1

6. History

- 6.1. There is no relevant site history.

CONSULTATIONS

7. Consultation from Original Submission

Consultee	Comments
External Consultees	
Highway Authority	No objection, subject to conditions
Surrey County Council Lead Local Flood Authority	No objection, subject to conditions
Internal Consultees	
Council's Ecologist	No objection, subject to condition
Council's Land Contamination Officer	No objection, subject to condition
Council's Transport and Waste Manager	No objection
Council's Land Environmental Health Officer	No objection, subject to condition

8. Consultation Following Amended Plans

Consultee	Comments
External Consultees	
Highway Authority	No objection, subject to conditions
Surrey County Council Lead Local Flood Authority	No objection, subject to conditions
Thames Water	No objection, subject to informative
Internal Consultees	
Council's Ecologist	Biodiversity Net Gain (BNG) Assessment is required <u>Officers' response:</u> The application was registered on, which is 13 February 2023 which is prior to the date on which mandatory BNG for minor applications applied (April 2024). As such the application is not required to provide any BNG.
Council's Land Contamination Officer	No objection, subject to condition
Council's Transport and Waste Manager	No objection

9. Public Consultation from Original Submission

Public Consultation	
Neighbours	<p>The application was advertised by means of a site notice, posted on 13 February 2023 and notification to 28 neighbouring properties, concluding on 07 March 2023. 67 submissions were received. They raised the following issues:</p> <p>Principle</p> <ul style="list-style-type: none"> • Overdevelopment of the site <p><u>Officer comment:</u> This is discussed in Section 13 and 15 of this agenda report, where it is demonstrated that the principle of residential development is acceptable and that it is appropriate within the context of the site.</p> <p>Highways</p> <ul style="list-style-type: none"> • Increase the amount of traffic on a narrow road with traffic and parking issues • Concerns about access for emergency vehicles • Fairview Road is used as a safe cut through for hundreds of children and staff • Building work would pose a health and safety risk to school children using footpath through Fairview Road • Access to the site to awkward for the proposal <p><u>Officer comment:</u> The Highways Authority have not raised objection on highway safety, traffic, or access grounds, as discussed in Section 17 of this agenda report.</p> <p>In respect of the matters of the applicant not having a legal right of way over Fairview Road, although this is a third-party matter, it has been demonstrated to the satisfaction of Officers that there is a legal right of access over Fairview Road to the site that would accommodate access to serve the proposed development</p> <p>Parking</p> <ul style="list-style-type: none"> • Additional three properties would increase street occupancy by 50% with more cars and nowhere to park • No room for visitor parking on Fairview Road <p><u>Officer comment:</u> The proposal complies with the parking requirement, as discussed in Section 13 of this agenda report.</p> <p>Character</p>

- Structures out of character with the neighbourhood and materials that are aesthetically displeasing
- Site is too cramped and overpopulated

Officer comment: The design and siting are acceptable, as discussed in Section 15 of this agenda report.

Neighbouring Amenity

- Loss of privacy to occupiers of Fairview Road
- Increase in noise and disturbance
- Concerns about antisocial behaviour
- Overlooking into the garden of 137 East Street
- Noise from the proposed generator
- The site currently provides a buffer from noise and light pollution from the retail park. The proposal would increase light pollution to 137 East Street
- Loss of light to 137 East Street
- Loss of outlook

Officer comment: The scale and form of the development is appropriate in the context of the site and surrounding area and is acceptable. This is discussed in Section 12 of this agenda report.

Ecology

- A full wildlife and biodiversity report has not been completed.
- Loss of vegetation
- Loss of present wildlife
- Site should be considered a valued and important habitat for wildlife

Officer Comment: A Preliminary Ecological Assessment was submitted in support of this application, the methodology and conclusions of which satisfied the Council's Ecologist that the proposal would not cause harm to protected species, subject to conditions. This is discussed in Section 19 of this agenda report.

Other

- Concerns regarding the validity of the application and national requirements
- Applicant does not have legal right of way over Fairview Road other than the existing footpath
- Adjacent school is already oversubscribed
- A residence of this type near Glyn school presents a safeguarding issue and puts the Glyn school boys at risk
- Major safeguarding issues for the children who attend Glyn School and their safety going to and from school

	<ul style="list-style-type: none"> • Loss of value to houses • No street lighting • School children made vulnerable by introducing high risk 'residents' • A comprehensive police report has not been carried out to consider the impact of such a development. Residents will be put at a higher risk of violence, crime and ASB from this development <p><u>Officer comment:</u> For completeness and transparency, the application was remade and reconsulted to residents (see comments in Section 10).</p> <p>The absence of any street lighting along Fairview Way is an existing situation and the limited number of temporary residents accommodated within the development would not warrant the requirement of street lighting to be installed.</p> <p>Loss of value to property is not a material planning consideration in the assessment of this application.</p> <p>Street lighting does not form part of the proposal and this is acceptable.</p> <p>With respect future occupants of the development being 'major safeguarding risks', and residents being put at a higher risk of violence, crime and ASB from this development, given that residential developments of family homes are not subject to 'a comprehensive police report has to consider the impact of such a development', it would be unreasonable and discriminatory to require these temporary family homes to be subject to such a report.</p> <p>With respect to the adjacent school being oversubscribed, the proposed development would be housing families who are in the Borough, so impact on education would be limited.</p>
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10. Consultation Following Amended Plans received

