

Planning Committee
24 April 2025

Planning Application
Number: 24/01107/FUL

**24/01107/FUL Land and Buildings at Former Gas Holder Station
East Street, Epsom, Surrey**

Application Number	24/01107/FUL
Application Type	Full Planning Permission (Major)
Address	Land and Buildings at Former Gas Holder Station, East Street, Epsom, Surrey
Ward	Town Ward
Proposal	Hybrid planning application for the phased redevelopment for a) full planning permission for the demolition of existing buildings and structures, site wide remediation and the erection of five residential buildings (ranging between 8-12 storeys), new access arrangements, parking, hard and soft landscaping, open space and other associated works and b) severable outline planning permission, with all matters reserved except access, for the separate development demolition and re-provision of a Performing Arts Centre and Education building, hard and soft landscaping and other associated works
Expiry Date	28 April 2025
Recommendation	Approval, subject to conditions, informatives and s106 legal agreement
Number of Submissions	83 objections
Reason for Committee	Major development
Case Officer	Gemma Paterson, Planning Development Team Leader
Contact Officer	Simon Taylor, Planning Development and Enforcement Manager
Plans, Documents and Submissions	Available at 24/01107/FUL
Glossary of Terms	Found at the following link: Glossary of Terms

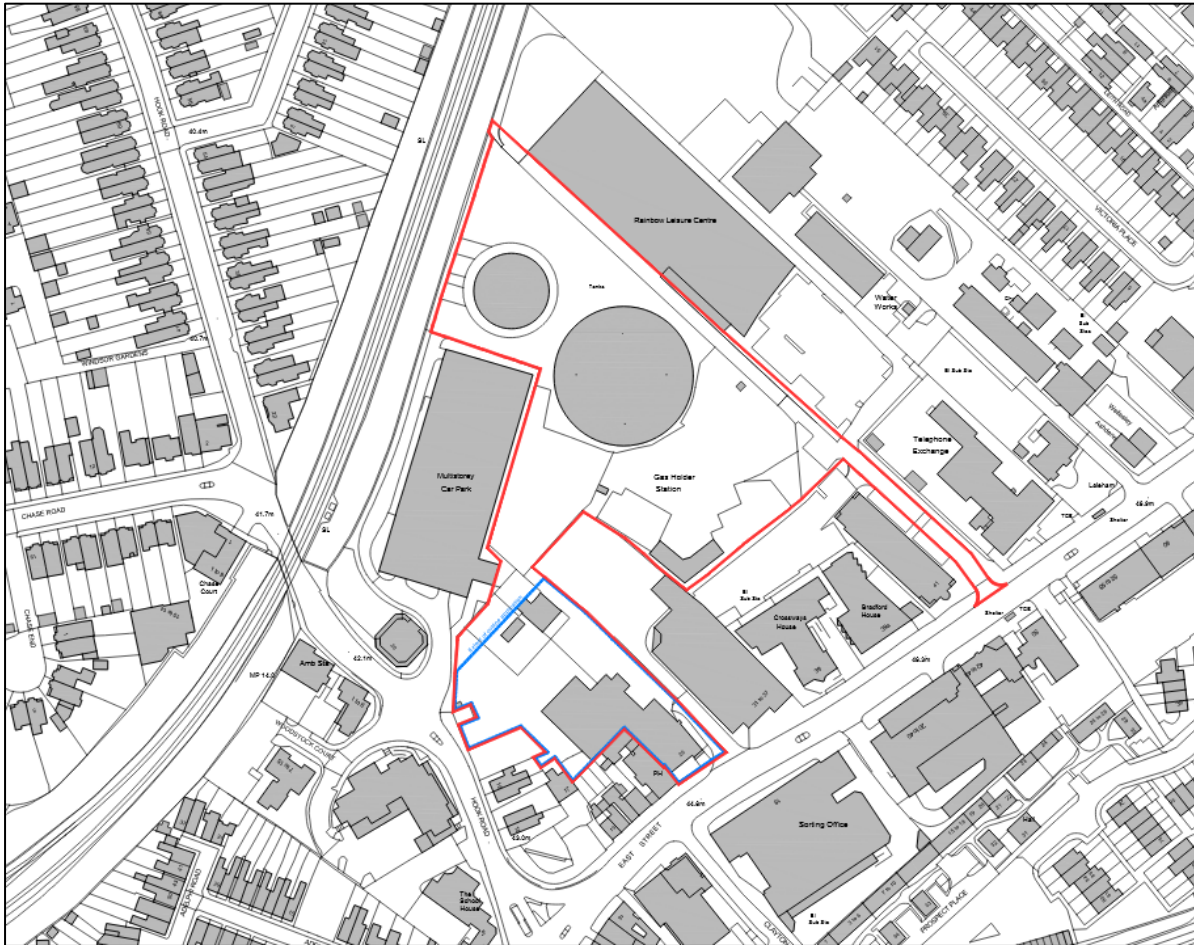


Figure 1: Site Location Plan

SUMMARY

1. Summary

- 1.1. The application is classified as a Major planning application and is referred to Planning Committee in accordance with Epsom and Ewell Borough Council's Scheme of Delegation.
- 1.2. The application before Members is hybrid application, seeking full planning permission for the demolition of existing buildings and structures, site wide remediation and the erection of five residential buildings (ranging between 8-12 storeys) along with new access arrangements, parking, hard and soft landscaping, private internal and external amenity space, plant and other associated works.
- 1.3. As well as the full permission of the residential development, the application seeks outline planning permission, with all matters reserved except access, for the separate development comprising the demolition and reprovion of the Laine Theatre Arts School, hard and soft landscaping and other associated works including plant and servicing facilities.

- 1.4. An application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more 'reserved matters'. The assessment of the new performing arts school is limited to the principle of whether the site can be developed for a replacement performing arts school and the access arrangements only.
- 1.5. In the event that permission is granted, a condition to secure the 'reserved matters' of the performing arts school is recommended. The remaining 'reserved matters' application would secure details of the layout, scale, appearance and landscaping of the proposed performing arts scheme.
- 1.6. The site comprises vacant, contaminated, brownfield land within a sustainable location and is part of a wider allocation for mixed residential and employment use under Policy E15 of Plan E. Plan E was adopted in April 2011 and the policies within are afforded full weight in the consideration of this application.
- 1.7. The site in its entirety is also identified as an opportunity site in the Epsom Town Centre Master Plan, identified as the Hook Road and Southern Gas Network site. In this document, the site forms part of a marginally larger site that is expected to deliver (inter alia) between 400 and 640 new homes and a Performing Arts Centre. The Town Centre Masterplan was approved for publication by the Council's Licensing and Planning Policy Committee in September 2024 as part of the evidence base for the emerging Local Plan 2022-2040, which is within an early stage of the adoption process.
- 1.8. The site in its entirety (i.e. smaller than the site outlined in the Master Plan) is also identified in the emerging Local Plan 2022-2040 (Reg 19) as Policy SA1 which sets out the requirement for the site to deliver (inter alia) approximately 455 dwellings and a bespoke performing arts centre for the Laine Theatre Arts. The emerging Local Plan 2022-2040 (Reg 19) was submitted to the Planning Inspectorate on 14 March 2025 and given that is still an early stage of the examination process, some of the policies within can be afforded some minor weight at the time of the assessment of this application.
- 1.9. The proposed development would deliver 456 residential units, making a significant contribution to the delivery of the Council's housing delivery targets.
- 1.10. The proposed development would help secure delivery of a new performing arts theatre, further details of which would be subject to a future Reserved Matters submissions pursuant to the parameters set by the outline consent.