Public Consultation	
Neighbours	<p>The application was advertised by means of a site notice, posted on 06 September 2024, and notification to 103 properties, including those neighbouring the site, concluding on 27 September 2024.</p> <p>41 submissions were received, 10 of which came from the same named occupant of separate household and 5 of which came from the same named occupant of separate household. They raised the following new material issues:</p>

Validity of the application and national requirements

- Withdrawal and resubmission of application. To ensure fairness and transparency, it is crucial that the previous objections are considered alongside this resubmission, as some objectors may be unaware of the new submission and may not have had an opportunity to resubmit their concerns.
- The failure to notify residents of Fairview Road within the legally required 21-day period following the resubmission of this application is a significant concern. By not adhering to this legal requirement, the applicant has deprived local residents of their rightful opportunity to review and comment on the application.
- The drawings accompanying the resubmission are incomplete and fail to account for essential infrastructure and logistics.
- Failure to update Design and Access Statement
- Biodiversity report is outdated
- Certificate D is invalid
- Certificate D was not notified in the correct local press and was published outside of the 21 days of the date of this application
- Site address is not correct so the application is invalid
- The plant room is not shown on the plans
- Concern that as the applicant is the Council, this application will not be processed in a fair and transparent manner.
- An appropriate contamination assessment should be included with this application.
- The application states NO to the storage of hazardous substances, this is incorrect. The site is to accommodate a septic waste tank for human waste.

Officer Comment:

The application had not been withdrawn and resubmitted. The application was amended to include access to the site from East Street within the red line and to accommodate for a change in the scale and design of the proposed modular units, following the fabrication of the previous modular units being discontinued. The scheme was also amended by replacing the Certificate A with Certificate D to reflect the ownership status along Fairview Road.

The amendments proposed to the scheme are neither fundamental nor substantial, as ownership issues are not a planning matter and the changes to the scale, layout and design of the proposed modular buildings do not result in a fundamentally different scheme from that originally submitted. Furthermore, full consultation has been carried out on the proposed amendments.

A number of allegations have been made by third parties with regards to the publication of this application. The application has been publicised in accordance with the Town and Country Planning

(Development Management Procedure) (England) Order 2015. Local residents adjacent to the site were advised in writing of both original scheme (letters dated 13.02.2023) and the amended scheme (letters dated 06.09.2024), and site notices were displayed for the both the original scheme and amended scheme. Where site notices were removed after display and this was brought to the attention of the Local Planning Authority, Officers have replaced the site notices. The full 21 period following the notification of the amended scheme was given and expired on 27.09.2024. Notwithstanding this, the Local Planning Authority still consider representations received after this date.

By law, the Local Planning Authority must act independently of other Council departments in carrying out its functions. Applications must be decided on the basis of their compliance with development plan policies. The Council's Scheme of Delegation requires planning applications where the Council is the applicant to be determined by the Planning Committee. The Local Planning Authority have processed the application in a fair and transparent manner.

Certificate D is completed where the applicant does not own all of the land to which the application relates and does not know the names and addresses of any of the owners and/or agricultural tenants. In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 notice under Article 13 of application for planning permission, Notice 2 associated with Certificate D must be publicised in a local newspaper. Certificate D was published in the Sutton Guardian on 01/08/2024. The Sutton Guardian is an appropriate local paper that is used for all of the Council's planning press publications.

The purpose of publishing Notice 2 in the local press is to provide any owner or tenant of the land in question to make representation about the application should write to the Council within 21 days of the date of the notice. The Local Planning Authority allowed 21 days to pass prior to consulting on the amended planning application, which included a further press notice.

The process for publishing a Notice 2 is separate from publishing the planning application, there is no requirement to publish Notice 2 and the amended planning application simultaneously or within 21 days of each other.

A Design and Access Statement is a requirement for applications for major development, as defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015; applications for development in a conservation area, where the proposed development consists of one or more dwellings or a building(s) with a floor space of 100 sqm or more or applications for listed building consents. The application falls outside of this criteria

	<p>and as such no Design and Access Statement is required. This is consistent with the Council's Local Validation List, which also does not require a Design and Access Statement for a scheme of this nature. Although a Design and Access Statement was originally submitted with the scheme, this has since been superseded and there is no requirement to provide an updated version to support the amendments.</p> <p>The amended drawings are acceptable for the purposes of supporting a planning application. The plant room has been removed as part of the amended scheme, as the updated units have capability to be connected to mains electricity. Water and foul associated with the proposed modular buildings will be connected to the main water/sewage network. There is no longer a need for the use of a septic tank.</p> <p>Although the application has not been supported by a Phase 1 Ground Contamination Study, this has been recommended to be secured by way of a planning condition by the Council's Contaminated Land Officer. A condition of this nature is typical for applications in or within the vicinity of contaminated land.</p> <p>The Ecology Report has been updated during the assessment of this application. This is discussed in Section 19 of this agenda report.</p>
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PLANNING LEGISLATION, POLICY, AND GUIDANCE

11. Planning Policy

11.1. 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

11.2. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS7: Housing Provision
- Policy CS9: Affordable Housing and Meeting Housing Needs

- Policy CS16: Managing Transport and Travel

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

- Policy DM4: Biodiversity and New Development
- Policy DM5: Trees and Landscape
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM11: Housing Density
- Policy DM12: Housing Standards
- Policy DM19: Development and Flood Risk
- Policy DM21: Meeting Local Housing Needs
- Policy DM24: Employment Uses Outside of Existing Employment Policy Areas
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