- 1.11. Although the proposed development would deliver a higher proportion of smaller units than encouraged with the Housing and Economic Development Needs Assessment (HEDNA), the site is located within the town centre where smaller units (i.e. flats) would be expected but it would also contribute significantly towards the Borough's strong demand for family homes.
- 1.12. It has been demonstrated through a Financial Viability Assessment, which has been thoroughly scrutinised by the Council's Independent Financial Viability Assessors, that the proposed development cannot viably provide affordable housing. Notwithstanding this, by securing a national housing grant, the scheme would deliver 10% affordable homes, all of which would be social rented. This would equate to 46 social rented units, which is the Borough's highest affordable housing need, and the low supply of which is a major contributing factor to homelessness in the Borough.
- 1.13. Furthermore, the affordable mix proposes a high percentage of two- and three-bedroom family sized units that would contribute towards the Borough's highest affordable housing need.
- 1.14. Although the site does not contain any listed structures and does not fall within a Conservation Area, the proposed development would cause less than substantial harm to the setting and significance of surrounding heritage assets. Notwithstanding this, although great weight has been given to the conservation of the affected designated heritage assets, this limited harm is outweighed by the public benefits of the scheme.
- 1.15. The proposed development would deliver a total of 1096m² publicly accessible communal open space with incorporated play areas for unrestricted access to future residents and the general public, within a built-up town centre location.
- 1.16. Although 18 existing trees would be removed from the site to facilitate the proposed development, this loss would be mitigated by 51 new trees to the site. This provision, along with new landscaping provision throughout the site, would deliver visual enhancements, as well as contributing towards biodiversity net gain.
- 1.17. The proposal would meet or exceed National and local requirements for internal floor area and the provision of private amenity space supplemented with 1091m² of communal roof terrace, is regarded to be sufficient to meet the private and recreational needs of future occupiers. The majority of the units (81%) would achieve good level of compliance with respect to the BRE lighting guidance.
- 1.18. It is clear that height and massing and design of the residential development would not be reflective of the surrounding built form. However, this is not necessarily harmful to local distinctiveness, as the proposed development would form its own distinctive independent

character without sufficiently adverse harm to the character of the existing surrounding area.

- 1.19. The NPPF places great emphasis on making the most of development opportunities by optimising the potential of sites, particularly in highly sustainable and accessible locations. In addition, the NPPF encourages a step change in design quality of local areas where this is needed and can be achieved through outstanding and innovative approaches. The opportunity to deliver a development of significant scale and quality on the site is therefore clear and aligns with the objectives of the NPPF.
- 1.20. 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.
- 1.21. The proposed development would not meet the Council's parking standards. However, it has been robustly demonstrated that parking restrictions in the surrounding network and capacity within nearby car parks would prevent the shortfall in onsite parking, alongside its sustainable location promoting lower car usage, from having a harmful impact on the surrounding area in terms of street scene or the availability of on-street parking.
- 1.22. The proposed development would deliver a number of sustainable travel measures to encourage sustainable transport modes and offer high quality, accessible infrastructure for future occupiers. High quality cycle parking in excess of the policy requirement is proposed and a Travel Plan and a car-club membership for eligible occupiers would be secured.
- 1.23. The proposed development would result in a reduction to the levels of internal daylight and sunlight to six neighbouring properties and 23 student rooms. The amount of retained sunlight and daylight and the limited extent of shadowing are such that neighbour impacts would not be materially harmful in the context of an urban area, with the impacts being outweighed by benefits of the proposed development.
- 1.24. The proposal would accord with national and local policies in relation to archaeology, ecology, noise and vibration, air quality, land contamination and environmental sustainability.
- 1.25. The scheme would be liable for the Borough's Community Infrastructure Levy. In addition, several management and maintenance planning obligations would be secured, as well as securing contributions towards transport infrastructure and Primary Healthcare provision.
- 1.26. 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.

1.27. Overall, whilst there are a limited number of adverse effects in respect of this application, these would not significantly and demonstrably outweigh the multiple 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.

1.28. The application is therefore recommended by Officers for approval, subject to conditions and completion of a 106 Legal Agreement to secure the following:

- a) Best endeavours to secure the delivery of the performing arts school
- b) £250,000 towards the Epsom & Ewell Local Cycling and Walking Infrastructure Plan
- c) £272,492 to the NHS Primary Care Contribution
- d) Travel Plan Auditing fee of £6,150
- e) Public Transport Improvements comprising:
 - Provision of a signalised crossing at the Hook Road / East Street junction
 - Improvements to bus stops along East Street and outside McDonalds on Epsom High Street
 - To procure the provision of 3 ultra-low emission car club vehicles for a minimum of three years from the first occupation of any dwelling
 - Provision of three year's free membership of the car club and £50 drive time for all new first-time occupiers of each dwelling.
- f) Delivery of Affordable Housing in social rent tenure in the following mix:
 - 14 x 1 bedroom 2 person units
 - 10 x 2-bedroom 3 person units
 - 17 x 2-bedroom 4person units
 - 5 x 3-bedroom 5 person units
- g) Delivery of Biodiversity Net Gain and to manage the habituate for at least 30 years from the date of the completion of the development as follows:
 - the creation of on-site 21.68% for habitats
 - the creation of on-site 195.26% for hedgerow
- h) Open Space Management and Maintenance Strategy and unrestricted public access to be maintained to the Open Space
- i) Play Area Management and Maintenance Strategy and unrestricted public access to be maintained to the Play Areas
- j) Landscape Management and Maintenance Strategy
- k) Car Parking Management and Maintenance Strategy
- l) A clause to prevent possession of a Residents Parking Zone Permit

PROPOSAL

2. Description of Proposal

- 2.1. The proposal comprises two primary elements as part of one hybrid planning application:
- 1) Residential Development: Full planning permission for the demolition of existing buildings and structures, site wide remediation and the erection of five residential buildings, new access arrangements, parking, hard and soft landscaping, open space, and other associated works
 - 2) Performing Arts School Development: Outline planning permission, with all matters reserved except access, for the demolition and re-provision of a Performing Arts School, hard and soft landscaping, and other associated works (this application is severable, in that it can operate independently of the residential development)

Residential Development

- 2.2. The full planning scheme comprises 456 residential flats (total of 4153m²) arranged over five residential blocks (Blocks C – G) ranging in height between 8 and 12 storeys and would deliver a shared pedestrian/cycle link, along with 1,096m² of publicly accessible open space, which would include children's play areas.
- 2.3. New hard and soft landscaping would be provided within the proposed development, and the external spaces have been designed to have distinctive landscape characters defining a hierarchy of space around the site. The proposed development would deliver a flexible space in the south of the site, 'In the Round' which can be used for community and event use.

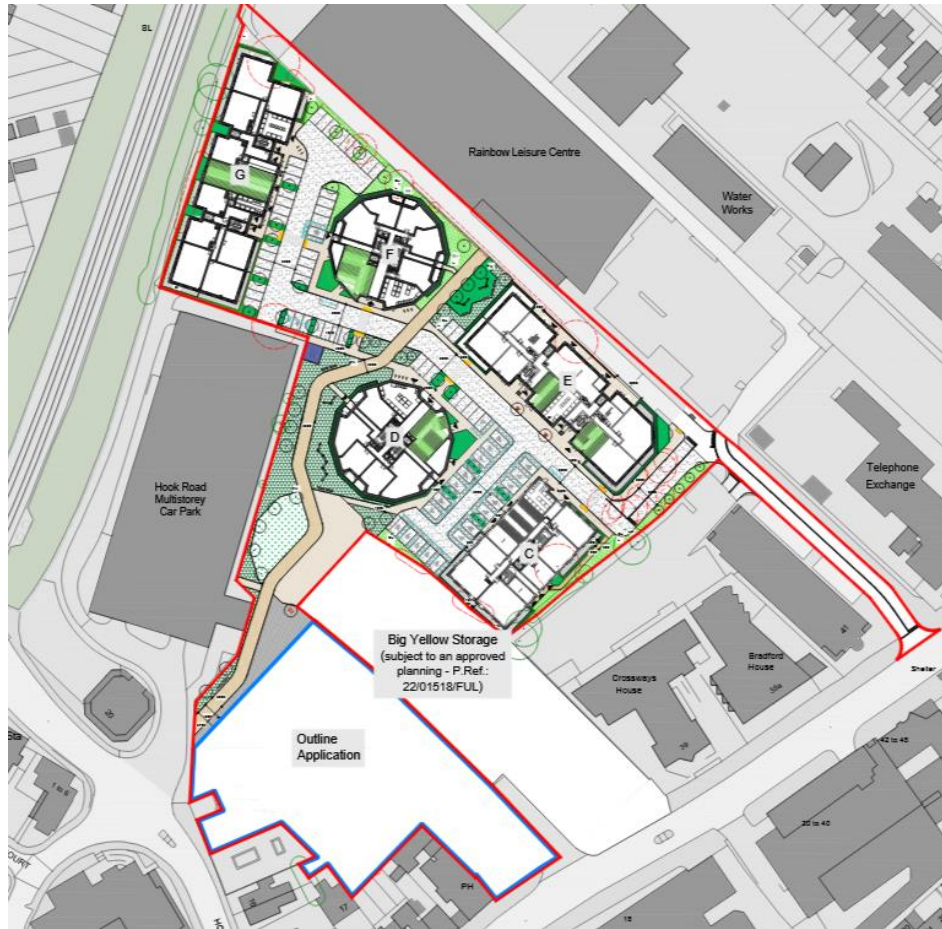


Figure 2: General Arrangement

- 2.4. The housing mix comprises 210 one-bedroom units, 180 two-bedroom units and 66 three-bedroom units.
- 2.5. A total of 46 (10%) affordable housing units are proposed as social rented tenure. The affordable housing mix would comprise 10 one-bedroom units, 27 two-bedroom units and 5 three-bedroom units.
- 2.6. A total of 21 units (5%) would be wheelchair accessible homes meeting M4(3) wheelchair accommodation standards. The remaining units would meet M4(2) Building Regulations (Accessible and Adaptable Dwellings).
- 2.7. The built form would be set out in five plots, with Blocks C, E and G taking the form of linear rectangular blocks and Blocks D and F taking the form of dodecahedrons (12 sided). Block C is proposed to be 8 storeys in height, Block D is proposed to be 11 storeys in height, Block E is proposed to be 8 storeys in height, Block G is proposed to be 9 storeys in height and Block F is proposed to be 12 storeys in height.



Figure 15: Masterplan

- 2.8. Each residential unit would be served by private amenity areas, and a total of 1,091m² of communal amenity space would be provided via roof terraces to Blocks D and F.
- 2.9. The roofs of Blocks C and E would accommodate 84 Air Source Heat Pumps and roof mounted solar panels. The roof tops of the residential blocks would also incorporate green and blue roof technology, to provide sustainable urban drainage measures.



Figure 15: Block C, D, E and F



Figure 15: Block C and E (Main Access from Rainbow Leisure Centre)



Figure 15: Main Share Pedestrian/Cycle Link

- 2.10. The proposed development would provide 68 on site car parking spaces, including 21 Blue Badge Wheelchair Accessible Spaces and 3 Car Club spaces. 722 cycle parking spaces are proposed, comprising 702 long stay spaces and 20 short stay spaces.
- 2.11. As well as using passive design approach to deliver environmentally responsible built form, the proposal would incorporate renewable energy technology comprising 166 photovoltaic panels, each generating a peak potential power of 350KW and 60 air source heat pumps to provide heating and hot water to the proposed units.

Performing Arts School Development

- 2.12. The outline planning scheme seeks the demolition and re-provision of a Performing Arts Centre and education building, hard and soft landscaping, and other associated works.
- 2.13. This application considers means of access only, with matters relating to layout, scale, appearance, and landscaping to be considered at a subsequent reserved matters application.

3. Key Information

	Existing	Proposed
Site Area	1.71 hectares	
Units	N/A	456

	Existing	Proposed
Floorspace Residential	N/A	38077m ²
Floorspace Performing Arts	1,724m ²	6080m ²
Number of Storeys	N/A	8 -12 storeys
Density	N/A	266 dph
Affordable Units	N/A	46
Car Parking Spaces	ad hoc/informal across site	68
Cycle Parking Spaces	N/A	732

SITE

4. Description

- 4.1. The Site comprises a decommissioned gas works, extending 1.71 hectares with a variety of existing buildings and structures, including a performing arts centre and offices, two decommissioned gas holders and areas of hardstanding currently used as car parking.
- 4.2. Vehicular access to the site is from the south-east via East Street (A24). The site can also be accessed via Hook Road (B284) to the west. The site is partially bordered by East Street to the south east, Hook Road to the south west, the Rainbow Leisure Centre to the north east and the railway line and its embankment and the Hook Road car park to the north west. A public footpath runs between the northern boundary of the site and the railway embankment.
- 4.3. The surrounding area is characterised by a mix of uses, with the predominant use to the north being residential and a mix of residential, student accommodation and commercial buildings to the south. There is multi storey car part directly north of the site, a commercial site currently in the construction phase of a five storey self-storage facility; and a leisure centre to east.
- 4.4. Whilst the site is not within a Conservation Area nor contains any listed buildings or structures, there are several Grade II Listed buildings surrounding the site and adjacent is the Adelphi Road Conservation Area. The site is also within close proximity to the Lintons Lane and Epsom Town Conservation Areas.

5. Constraints

- Built Up Area
- Town Centre
- Higher Building Area
- Opportunity Site

- Site in close proximity to Listed Buildings
- Site Bounds the Adelphi Road Conservation Area
- Site of Special Scientific Interest Risk Area
- Gas Main (Medium)
- Critical Drainage Area (northern corner of site)
- Flood Zone 1
- Source Protection Area (Inner)
- Contaminated Land
- Fronts onto Classified A Road (East Street) and Classified B Road (Hook Road)

6. Relevant Planning History

App No.	Description	Status
24/01002/HSC	Revocation of Hazardous Substances Consent	Granted 03.12.2024
24/00977/SCR	Screening Opinion pursuant to Regulation 6 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in relation to the proposed development for new residential and commercial buildings at the Former SGN Site, 29 East Street, Epsom KT19 1BD (the Application Site)	No Objection 16.08.2024
23/00208/FUL	Construction of a new above ground gas governor (gas pressure controllers) and associated servicing and parking area	Approved 20.06.2023
06/00063/FUL	Extension to existing modular offices to create meeting rooms	Approved 07.06.2006
02/00817/HSC	Continuation of Hazardous Substance Consent following a change in control of part of the land	Approved 29.10.2002
00/00307/HSC	Continuation of Hazardous Substance Consent following a change in control of part of the land.	Approved 20.07.2000
EPS/92/0652	Hazardous Substance Consent for SGN site	Approved 21.12.1992

CONSULTATIONS

Consultee	Comments
External Consultees	
Environment Agency	No objection subject to conditions
Thames Water	No objection subject to conditions
Natural England	No objections subject to conditions

Consultee	Comments
Fire Service	No objections subject to conditions
National Grid	No comments received
UK Power Networks	No comments received
Network Rail	No objection
Historic England	No objection subject to conditions
Health and Safety Executive	No comments received
Nature Space	No objection subject to conditions
Active Travel England	No objection
NHS Trusts and CCG'S	No objection subject to contribution towards Primary Healthcare
Surrey Police Crime	No objection
County Highway Authority	No objection subject to conditions and contributions
County Lead Local Flood Authority	No objection subject to conditions
County Archaeology	No objection subject to conditions
County Rights of Way Authority	No objection
County Education Authority	No comments received
Internal Consultees	
Council's Environmental Health Team	No objection subject to conditions
Council's Conservation Officer	No objection
Council's Policy Team	No objection
Council's Tree Officer	Objection due to loss of trees
Council's Ecology Officer	No objection subject to conditions
Council's Transport and Waste Manager	No objection
Council's Sustainability Officer	No objection
Public Consultation	
Neighbours	The application was advertised by means of a site notice, press notice, and notification to 1001 neighbouring properties, concluding on 25 September 2024.

Consultee	Comments
	83 submission raising objection were received. They raised the following issues: Highways • Proposal would cause traffic jams on East Street • No evidence that the road system can accommodate a largescale increase in the number of residents • What traffic management and restrictions will be in place during the development to mitigate disruption to local residents <u>Officer Comment:</u> The traffic requirements are discussed in Section 20 of this agenda report. Vehicle Parking • Insufficient parking space in the redevelopment will lead to illegal parking on street and the new residents may occupy Winter Close private parking illegally. • The plan unrealistically assumes most new residents will use public transportation, providing only 68 parking spaces for over 400 homes. This will likely lead to overflow parking on neighbouring streets, including private roads, causing enforcement issues for local authorities and residents. • Parking at the Rainbow leisure centre is not viable as it is regularly congested with queueing vehicles for children's swimming lessons and granting this for use by residents would impact negatively. • Existing public car parking locally is unreasonably priced and therefore would be unviable for residents. • An average of 0.15 parking space per new household is extremely insufficient. • Miles Road is just outside of the CPZ so the proposal would add additional parking pressure to a road that suffers already. • Suggesting that new residents will simply walk, or cycle everywhere is impractical and unrealistic. <u>Officer Comment:</u> The parking requirements are discussed in Section 20 of this agenda report. Design and Character • The size, especially the height of the development is excessive and not in line with surrounding area.