11.4. Supplementary Planning Documents and Guidance

- Surrey Transport Plan 2022–2032
- Surrey County Council Vehicular, Electric Vehicle and Cycle Parking Guidance for New Developments 2023
- Parking Standards for Residential Development Supplementary Planning Document 2015
- Single Plot and Other Types of Residential Infill 2003
- Sustainable Design Supplementary Planning Document 2016

11.5. Other Documentation

- Government's Ending Rough Sleeping for Good Policy Paper 2022
- Homelessness and Rough Sleeping Strategy 2022-2027
- Homelessness and Rough Sleeping Strategy Action Plan 2022-2027
- Technical Housing Standards – Nationally Described Space Standards 2015
- Council's Housing and Economic Development Needs Assessment 2023

PLANNING ASSESSMENT

12. Presumption in Favour of Sustainable Development

- 12.1. 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. Although the Council does not have an up-to-date development plan due to expiration, whether the policies contained within are out of date is a matter of planning judgment. Officers are satisfied that the Council's policies which are most important

for determining this application are consistent with those set out in the National Planning Policy Framework.

13. Principle of Development

13.1. Location of Development

13.2. The site is located within the built-up area and the principle of development is acceptable in terms of the objectives, and policies in the CS, the DMPD and supporting guidance and documents. This includes Paragraph 124 of the NPPF 2023, which requires substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.

13.3. Loss of Existing Use

13.4. Policy DM24 of the DMPD seeks to protect the loss of employment floor space outside of existing employment policy areas unless it can be demonstrated that the existing use has a significant adverse effect on residential amenity with no reasonable prospect that this can be alleviated whilst retaining the use; or there is genuine evidence, including that the site has been marketed for a period of at least 18 months, that the site, as it stands, is no longer suitable for its existing, or other employment uses.

13.5. The site is a former builders storage yard, established in the late 1960s, which has been vacant since 2016. The site therefore has a Class B8 (storage and distribution) use under the Town and Country Planning (Use Classes) Order 1987 (as amended), which is an identified employment use in both national and local policy.

13.6. The site was marketed on a Class B8 (storage and distribution) use from December 2017 for a period exceeding 18 months but generated limited interest as a Class B8 (storage and distribution), or any alternative employment use, primarily due to the restricted vehicular access.

13.7. The previous builder's storage yard has co-existed with the adjoining and adjacent residential properties for over 40 years without any record of environmental health cases related to noise and disturbance from the previous operation on site. Although a new Class B8 (storage and distribution) operation could be accommodated on the site without requiring planning permission and could therefore introduce noise and disturbance issues to the site, this is given limited weight, as the marketing history of the site is genuine evidence that the site is no longer suitable for its a Class B8 (storage and distribution) use or any other employment use.

13.8. Policy DM24 of the DMPD advises that where the loss of existing employment land can be demonstrated, new development comprising a mix of commercial and residential uses will be allowed. Given the

marketing history, which evidences limited interest in the site as an employment use, a mixed use development is unsuitable.

13.9. The proposal therefore complies with Policy DM24 of the DMPD and the loss of the employment use of the site is accepted.

13.10. Meeting Local Housing Needs

13.11. Paragraph 63 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing and families with children.

13.12. The Government's 'Ending Rough Sleeping for Good' strategy 2022 lays out their commitment to end rough sleeping by 2024.

13.13. Paragraph 13.121 of the Council's Housing and Economic Development Needs Assessment 2023 (HEDNA) identifies that there is a notable need for affordable housing in the Borough, which includes temporary accommodation, and that it is clear that provision of new affordable housing and temporary housing is an important and pressing issue in the Borough.

13.14. Council's Homelessness and Rough Sleeping Strategy 2022-2027 identifies a number of key objectives for the Council over the next five years including (inter alia) increasing in-Borough temporary accommodation (key objective 3). The subsequent Homelessness and Rough Sleeping Strategy Action Plan 2022-2027 identifies opportunities for the development of temporary accommodation on Council owned sites.

13.15. Policy DM21 of the DMPD allows specialised forms of residential accommodation subject to robust demonstration of need, no over provision and flexible design to accommodate future conversion.

13.16. There is high demand for affordable housing throughout the Epsom and Ewell Borough for all types of housing. As of May 2024, there are 1340 households in housing need on the Council's housing register.

13.17. Under legislation, the Council is required to provide applicants with emergency accommodation whilst their housing application is being investigated and, if their application is accepted, until they are housed in settled accommodation. This duty is fulfilled through placing applicants in accommodation owned by the Council, a Housing Association, the Private Rented Sector or as a last resort, expensive nightly paid accommodation.

13.18. Demand for temporary accommodation is acute, due to the shortage of social housing and the high cost of private rented accommodation, which often prevents the Council from discharging its homeless duty.

- 13.19. The Council has a high number of households in temporary accommodation (currently 240). This figure includes 90 households, who are housed in expensive nightly paid accommodation out of Borough. The total cost of nightly paid accommodation for 2023/24 was £1.75m.
- 13.20. The high demand for and the very low supply of social rented housing is a major contributing factor of homelessness in the Borough, with less than 90 social housing properties becoming available each year. This is especially the case for family sized accommodation, where the average waiting time for applicants with a high housing need in Band B is 18 months for those requiring a 1 bed property; 4-5 years for a 2 bed property and over 10 years for a 3 or larger bed property'.
- 13.21. The proposed modular units are part of a response from the Council to increase the availability of in-Borough temporary accommodation. It is clear from the high number of households in temporary accommodation that the proposal would meet local housing needs and that Policy DM21 of the DMPD is relevant local policy.
- 13.22. The HEDNA and the Council's Homelessness and Rough Sleeping Strategy 2022-2027 identifies that the biggest increase in demand for temporary accommodation is from single adults, the majority of which are placed outside of the Borough. However, single adults tend to be easier to place in affordable accommodation than families, and the focus of this scheme is to meet the pressing need for family accommodation.
- 13.23. Furthermore, the Council's Housing and Economic Development Needs Assessment 2023 calculates that over the period 2018/19-2021/22, the number of households threatened by homelessness in Epsom and Ewell increased by 68%. Given the high need for in-Borough temporary accommodation, the proposal would not result in an overprovision of this particular type of accommodation.
- 13.24. Although the design of the modular buildings would not be sufficiently flexible to readily convert to other appropriate uses, they do not require standard domestic foundations and can be craned out of the site and the site restored, should the need for the use decline.
- 13.25. Whilst there is currently an acute demand for temporary accommodation, should planning permission be granted, a temporary permission of five years would be reasonable to enable a review to take place to reassess the demand and therefore need for such temporary accommodation in the future.
- 13.26. In light of the above, the proposal would meet the requirements of Policy DM21 of the DMPD.

13.27. Reuse of Brownfield Land

13.28. The NPPF makes it clear that development must make the best use of land and optimise the capacity of site, with paragraph 124 (c) of the NPPF indicating that substantial weight should be given to the value of using suitable brownfield land within settlements for identified needs and 124 (d) requiring decision to promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

13.29. Given the high number of households in need of affordable accommodation in the Borough, meeting the demand for the provision of temporary accommodation within the Borough is challenging. It is therefore essential that development proposals make the most efficient use of land that meets the identified acute need.

13.30. The use of the vacant brownfield site for temporary accommodation is acceptable in principle, as it would meet both National and Local policies to make efficient use of the land to meet the Borough’s need for new houses. Being temporary, it would also retain its existing lawful B8 use in the long term. However, this would be subject to the principles, objectives, and policies in the CS, the DMPD and supporting guidance and documents.

14. Quality of Accommodation

14.1. Internal Amenity

14.2. Paragraphs 135 and 162 of the NPPF 2023, Policy CS6 of the CS and Policies DM10 and DM12 of the DMPD aim for a functional, adaptable, and sustainable design, with a high standard of amenity.

14.3. The Nationally Described Space Standards 2015 sets out internal space standards for new dwellings at a defined level of occupancy. It further states that 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
1	2	3	51m ²	61m ²	No
2	2	3	51m ²	61m ²	No
3	2	3	51m ²	61m ²	No

14.4. The internal floor area of the proposed units would fall short of the space standards. Furthermore, the floor area of the proposed double room would also fall short of the 11.5m² requirement.

14.5. Notwithstanding this, the modular buildings are to provide first step temporary accommodation and are not to be used as permanent accommodation for families. By its nature, temporary accommodation takes many forms, such as hotel accommodation or B&B rooms, which do not comply with the Nationally Described Space Standards 2015. The proposed scheme offers a significantly better standard of accommodation than most hotels or B&B's that are available and is also within the Borough, and therefore likely to be closer to existing family links, places of work and education. As the modular buildings themselves are prefabricated, the shortfall in space standards cannot be addressed through redesign of the scheme.

14.6. Therefore, whilst the proposed modular buildings would not fully comply with the space standards, it is clear from the floor plans that a good level of internal amenity is provided for occupiers residing on a temporary basis.

14.7. Outdoor Space

14.8. 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.

14.9. Paragraph 3.35 of Policy DM12 of the DMDP requires two bedroom houses to have a minimum of 40m² to achieve policy compliancy.

Unit	Beds	Persons	Amenity	Required	Complies
1	2	3	33m ²	40m ²	No
2	2	3	31m ²	40m ²	No
3	2	3	31m ²	40m ²	No

14.10. The proposal as submitted would provide private amenity space for future temporary occupiers of the development immediately alongside the buildings although it falls below the minimum standard of 40m². The provision of this domestic space to enable clothes drying, outdoors storage etc would not be available in of hotels or B&B's and the proposal would therefore provide a better standard of accommodation. There is public open space within a 10-minute walk (Alexandra Park) that could serve the temporary occupiers for recreation and leisure purposes.

14.11. Therefore, whilst the proposed modular buildings would not fully comply with the external amenity area standards, is clear from the block plan that a good level of external amenity is provided for occupiers residing on a temporary basis.