Consultee	Comments
	• No flatted development within the area that exceeds 7 storeys • The proposed density is too high, potentially leading to overcrowding and a loss of local character. There is nothing in the area this high, it is not in keeping with the area whatsoever. • The design and materials are not in keeping with the surrounding area, impacting the aesthetic and architectural harmony. • Too little green space between buildings • No amenity spaces such as play areas • The development does not provide sufficient "community spaces" that can be used by local residents and which Epsom is in need of. • Misleading to compare new buildings to existing gasholder • Trees will not provide coverage from the development from Miles Road in the months there are no leaves • Development is oversized and unsympathetic to the character of Epsom • The proposed flats negatively impact the skyline, as seen in other areas like Tolworth, where poorly designed high-density housing clashes with the character of existing homes. <u>Officer Comment:</u> The design and character of the proposed development is discussed in Section 17 of this agenda report. Wastewater • Is there sufficient proof that the existing sewer system will be able to handle the proposed number of additional units. <u>Officer Comment:</u> Thames Water have been consulted in terms of wastewater and water infrastructure capacity and have not raised objection. Neighbouring Amenity • The height of the buildings will overlook Miles Road residents and will impact light and privacy • Proposal will infringe on privacy of existing residents • Tallest buildings should be located closer to East Street to prevent overlooking • Buildings will cast shadows over neighbouring properties

Consultee	Comments
	• Buildings will block a significant amount of natural light to houses and gardens of surrounding properties • The height and materials of the buildings will reflect sound from passing trains back to the residential properties, amplifying the noise • Increased noise levels from future residents <u>Officer Comment:</u> The neighbour amenity implications of the proposed development are discussed in Section 19 of this agenda report. Noise and Disturbance • The construction works will make heavy noise and dust to Winter Close and damage the environment. • Construction and ongoing residential activity will generate significant noise, affecting nearby residents' quality of life. <u>Officer Comment:</u> The dust, noise and disturbance implications of the proposed development are discussed in Sections 25 (Noise) and 26 (Air Quality) Trees • There is insufficient provision for trees - would like to see more medium and mature trees planted, as young saplings will not benefit the environment and will be prone to dying. <u>Officer Comment:</u> The re-provision of trees is discussed in Section 16 of this agenda report. Ecology/Environment • The construction works will make heavy noise and damage the environment. <u>Officer Comment:</u> The ecology implications of the proposed development are discussed in Section 22 of this agenda report. Sustainability • There is no environmental proposal for solar panels or recycling of water which I would expect for a sustainable development.

Consultee	Comments
	• There is no proposal to contribute to more regular bus services or to upgrade existing services to electric buses. • The bus route in Epsom is very infrequent • Existing train services are insufficient to meet potential demands of the proposed number of units. • Stagnant air will develop in public open space, and this traps the heat near the buildings, increases the temperature of the territory and contributes to part of the global warming. <u>Officer Comment:</u> The sustainability credentials of the site discussed in Section 20 of this agenda report whilst the environmental sustainability of the proposed development is discussed in Section 28 of this agenda report. There are no concerns with the development of stagnant air. Infrastructure • Not enough infrastructure to deal with additional residents • Over subscription of local schools • Increasing burden on NHS services • Insufficient affordable housing, should be at least 20% <u>Officer Comment:</u> The provision of affordable housing is discussed in Section 13 of this agenda report whilst contributions towards existing infrastructure is set out in Section 30 of this agenda report. Policy • Significantly exceeds the height set out in policy SA1 in the Regulation 18 plan • High rise apartments do not provide family housing • Proposal is not in accordance with the local plan and is excessive and egregious to a market town like Epsom. • The adjacent Hook Road car park is underutilised and should be part of the development • The site does not include all the land outlined in the Draft Local Plan as SG1 - this means that the proposal is piecemeal development and should be refused for that reason. It is essential that full use is made of the brownfield sites in the Borough, in order to lessen the pressure on green field sites. • Site must be maximised to prevent building on the Green Belt

Consultee	Comments
	- There should be more social housing for social tenants <u>Officer Comment:</u> Policy matters are set out in Section 10 of this agenda report. Of note, there is nothing to prevent incremental delivery of the allocated site. Other - Considering the height of the building, how can we ensure the ground movement does not cause damage to foundations in domestic or other properties nearby. - Proposal will impact negatively on people's mental health - Development exceeds that initially set out in part community engagement meetings - Would set a precedent for future high-rise buildings in the Borough, fundamentally altering the character and skyline of Epsom. - With regard to removal of hazardous substances from the site can EWBC assure us that there will be no airborne particles. - Proposal will affect everyone's property value - Risk of groundworks as the site is directly by a mainline railway and could create subsidence - Proposal would prejudice the development potential at Newplan House <u>Officer Comment:</u> Matters relating to foundations and subsidence would be subject to Building Control Regulations. It is not foreseeable that mental health of residents will be affected. Any change to the scheme following community consultation and prior to submission of the application is the decision of the applicant. The development is not viewed as precedent for development across the Borough given the site context. Site remediation forms part of the proposed development. Matters pertaining to property value are not a material consideration. Network Rail have raised no concerns in relation of the proximity of the development to the railway embankment. The development potential of Newplan House is not directly affected by the proposed development. 1 submission received in support - Support the development of this existing brown field site for new housing in the area
Epsom Civic Society	Objection

Consultee	Comments
	• The scheme as presented is too high, too dense and cramped for the size of the site being not well related to the adjoining residential areas which include the Adelphi Road and Lintons Lane Conservation Areas. • Views into the site from various public spaces around the town will be of significant harm and incongruous. <u>Officer comment:</u> This is discussed above and in the body of the report. • The larger (and formerly original) Gas works site (Option 1) would be better redeveloped as a whole rather than piecemeal as with this application. <u>Officer comment:</u> The current application is the proposal being assessed. • The particular disadvantages about Block C and its siting • External amenity space is inadequate for the quantum of development and the housing mix which includes family units <u>Officer comment:</u> Outdoor amenity space matters are set out in Section 16 of this agenda report.

PLANNING LEGISLATION, POLICY, AND GUIDANCE

7. Planning Policy

7.1. National Planning Policy Framework 2024 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 4: Decision Making
- Section 5: Delivering a Sufficient Supply of Homes
- Section 7: Ensuring the Vitality of Town Centres
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport
- Section 11: Making Effective Use of Land
- Section 12: Achieving Well-Designed Places
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15: Conserving and Enhancing the Natural Environment
- Section 16: Conserving and Enhancing the Historic Environment

7.2. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS4: Open Spaces and Green Infrastructure
- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS7: Housing Provision
- Policy CS8: Broad Location of Housing Development
- Policy CS9: Affordable Housing and Meeting Housing Needs
- Policy CS12: Developer Contributions to Community Infrastructure
- Policy CS13: Community, Cultural and Built Sports Facilities
- Policy CS14: Epsom Town Centre
- Policy CS16: Managing Transport and Travel

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

- Policy DM4: Biodiversity and New Development
- Policy DM5: Trees and Landscape
- Policy DM6: Open Space Provision
- Policy DM7: Footpath, Cycle and Bridleway Network
- Policy DM8: Heritage Assets
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM11: Housing Density
- Policy DM12: Housing Standards
- Policy DM13: Building Heights
- Policy DM17: Contaminated Land
- Policy DM19: Development and Flood Risk
- Policy 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. Epsom Town Centre Area Action Plan 2011 (Plan E)

- Policy E1: Town Centre Boundary
- Policy E2: Housing Capacity in the Town Centre
- Policy E6: Leisure, Cultural and Community Facilities Provision
- Policy E7: Town Centre Building Height
- Policy E8: Town Centre Energy Generation
- Policy E9: Public Realm
- Policy E10: Improving Accessibility and Facilities for Cyclists
- Policy E11: Deliveries to Premises
- Policy E15: The Utilities Site