15. Design and Character

- 15.1. 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.
- 15.2. 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.
- 15.3. Fairview Road is a vehicular cul de sac of six dwellings and has a very varied character, comprising chalet bungalows alongside a terrace. Whilst there is no established building line, the principal elevations of the built form face onto the main highway, providing active frontages.
- 15.4. The site also bounds the far rear curtilages of 131, 131a, 133 and 135 East Street, and provides effective screening of the site from East Street. To the north, the site bounds the substantial car park associated with a retail area, with a petrol station to the west. These boundaries are well treed and also provide effective screening of the site from these public vantages.
- 15.5. Whilst the proposal would not entail any tree removal, it would result in cutting back existing overgrown vegetation within the site, to accommodate the modular buildings. The site would still retain the verdant boundary to the north.
- 15.6. As a result of the overall scale of the site and the layout of the proposed modular buildings, it is acknowledged that the proposal would not respect the pattern of development of the surrounding area. Furthermore, as a result of their overall form and design, the introduction of such built form into any residential context is likely to be at odds with the character and appearance of the area.
- 15.7. However, the built form in the surrounding context of the site is diverse in scale and character and that the site itself is well screened from the East Street and retail park street scenes. The modular buildings would be visible from Fairview Road, through the access. However, the addition of further diverse built form into the street scene would not significantly detract from the visual appearance of the immediate or wider surrounding area.
- 15.8. Although the flat roof version of the modular buildings are also inconsistent with the more traditional design and appearance of the surrounding residential built form, it would nevertheless reduce the overall

height and prominence of the modular homes and it is not something that adversely detracts from the scheme to the extent that it would be unacceptable.

- 15.9. Whilst the modular buildings themselves are of high-quality design, the use of high quality and complementary materials would be key to ensuring that the appearance of the proposal would not be exacerbated in the street scheme. It is therefore considered reasonable to recommend a condition to secure samples of the proposed materials prior to development taking place on this site, should permission be granted.
- 15.10. The proposal would result in the provision of permeable hard surfacing for the vehicle parking area as well as to provide pedestrian access to the modular buildings. In the event permission was granted, it would be subject to a hard and soft landscaping plan to ensure the proposed hard surfacing materials are acceptable for the surrounding area.
- 15.11. Whilst the proposals would not be fully compliant with the design and character policies at Policies CS5 of the CS and DM12 of the DMPD, due to their incompatibility with local character, consideration is given to their single storey height and the surrounding boundary treatment, which would mitigate for their otherwise conflicting appearance within the existing street scene.

16. Neighbour Amenity

- 16.1. 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.

16.2. Levanto

- 16.3. The site lies to the north of the northern boundary of Levanto. The proposed vehicle parking area associated with the proposed development would lie directly and immediately adjacent to this boundary, which could result in some noise and disturbance issues from cars entering and exiting the site.
- 16.4. Whilst it is acknowledged that the previous use of the site as a former builder's storage yard would have attracted some vehicle movements, these movements would have been more likely to have been during the day, rather than into the evening, which are vehicular movements typical for residential use.
- 16.5. However, consideration has been given to the site bounding a large retail car park, which must also contribute to vehicular noise into the evening hours, along with the small number of vehicular parking spaces proposed within the site. In light of these considerations, Officers recommend that a close board boundary fence could be erected along the southern

boundary of the site to provide noise attenuation from vehicular movements within the site.

16.6. Given the single storey nature of the proposed modular units, they would not create any issues in respect of loss of light, loss of outlook or be overbearing upon the amenities of the occupiers of Levanto. Furthermore, because of their single storey nature, it is considered that a condition securing close board boundary treatment along the south of the site would also address any concerns in respect of overlooking.

16.7. The proposal could create issues of light pollution for the occupiers of this neighbouring property, created from the headlights from vehicles existing the site during dark hours. However, such issues would be transitory and not unexpected in urban areas and would not harm the amenities of the occupiers of these neighbouring properties to an extent that would warrant refusal of this application.

16.8. The amenity area associated with the closest modular building to this neighbouring property has been located away from the shared boundary. Whilst it is considered that any domestic noise associated with the proposed modular buildings would not exceed the levels associated with typical domestic properties, such as those in the surrounding area, the location of this area some 5- 8 metres from the northern boundary of Levanto, along with boundary fencing, would provide a buffer for the occupiers of this neighbouring property.

16.9. 129-135 East Street (odds)

16.10. The site lies to the north of the far rear northern boundaries of 131, 133 and 135 East Street. As a result of the 24-32 metre distances provided between the intervening curtilages of these neighbouring properties and southern boundary of the site, the proposed development would not cause any issues in relation to loss of outlook or overbearing impacts upon the occupiers of these neighbouring properties.

16.11. Similarly, as a result of their single storey nature, the proposed modular buildings would not cause any issues of loss of light or overlooking that would harm the amenities of the occupiers of these neighbouring properties.

16.12. 3-4 Fairview Road

16.13. The front boundaries of 3-4 Fairview Road lie adjacent to the access of the site, beyond the intervening highway. This intervening highway contributes to a retained distance of 30 metres from the front elevations of these neighbouring properties to the modular buildings themselves. This distance would prevent any issues in relation to loss of outlook or overbearing impacts upon the occupiers of these neighbouring properties.

16.14. Similarly, as a result of their single storey nature, the proposed modular buildings would not cause any issues of loss of light or overlooking that would harm the amenities of the occupiers of these neighbouring properties.

16.15. It is acknowledged that the proposal could create issues of light pollution for the occupiers of these neighbouring properties, created from the headlights from vehicles existing the site during dark hours. However, such issues would be transitory and not unexpected in urban areas and would not harm the amenities of the occupiers of these neighbouring properties to an extent that would warrant a recommendation for the refusal of this application.

16.16. General Amenity

16.17. Whilst the proposed development is likely to generate a greater level of domestic noise through pedestrians and vehicles 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 or with respect to the level of car movements on Fairview Road.

16.18. 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.

16.19. The construction phase of the development has the potential to cause some minor disruption and inconvenience to nearby occupiers and users of the local highway network. However, these issues would be transient and limited, given that the modular buildings are built off site and hoisted onto the site, and could be minimised through conditions securing working/delivery hours, in the event planning permission is granted.

16.20. In light of the above, it is considered that the proposal would comply with Policies CS5 and CS6 of the CS and DM10 of the DMPD.

17. Parking and Access

17.1. 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.

17.2. Vehicle Access and Manoeuvrability

17.3. Paragraph 114 of the NPPF 2023 requires development to provide safe and suitable access, whilst 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.

17.4. The site would be accessed via the existing vehicular/pedestrian access from Fairview Road without any additional technical modifications required.

17.5. Traffic Generation

17.6. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

17.7. Paragraph 117 of the NPPF requires developments that will generate significant amounts of movement to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

17.8. Fairview Road is not adopted and therefore does not form part of the public highway. As such, it falls outside of the remit of the County Highway Authority for maintenance. However, Public Footpath 18, which runs down the side of Fairview Road (shown in green on the plan below) is adopted by the County Highway Authority. It aligns with the pavement. The remainder of the road is private road.



- 17.9. In terms of providing statutory comments on planning applications, the County Highway Authority's remit extends to extends to highway safety and capability of on publicly maintained highway. However, the County Highway Authority have advised that they have considered the wider impacts of the proposed development when considering highway safety and operation of the public highway.
- 17.10. The proposal would generate vehicle movements to and from the site as a result of increased residential occupation. Fairview Road currently serves six residential properties as a vehicular access from East Street. Although the proposal for a further three residential buildings would create a perception as creating a significant increase in traffic generation along Fairview Road, the traffic generation associated with three residential units is not so significant as to warrant the County Highway Authority to require the application to be supported by a transport assessment.
- 17.11. Furthermore, the existing Class B8 (storage and distribution) use of the site would have also generate vehicle movements to and from the site. Whilst the proposed modular buildings are therefore likely to create additional traffic generation on the site in respect to the current situation, given the historic traffic generation associated with the existing commercial use of the site and taking into consideration that the associated traffic movements for three residential units would be low, the proposal would not generate a level of traffic movements that would otherwise harm the safety and operation of both Fairview Road and the adjoining public highway.
- 17.12. Pedestrian Access**
- 17.13. Fairview Road is heavily used by pedestrians, in particular it is one of the popular routes used by students at the nearby local schools.
- 17.14. Fairview Road is utilised by both vehicles and pedestrians and the previous use of the site as a Class B8 (storage and distribution) use would have generated a vehicle movements that would have historically contributed to the vehicular use of Fairview Road. Although the County Highway Authority have not raised any concern that the additional traffic generated by the proposed scheme would have an impact upon the safety of pedestrians, it is not unreasonable that concerns are raised by objectors with respect to the potential for additional vehicle movements on Fairview Road to conflict with pedestrians.
- 17.15. However, the constraints of Fairview Road requires both vehicle users and pedestrians to take care whilst utilising the highway. Whilst it is clear that pedestrians have to migrate from Footpath 18 onto the highway when traveling along Fairview Road, due to both the narrowness of the footpath and obstructions over the footpath, there is naturally sharing of the road and this occurs in a satisfactory manner. The additional movements

associated with the proposed development would not unduly upset this balance such that it would justify refusal of the application.

17.16. Car Parking

17.17. Policy DM37 of the DMPD and the Parking Standards for Residential Development SPD specify a minimum requirement for new development.

17.18. In order to meet the Council's Parking Standards, the development would be expected to provide off street parking for 3 vehicles. The proposal includes the provision of three vehicle parking spaces within the site, which would meet policy requirements.

17.19. Cycle Parking

17.20. 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.

17.21. 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.

17.22. To meet the County Cycle Standards, the development would be expected to provide secure, undercover cycle storage that would accommodate 3 cycles. In the event that permission is granted, it would be reasonable to seek the design details of this proposed storage.

17.23. Site Sustainability

17.24. Paragraphs 112, 118 and 120 of the NPPF 2023 seek to ensure the growth of sustainable transport in managing development and approval of planning applications.

17.25. To promote sustainable transport and to reduce carbon emissions, the County Highway Authority have recommended the following improvements:

- Redesign of the scheme to include a resurfaced carriageway, signage and informal footway (i.e. footway painted onto the carriageway surface) to promote safer pedestrian travel and access for all.
- Provision of Electric Vehicle Charging Points (EVCP) for each of the proposed parking spaces
- Provision of secure, covered and lit cycle storage for at least 3 bicycles, to include electric Charging Point to support the growing use of electric bicycles

17.26. The County Highway Authority have not raised a highway safety objection against the additional traffic or pedestrian generation resulting from the

proposed development. Notwithstanding this, the County Highway Authority are aware that the existing Footpath 18 narrows considerably down Fairview Lane, which forces pedestrians into the road. The County Highway Authority are therefore seeking the resurfacing of the existing carriageway to promote safer management of the mixed streams of traffic down Fairview Road