7.5. Draft Local Plan Regulation 19

- Policy S1: Spatial Strategy
- Policy S2: Sustainable and Viable Development
- Policy S3: Climate Change and Mitigation
- Policy S4: Epsom Town Centre
- Policy SA1: Southern Gas Network Site
- Policy S5: Housing Mix and Type
- Policy S6: Affordable Housing
- Policy DM1: Residential Space Standards
- Policy S7: Specialist Housing
- Policy S11: Design
- Policy S12: Amenity Protection
- Policy DM10: Building Emission Standards
- Policy DM11: Sustainable Water Use
- Policy DM12: Health impact Assessments
- Policy S13: Preserving Identity of Place with Heritage
- Policy DM13: Development Impacting Heritage Assets
- Policy DM16: Landscape Character
- Policy S14- Biodiversity and Geodiversity
- Policy S15: Biodiversity Net Gain
- Policy DM17: Trees, Woodlands, and Hedgerows
- Policy S16: Flood Risk and Sustainable Drainage
- Policy S18: Green and Blue Infrastructure
- Policy DM19: Open Space, Sport, and Recreation
- Policy DM20: Community and Cultural Facilities
- Policy S19: Transport

8. Supporting Guidance

8.1. Revised Developer Contributions Supplementary Planning Document 2014

- Part 1: Overview
- Part 2: Affordable Housing
- Part 3: Site-Specific Infrastructure Obligations

8.2. Supplementary Planning Documents and Guidance

- Parking Standards for Residential Development Supplementary Planning Document 2015
- Sustainable Design Supplementary Planning Document 2016

8.3. Other Documentation

- Epsom & Ewell Borough Council Housing and Economic Development Needs Assessment 2023 (HEDNA)
- Epsom Town Centre Master Plan 2024

- Technical Housing Standards – Nationally Described Space Standards 2015
- Building Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight 2022 guidance
- Surrey Transport Plan 2022–2032
- Surrey County Council Vehicular, Electric Vehicle and Cycle Parking Guidance for New Developments 2023
- The Second Cycling and Walking Investment Strategy 2022
- Surrey County Council's Local Transport Plan 4 (LTP4)
- Epsom & Ewell Local Cycling and Walking Infrastructure Plan 2024
- Historic England the Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) 2017
- Adelphi Road Character Appraisal 2010
- Epsom Town Centre Character Appraisal 2009
- Lintons Lane Character Appraisal 2010

PLANNING ASSESSMENT

9. Presumption in Favour of Sustainable Development

- 9.1. Paragraph 11 of the NPPF stipulates that development proposals which accord with an up-to-date development plan should be approved and where a proposal conflicts with an up-to-date development plan, permission should not usually be granted. Currently, the Council does not have an up-to-date development plan on account of not being able to demonstrate a five-year supply of housing.
- 9.2. Paragraph 11(d) of the NPPF 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.

10. Principle of Development

10.1. Location of Development

- 10.2. The site is located within the built-up area of Epsom and within the Epsom Town Centre Boundary where the principle of new residential development is acceptable in terms of the objectives and policies in the CS, the DMPD and supporting guidance and documents. This includes paragraph 125 of the NPPF which gives "substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities

to remediate despoiled, degraded, derelict, contaminated or unstable lands”.

10.3. Site Allocation

Existing Development Plan

Plan E – An Area Action Plan for Epsom Town Centre

10.4. The site falls within the extent of allocated site within Plan E, namely Policy E15. The extent of the allocation covers a site area total 2.5ha, with the site consisting of 1.71ha within this wider area. The site in its entirety is allocated for the delivery of:

- A minimum of 5,000 sqm of employment floorspace
- A minimum of 250 dwellings, including at least 100 affordable homes to meet local needs
- Approximately 0.24 ha of public open space within the development with the potential to be used as formal outdoor provision for the Rainbow Leisure Centre
- The retention of community facilities and existing on-site formal open space provision for youth groups to be incorporated within the redevelopment of the Linton’s Lane Centre site

10.5. In addition, the site is expected to deliver the following:

- New access arrangements onto the site from East Street and Hook Road as approved by the Highway Authority
- Traffic calming and management measures within the development site and locality as approved by the Highway Authority
- Integrated footpath and cycleway networks that provide connections to existing networks on East Street and Hook Road, with a shared route providing a link between Hook Road and Stones Road
- The retention of important existing trees, provision of additional tree planting and landscaping, involving the planting of native species
- Appropriate mitigation measures to counter any adverse on-site impacts caused by contamination from previous uses
- Adequate mitigation measures to create noise and visual barrier between the residential components of the site and the adjoining railway line
- Surface water flood risk mitigation measures that meet the requirements of the Council’s Surface Water Management Plan and the Environment Agency

10.6. Since Plan E was adopted, 85 homes have been delivered within the wider allocation following the redevelopment of the former Linton’s site.

10.7. In addition, planning permission has recently been granted (at appeal) for a “Big Yellow Storage” on the majestic Wine Site that adjoins the

application site and forms part of the wider allocation. The planning permission has now been implemented, and upon completion will deliver 8,228sqm of storage floorspace, contributing to the commercial floorspace requirement in the allocation and Plan E.

- 10.8. Plan E was adopted in April 2011 and the policies within are afforded full weight in the consideration of this application.

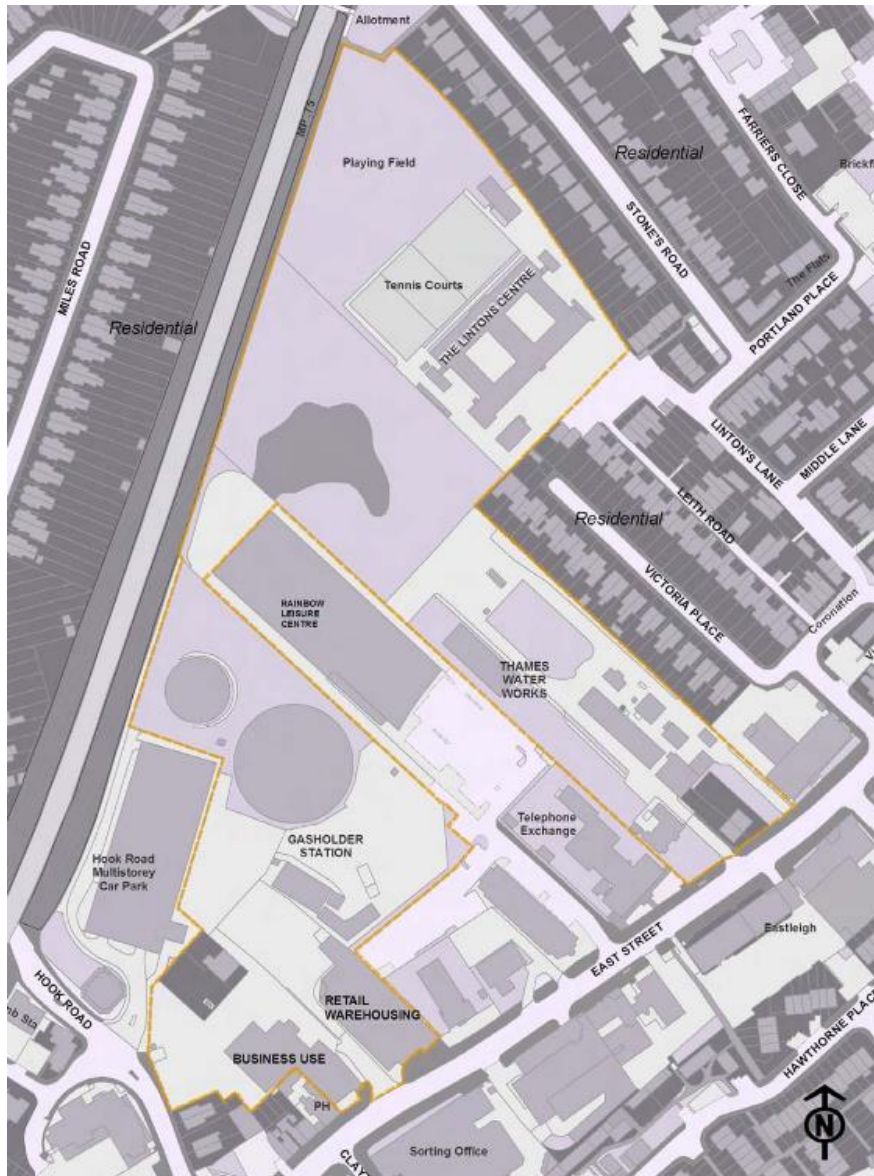


Figure 1: Extent of Site Allocation E15 - Plan E

Epsom Town Centre Master Plan

- 10.9. The site in its entirety is also identified as an opportunity site in the Epsom Town Centre Master Plan, identified as the Hook Road and Southern Gas Network site. In this document, the site is expected to deliver:

- Between 400 and 640 new homes (including specialist accommodation)

- Mixed use ground floor active frontages providing Class E (Commercial, Business and Service) floorspace
- Performing Arts Centre
- Building heights up to 7 storeys, with further height to be justified
- Podium parking with smart technology solutions allowing different users to access spaces at different times of the day/evening
- Provision of a new public square adjacent to the leisure centre entrance
- A neighbourhood park in the heart of the development with direct connection to the existing Public Rights of Way network
- Relocated SGN infrastructure
- Improved public realm and connectivity within the site and to adjoining areas

10.10. The Town Centre Masterplan was approved for publication by the Council's Licensing and Planning Policy Committee in September 2024 and is not a statutory planning document but part of the evidence base for the emerging Local Plan. As an evidence base to a Draft Local Plan that is still within an early stage of the adoption process, some weight is given to the evidence within this Masterplan.

Emerging Epsom and Ewell Local Plan (2022-2040)

Regulation 18 consultation (February to March 2023)

10.11. The Draft Local Plan (Regulation 18) was subject to consultation in early 2023 and contained the site as part of allocation Policy SA1 – Hook Road Car Park and SGN. As is the case with Plan E, this site allocation covers a wider area than the application site, with a requirement to deliver comprehensive residential led mixed use development, comprising:

- At least 640 new homes
- Student Accommodation (potential for about 400 student rooms)
- Mixed use ground floor active frontages accommodating space for office, retail, and creative start-ups
- Performing Arts Centre
- Café
- Building heights ranging between 2 and 7 storeys
- Two-level podium parking with smart technology solution allowing different users to access spaces at different times of the day/evening
- Provision of a new public square adjacent to the leisure centre entrance
- A neighbourhood park in the heart of the development with direct connection to the existing Public Rights of Way network
- Relocated SGN infrastructure
- Improved public realm and connectivity within the site and to adjoining areas

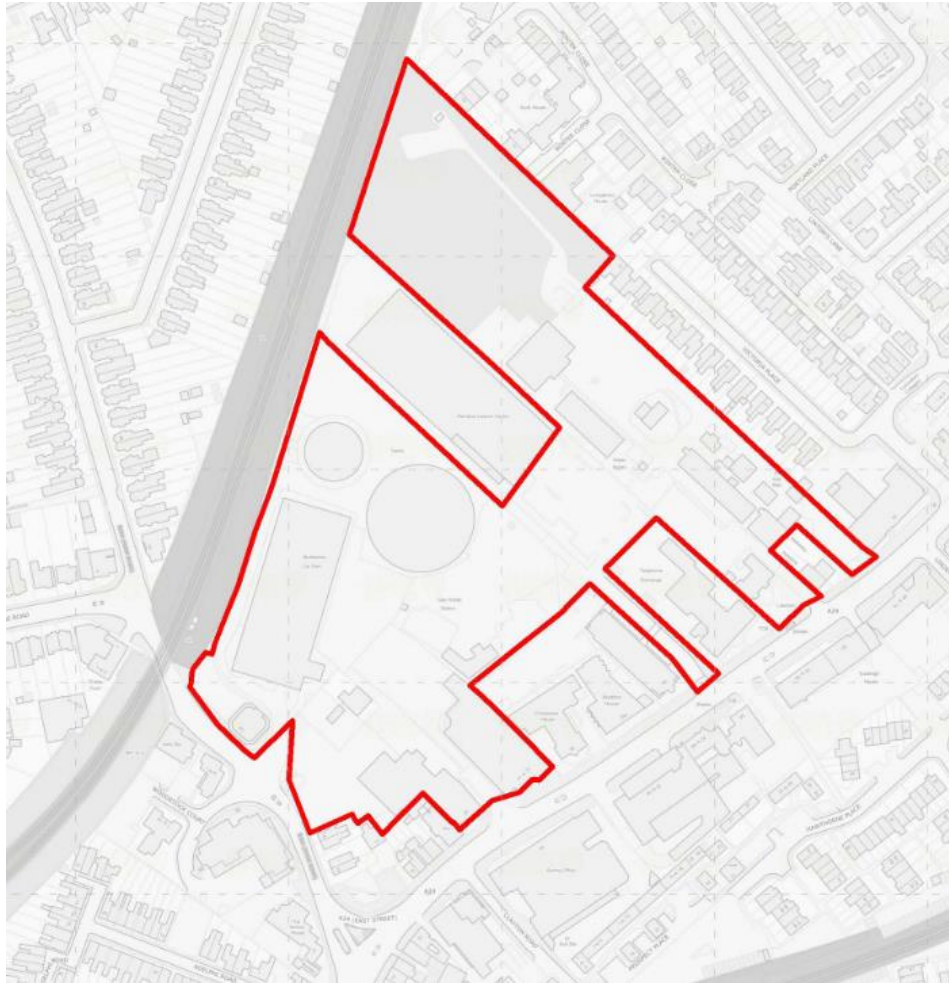


Figure 2: Extent of Site Allocation SA1 – Draft Local Plan (Reg 18)

The regulation 18 Local Plan allocation was informed by the then emerging Epsom Town Centre Masterplan.

Regulation 19 Proposed Submission consultation (December 2024 – February 2025)

10.12. Following the implementation of the self-storage facility and in considering that the draft allocation involved a number of landowners, the draft allocation SA1 was updated for the Draft Local Plan (Regulation 19). The scale of the allocation was reduced to 1.53ha and was required to deliver:

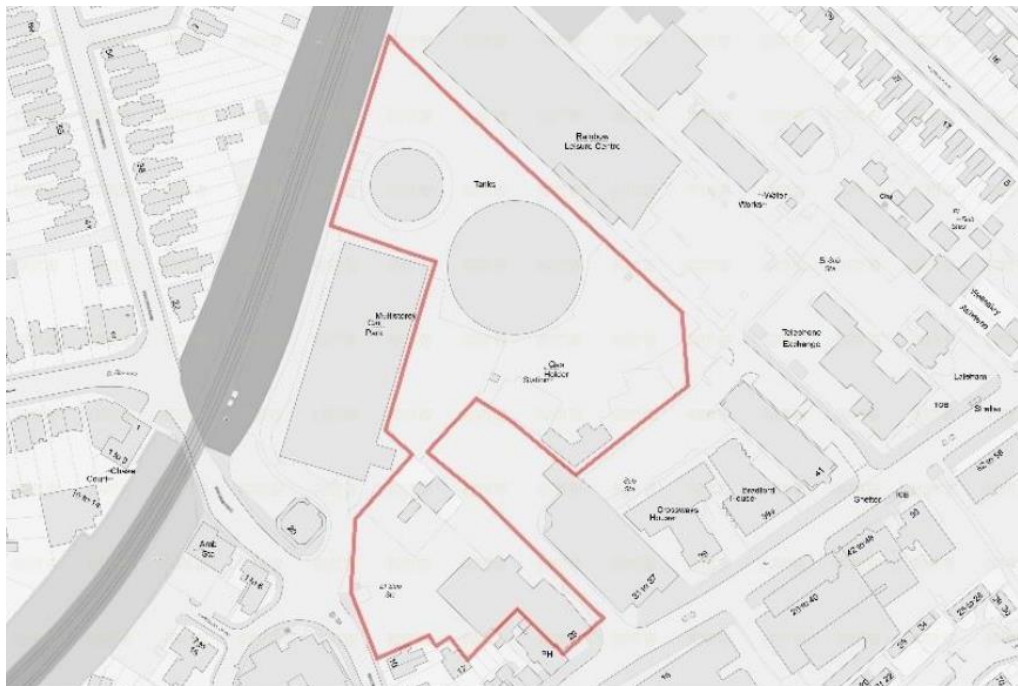
- Approximately 455 dwellings (C3); and
- A bespoke performing arts centre for the Laine Theatre Arts