- 17.27. Paragraph 55 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions.
- 17.28. The NPPG makes it clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:
- (a) necessary;
 - (b) relevant to planning;
 - (c) relevant to the development to be permitted;
 - (d) enforceable;
 - (e) precise; and
 - (f) reasonable in all other respects.
- 17.29. With regards to criterion (a), the County Highways Authority have not provided any justification to demonstrate that a resurfaced carriageway would make the development acceptable in planning terms.
- 17.30. There is also no justification to demonstrate how the resurfaced carriageway is relevant to planning. As there has been no objection to the proposal on highway safety grounds, such a condition would not relate to the scheme. If there is a highway safety concern regarding the narrowness of Public Footpath 18 and the conflict this creates between vehicles and pedestrians, then mitigation for this can be carried out under highway legislation.
- 17.31. In respect to criterion (c), a condition cannot be imposed to remedy a pre-existing problem or issue that has not been created or exacerbated by a proposed development. Whilst there appears to be an existing concern regarding safely managing mixed streams of traffic down Fairview Road, in the absence of any highway safety objection against the additional traffic or pedestrian generation resulting from the proposed development, it is clear that the proposed development would not exacerbate the existing situation.
- 17.32. Any condition that fails to meet the six tests highlighted above should not be imposed. Similarly, whilst the proposal would provide residential accommodation, given that the development would be catering to transitory occupants, it would not be permanent residential development. It would therefore be unreasonable to recommend that electric vehicle and cycle points are provided on the site, as these would also require removal once any temporary consent granted on the site ceases.

17.33. Construction Transport Management Plan

17.34. Should permission be granted, the proposed modular buildings would be delivered to the site via a flatbed lorry and lifted onto the site. To ensure that the delivery and installation of the modular buildings on the site would not coincide with the school pedestrian traffic and to ensure that the delivery and installation would not cause a significant obstruction to the local highway network, it is considered reasonable to recommend a Construction Management Plan condition, in the event permission is granted.

18. Refuse and Recycling Facilities

18.1. Policy CS6 of the CS stipulates that development should minimise waste and encourage recycling. Annex 2 of the Sustainable Design SPD sets out the requirements for refuse/recycling storage in new developments.

18.2. Having reviewed the refuse/recycling arrangements proposed, the Council's Transport and Waste Services Manager considers them to be acceptable in terms of capacity, storage and access.

19. Ecology and Biodiversity

19.1. 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.

19.2. A Preliminary Ecological Assessment, prepared by Fursfen and dated December 2022 indicates that the proposal is unlikely to affect protected species, subject to mitigation measures. The Council's Ecology Officer raises no objections on ecological grounds.

19.3. The Council's Ecologist is satisfied that the methodology and conclusions set out in the Ecological Survey are sound and advises that, in the event permission is granted, a condition to secure the biodiversity enhancements as set out in the Preliminary Ecological Assessment.

19.4. However, the Chartered Institute of Ecology and Environmental Management (CIEEM) advises that Ecological Reports and Surveys have a life span, and that any ecological assessments where the age of data exceeds 18 months a professional ecologist will need to undertake a site visit and review the validity of the report.

19.5. To resolve this issue, the original author of the Preliminary Ecological Assessment carried out a site visit on 21 October 2024 and has confirmed

that the ecological situation on site has remained unchanged since the preparation and submission of the Preliminary Ecological Assessment.

- 19.6. In light of the above, subject to condition, the proposal would not prejudice the existing ecological value of the site and 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.

20. Trees and Landscaping

- 20.1. 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.
- 20.2. The proposal does not involve the removal of any trees but proposes some minor pruning for building clearance. These are acceptable works. A condition is also applied for details of hard and soft landscaping.

21. Flooding and Drainage

21.1. Flood Risk and Vulnerability

- 21.2. 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.
- 21.3. The application is supported by a Sustainable Drainage Assessment, prepared by GeoSmart Information Ltd, reference 78801R1 and dated February 2023. 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.
- 21.4. As the proposed development would lie within Flood Zone 1 and is not within a critical drainage area, 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.

- 21.5. With respect to pluvial flooding, in considering a suitable surface water drainage system, the use of infiltration is considered acceptable, through the provision of rainwater harvesters, permeable surfacing and a soakaway. Rainwater butts would be provided to each new dwelling to receive and store surface water runoff from the roof.
- 21.6. 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 condition is required to ensure that the details of the design of the surface water drainage scheme.
- 21.7. 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.

22. Contamination and Remediation

- 22.1. Paragraph 189 of the NPPF 2023 and Policy DM17 of the DMPD requires consideration of ground conditions and risks to end users.
- 22.2. The Council's Land Contamination Officer has advised that the site lies adjacent to Sainsburys Petrol Station and the Kiln Lane Tip (landfill). In the event that permission was granted, the Council's Land Contamination Officer recommends a condition to secure a site investigation scheme and any subsequent remediation.
- 22.3. This condition would ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with Policy DM17 of the DMPD and the requirements of the NPPF 2023.

23. Environmental Sustainability

- 23.1. On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.
- 23.2. 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.
- 23.3. The application is not supported by any details to demonstrate how the proposed modular buildings incorporate sustainable development measures.

- 23.4. Notwithstanding this, in the event that permission is granted, such details can be secure by way of a condition, providing Officers with control to ensure a sustainable development outcome that would accord with Policies CS1 and CS6 of the Core Strategy.

24. Accessibility and Equality

- 24.1. 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 modular buildings are finished with doorways and turning circles for all wheelchair access and level access would be provided into each unit.
- 24.2. 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. The development would not adversely impact these characteristics.

CONCLUSION

25. Planning Balance

- 25.1. The presumption is to grant permission for sustainable development unless any adverse effects of doing so would 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.
- 25.2. 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.
- ### **25.3. Social Considerations**
- 25.4. The proposal would redevelop an unused vacant brownfield site for an identified housing need. Given the high number of households in need of affordable accommodation in the Borough and how long the deficit is likely to persist, this benefit is given substantial weight in the planning balance.
- 25.5. The proposed development would provide family sized temporary accommodation, meeting a high demand need that has been contributing towards homelessness. The proposed development would therefore meet an identified need in the community, giving this benefit substantial weight in the planning balance.

25.6. Economic Considerations

25.7. Although the financial cost of homelessness to the Council isn't, on its own, a material planning consideration, the scheme would provide some temporary benefits through construction, and would enable homeless residents of the borough a more stable place of residence within the borough, potentially better facilitating local employment opportunities for them. This is afforded limited weight in the planning balance.

25.8. Environmental Adverse Impacts

25.9. Whilst the proposed development would fail to respect the pattern of development and traditional residential character of the area, the site would benefit from both natural and close board screening, limiting views from the site from East Street, Fairview Road and Sainsburys. Notwithstanding this, given the NPPF's focus on sympathetic to local character and history, including the surrounding built environment and landscape setting, this adverse effect is given moderate weight in the planning balance.

25.10. The conflict with the National Space Standards is attributed moderate adverse weight, as a result of the floor plans demonstrating that there would be a good level of internal amenity is provided for occupiers residing on a temporary basis.

25.11. Conclusion

25.12. Overall, whilst there are adverse effects in respect of this application, these outweigh the benefits,. The application is therefore recommended for approval.

RECOMMENDATION

To grant planning permission subject to the following conditions and informatives

Conditions:

1) Time Limit

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

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

2) Temporary Use

The development hereby permitted shall be discontinued and the land restored to its former condition on or before five years from the date of this planning permission.

Reason: To allow the local planning authority an opportunity to assess the effect of the use hereby permitted on the amenities of the occupiers of the adjoining land in accordance with Section 15 of the National Planning Policy Framework 2023 and Policy DM10 of the Development Management Policies Document 2015.

3) Approved Details

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

Site Local Plan at 1:1250
Drawing Number LA-4-01 (Red Line)
Drawing Number LA-4-01
Drawing Number AC-23-01
Drawing Number AS-01-01

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

4) 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 Policies D8, D9 and DM10 of the Development Management Policies 2015.

5) Construction Transport Management Plan

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

- a) parking for vehicles of site personnel, operatives and visitors
- b) provision for unloading modular buildings on site
- c) programme of works (including measures for traffic management)
- d) HGV/Flatbed deliveries and hours of operation along Fairview Road to be outside of the hours 07:30 – 09:30 and 15:30 and 17:00. Any HGV/Flatbed

vehicles cannot be laid up or waiting on either East Street or Fairview Road at these times

- e) measures to prevent the deposit of materials on the highway
- f) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- g) on-site turning for construction vehicles
- h) measures to ensure the footway is not obstructed during construction

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

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

6) SuDS Details

No development shall commence unless and until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the NPPF and the accompanying PPG. The approved details shall be implemented during the construction of the development and prior to occupation of any of the buildings.

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

7) Hard and Soft Landscaping

No development shall commence unless and until full details, of both hard and soft landscape proposals and boundary treatments, including a schedule of landscape maintenance for a period of 5 years and provision to provide amenity space for each of the three dwellings, has been submitted to and approved in writing by the local planning authority. The approved landscape scheme and boundary treatments shall be implemented no later than the first planting season after 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.

8) Environmentally Sustainable Development Measures

No development shall commence unless and until full details of environmentally sustainable development and energy conservation measures to be incorporated into the proposed modular buildings are submitted to an approved by the Local Planning Authority. The approved environmentally sustainable measures shall be incorporated into the proposed development prior to first occupation.

Reason: To ensure that new development can help combat and mitigate the impacts of climate change, in accordance with Policies CS1 and CS6 of the Core Strategy 2007

Pre-Occupation Conditions

9) Ground Contamination and Ground Gas

Following any necessary demolition and prior to the first occupation, the following shall be undertaken in accordance with current best practice guidance:

- (i) a site investigation and risk assessment to determine the existence, extent, and concentrations of any made ground/fill (including asbestos), ground gas (including volatile hydrocarbons) and contaminants with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the local planning authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority.
- (ii) If ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority.
- (iii) If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site and verification report shall incorporate the approved additional measures.

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.

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 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 Section 9 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) Cycle Facilities

The development hereby approved shall not be first occupied unless and until details for the storage of cycles to be parked in a secure and covered location have been submitted to an approved in writing by the Local Planning Authority. The facilities are to be provided prior to the first occupation of the respective buildings and thereafter the approved facilities shall be retained and maintained for their designated purposes.

Reason: In recognition of Section 9 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) Compliance with Ecological Survey

The development hereby approved shall be carried out in strict accordance with the conclusions and recommendations of the Preliminary Ecology Appraisal, prepared by Preliminary Ecological Assessment, prepared by Fursfen and dated December 2022 prior to first occupation of any of the buildings.

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.

13) 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 07:30 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.

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. The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, (www.ccscheme.org.uk) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.
7. If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.