10.13. In addition, the site will be required to:

- Provide appropriate vehicle, pedestrian, and cycle access to the site
- Provide a linear open space to provide permeability through the site for pedestrians and cyclists into and from the development to provide connectivity between Hook Road and the Rainbow Leisure Centre

- Incorporate sustainable drainage measures to address and mitigate the risk of surface water flooding, in accordance with Policy S16 and site-specific guidance in the Level 2 Strategic Flood Risk Assessment
- Design surface and foul water drainage to include all required measures arising from the site being located in Groundwater Source Protection Zone 1, as well as meeting the requirements for sustainable drainage in Policy S16
- Remediate the land of any contamination and ensure the remediation is complete before any part of the development is occupied
- Provide suitable noise and vibration attenuation measures to ensure that future occupiers are not subject to a significant adverse level of noise disturbance from the railway that adjoins the northern boundary of the site
- Conserve and, where possible, enhance heritage assets, including the Adelphi Road Conservation Area and the setting of nearby Grade II listed buildings that adjoin the site
- Undertake archaeological investigations in accordance with Policy DM13, taking account of the site's location within an Area of High Archaeological Potential
- Design to enable the comprehensive redevelopment of the adjoining Hook Road Car Park site (Site Allocation SA2) as a future phase

10.14. The Draft Local Plan (Reg 19) was submitted to the Planning Inspectorate on 10 March 2025.



- 10.16. Officers are satisfied that the proposed development demonstrates through its layout that it would not prejudice the Hook Road Car Park site from coming forward for residential development in the future.
- 10.17. Paragraph 49 of the NPPF sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.
- 10.18. Objections have been received to Policy SA1 during the Regulation 19 consultation, and these are summarised on pages 41 /42 of the Consultation Statement (Part 2) that has been submitted to the Planning Inspectorate.
- 10.19. Officers are satisfied that the policies within the emerging Local Plan can be afforded some weight at the time of the assessment of this application.

10.20. Loss of Employment Floorspace

- 10.21. Policy CS11 of the CS resists the loss of employment floorspace and land as well as regeneration and intensification within the strategic employment areas and Epsom Town Centre with a cautious approach adopted elsewhere.
- 10.22. Policy DM24 of the DMPD allows loss of employment floorspace outside of these strategic employment areas only where the existing use has a significant adverse effect on residential amenity and the site is no longer suitable, the latter through marketing evidence extending to 18 months. New mixed-use redevelopment in its place is supported, provided there are employment generating uses.
- 10.23. Policy E5 of Plan E resists the loss of existing employment space within the defined town centre boundary.
- 10.24. The site currently contains 957m² of Class E1 office floorspace, which is accommodated within in the building shared with the existing performing arts school. This office floor space is independent from the performing arts school and was last used by an insurance specialist. This independent Class E1 office floorspace would be lost as a result of the demolition and provision of the new performing arts school, and there is no reference to its reprovision as part of the performing arts school scheme.
- 10.25. The application is not supported by any evidence to demonstrate that the existing office floorspace is no longer fit for purpose or any marketing evidence to demonstrate that there is no demand for floorspace as office use.

- 10.26. The failure to demonstrate that the loss of the existing floorspace would not erode a sufficient town centre supply to meet demand would be an adverse impact of the scheme to be weighed in the planning balance.

10.27. Housing Delivery

- 10.28. Paragraph 61 of the NPPF 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 at least 2,715 homes within the period 2007-2022 or 181 new dwellings per annum.
- 10.29. The Council has calculated its five-year housing land supply position as being between 2.1 – 2.18 years supply as set out in the 2023/2024 Authority Monitoring Report. The Council is presently falling significantly short of this requirement and cannot presently demonstrate five years housing land supply.
- 10.30. Policy CS8 of the CS emphasises that the re-use of suitable previously developed land and higher density development will be directed to central locations including Epsom Town Centre.
- 10.31. Policy E1 of Plan E sets out that in principle, Town Centre uses will be permitted within the Town Centre boundary, subject to other relevant policies. These uses include higher density housing.
- 10.32. A higher residential density development on this suitable brownfield site in a highly sustainable town centre location would be acceptable in principle, as it would meet both National and Local policies to reuse suitable developed land for higher density development order to meet the Borough's need for new houses. However, this would be subject to the objectives and policies in the CS, the DMPD and supporting guidance and documents.

10.33. Reuse of Brownfield Land

- 10.34. The NPPF makes it clear that development must make the best use of land and optimise the capacity of site, with paragraph 125 (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 support appropriate opportunities to remediate contaminated land, whilst 125 (d) requires decisions 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.
- 10.35. Meeting any increase in the annual housing building target for the Council is challenging, as the Borough is mostly comprised of existing built-up areas, strategic open spaces, or Green Belt, resulting in the supply of available development sites being extremely limited.

- 10.36. Given the Borough's high need for new homes, and new affordable homes, it is essential that development proposals make the most efficient use of land and that any new homes proposed meet the identified need.
- 10.37. The site is a decommissioned gasworks, which offers a significant opportunity to deliver a residential led development in a sustainable location, which would otherwise remain undeveloped and unmanaged.
- 10.38. In line with paragraph 125 of the NPPF, substantial weight is attributed to the principle of the re-development of a degraded, contaminated, under-utilised brownfield site in a highly sustainable location for new homes, along with as an enhanced Performing Arts School, new public realm and open space and improvements to the active transport network. Paragraph 125 states that approval should be granted unless substantial harm would be caused. This would be subject to the objectives and policies in the CS, the DMPD and supporting guidance and documents.

10.39. Reprovision of Educational Facility

- 10.40. Paragraph 100 of the NPPF states that Local Planning Authorities should take a proactive, positive and collaborative approach to development that will widen choice in education.
- 10.41. Paragraph 128 of the NPPF encourages more effective use of sites that provide community services such as schools.
- 10.42. Policy CS13 of the Core Strategy encourages the provision/upgrading of existing community facilities where they address a deficiency in current provision, and where they meet the identified needs of communities.
- 10.43. Paragraph 6.5 of the Development Management Document 2015 advises that the Council will continue to work closely with the education sector to ensure its needs can be met.
- 10.44. Policy DM34 of the Development Management Document 2015 will support proposal for new social infrastructure provided that (inter alia) it meets an identified need.
- 10.45. The site contains one of the three campuses in Epsom associated with Laine Theatre Arts, a performing arts school. This school campus comprises and seven dance studios of varying scale, three tutorial rooms, changing rooms, wardrobe store and ancillary offices totalling 1,724 sqm for all uses.
- 10.46. This application includes outline planning permission for the demolition of the existing Laine Theatre Arts Building with a bespoke replacement building totalling 6,080 sqm. The outline application considers the means of access only, with matters relating to layout, scale, appearance, and landscaping to be considered at any subsequent reserved matters application.

- 10.47. The reprovion of the existing performing arts school on the site is not a requirement under the site allocation Policy E15 of Plan E, although it is a key provision in emerging allocation policy.
- 10.48. Whilst it is the intention of the applicant to deliver the new performing arts school building on the site, this is dependent upon the operating arts school also viably finance the scheme. At this time, it has not been sufficiently demonstrated that the performing arts school can make this financial commitment. Whilst Officers would normally seek to secure the delivery of the performing arts school alongside the delivery of the residential scheme, given that the delivery of the performing arts school is outside of the control of the applicant, Officers do not want to prejudice the residential element from being delivered.
- 10.49. For this reason, in the event that permission is granted, whilst Officers would secure the delivery performing arts school via the Section 106 agreement, this would also secure a mechanism to release the site from the obligation in the event that the performing arts school cannot be delivered due to finance. The release of the performing arts school from the 106 agreement means that the land could be subject to future applications for alternative uses, which would be assessed by the Local Planning Authority in accordance with national and local policy.
- 10.50. Although the reprovion of the performing arts school would be considered a benefit of the scheme, the lack of certainty of delivery affects the weight applied.

11. Density

- 11.1. Policy DM11 of the DMPD aims for the most efficient use of development sites with a demonstration of how density would contribute towards maintaining and enhancing the visual character and appearance of the wider townscape and lead to no net loss of biodiversity. Density is limited to 40 dwellings per hectare (dph) or alternatively, where it is allocated at a higher density, there is good site sustainability, and it conforms to the surrounding townscape.
- 11.2. Given the Borough's objectively assessed housing need, the Planning and Licencing Committee agreed in in May 2018 to improve the optimisation of housing delivery for development sites in the Borough and to do this, reduced the weight given to Policy DM11 of the DMPD during decision making.
- 11.3. Whilst the housing density of the proposal would amount to 266 dph, a higher residential density development that would make efficient use of a suitable brownfield site in a highly sustainable location with excellent access to facilities and transport can be give significant weight, particularly given that Council's density policy has reduced weight in decision making.

- 11.4. Of note, Policy S11 of the draft Local Plan refers to making efficient use of land and specifies a minimum of 80 dwellings per hectare in the Epsom Town Centre. The minimum requirement in the draft Local Plan is distinct from the maximum requirement in the DMPD and would be consistent with the reduced weight already applied to Policy DM11, thereby attracting some weight.
- 11.5. Nonetheless, the failure to provide a policy compliant density is an adverse impact of the scheme to be weighed in the planning balance.

12. Housing Mix

- 12.1. Paragraphs 63 of the NPPF supports the Government's objective of significantly boosting the supply of homes by requiring new development to meet an area's identified housing need, including an appropriate mix of housing types for the local community. Within this context of establishing need, the size, type, and tenure of housing needed for different groups in the community should be assessed
- 12.2. 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.
- 12.3. Notwithstanding Policy DM22 of the DMDP, more recent evidence identified in the Council's HEDNA) 2023 update recommends the breakdown of dwellings by size, as follows:

Beds	Required	Provided
1	10% (46)	46% (210)
2	35% (160)	40% (180)
3	35% (160)	14% (66)
4	20% (92)	0% (0)

- 12.4. Whilst the proposal involves a much higher proportion of smaller units than encouraged with the HEDNA, Officers consider that the provision of a higher percentage of smaller units within a highly sustainable location would be appropriate, as it would result in a more efficient use of land.
- 12.5. The proposed development would deliver 206 family residential units, which makes up 45% of the total residential accommodation proposed on the site. These comprise 140 two bedroom/four person units, 9 three bedroom/four person units and 57 three bedroom/five person units.
- 12.6. The HEDNA identifies a greater need for two- and three-bedroom properties for future development in the Borough over the Local Plan Period. The evidence demonstrates a strong demand for family homes

and the proposed would contribute a high proportion of two- and three-bedroom family homes towards that demand.

- 12.7. Furthermore, it is acknowledged that brownfield sites within highly sustainable town centre locations are expected to deliver high density development, and that the nature of flatted urban developments does not lend themselves to larger family sized units.
- 12.8. 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.
- 12.9. However, the failure to provide a fully policy compliant housing mix is an adverse impact of the scheme to be weighed in the planning balance.

13. Affordable Housing

- 13.1. Paragraph 64 of the NPPF states that affordable housing should be on site unless a contribution is robustly justified.
- 13.2. Paragraph 66 of the NPPF states where major development involving the provision of housing is proposed, planning decisions should expect that the mix of affordable housing required meets identified local needs, across social rent, other affordable housing for rent and affordable home ownership tenures.
- 13.3. The NPPF no longer has a minimum 10% requirement for affordable housing on major sites. However, Policy CS9 of the CS requires residential development of 15 or more dwellings gross to include at least 40% of dwellings as affordable, taking into account the viability of the development proposed.
- 13.4. In order to be compliant with Policy CS9 of the CS, the scheme would be expected to provide 182 units as affordable.
- 13.5. In considering the amount of affordable housing to seek on individual sites, the Council will have regard to the suitability of the site for different types of affordable housing provision and the economics of site provision, taking into account any abnormal site development costs, the availability of subsidy and any other relevant planning requirements. The 40% figure in the policy will be regarded as a baseline target and developers will need to demonstrate why the particular targets could not be met in any specific case.
- 13.6. The application is supported by a Financial Viability Assessment, prepared by Montague Evans, and dated 02 October 2024 which concludes that the scheme would not be able to viably provide any affordable housing.

- 13.7. The Council instructed Dixon Searle Partnership to independently review the Viability Assessment. Based on the assumed costs (including developer profit), and sale prices of the residential units, Dixon Searle Partnership have concluded that the development would result in a deficit against the viability benchmark if affordable housing were to be delivered on site. Dixon Searle Partnership have concurred that that a robust viability case has been made to demonstrate that the development cannot viably afford any affordable housing, as remediation and abnormal costs are higher than in a standard brownfield development.
- 13.8. Notwithstanding that the viability position that the proposed scheme is unable to viably support the inclusion of any affordable housing, the scheme would deliver 10% affordable homes, equating to 46 residential units.
- 13.9. The applicant intends to deliver all 46 affordable units as social rent tenure. This is on the basis that the scheme qualifies for the maximum grant of the current Homes England funding programme for schemes starting on site by March 2026. If the applicant is unable to meet the March 2026 deadline, the 10% affordable housing offer subject to obtaining equal or better grant funding levels for the following funding cycle.
- 13.10. Officers are aware there is some uncertainty as to whether the affordable housing offer as proposed can be secured in the next Homes England funding cycle, should the March 2026 deadline not be met. However, it is pertinent that a robust viability assessment has concluded to the satisfaction of the Council's independent viability professionals, the scheme cannot viably provide any affordable housing. Furthermore, by securing the affordable housing offer within the Section 106 agreement, the Local Planning Authority are able to retain control over any variation to the Section 106 agreement, and therefore any variation request made regarding the affordable housing offer in the future.
- 13.11. A late stage review mechanism would normally be secured as there is potential for the values referenced within the Viability Assessment to change owing to the anticipated length of the construction period, and as there would be a significant shortfall in affordable housing against policy expectations, However, the 10% affordable housing offer is made on the basis that no late stage review mechanising is secured. If a late-stage review is imposed, the scheme would not qualify for grant funding as it cannot be known whether the scheme would remain unviable.
- 13.12. Whilst it is acknowledged that a late stage review would prevent the scheme from qualifying for grant funding, in the event any variation to the affordable housing offer is made via the Section 106 Agreement in the future, Officers could consider securing a review mechanism at this time.

- 13.13. 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.
- 13.14. Furthermore, whilst the Council has a need for all forms of affordable housing, this is especially the case for family sized accommodation, where the average waiting time for family sized accommodation is 4-5 years for a two-bedroom property and over 10 years for a 3 or larger bedroom property.
- 13.15. The affordable housing delivered by the proposed development would contribute towards the Borough's high need for two- and three-bedroom units by delivering 27 two bed units and 5 three bedroom units as part of the affordable housing provision (70% overall).
- 13.16. Furthermore, the affordable housing provision would deliver seven wheelchair accessible units (15%), with six of these being provided as family sized homes.
- 13.17. Whilst the viability review justifies the development without the provision of any affordable housing, the offer of 10% affordable housing contributes towards the Council's highest affordable housing needs and would be a benefit of the scheme to be weighed in the planning balance.

14. Heritage Assets

- 14.1. Paragraphs 212 – 215 of the NPPF requires consideration of the harm to the significance of a designated heritage asset. Paragraph 215 of the NPPF states that where there is less than substantial harm, the harm must be weighed against the public benefits.
- 14.2. Policy CS5 of the CS and Policy DM8 of the DMPD seek to protect and enhance heritage assets and their setting.
- 14.3. The application is supported by a Heritage, Townscape and Visual Impact Assessment, prepared by Montagu Evans and dated August 2024, which provides an assessment of the likely impacts of the proposed development with regards to heritage receptors.

14.4. Setting of Listed Building

- 14.5. 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.
- 14.6. The application of the statutory duties within Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 combined with the guidance contained in the NPPF means that when harm is identified whether that be less than substantial or substantial harm, it must be given considerable importance and great weight.

- 14.7. The site itself does not contain any structures that are designated heritage assets nor of any historical value. There are a number of listed buildings that could be potentially affected by the proposed development, which are discussed below:

10 & 12 Hook Road (Grade II)

- 14.8. 10 & 12 Hook Road is a semi-detached, two-storey building constructed in the 18th century. Its significance lies in its architectural and historical interest. The building is clad in white weatherboarding, with each dwelling featuring two sash windows and flat hoods. This asset is a surviving example of Epsom's early development beyond the town centre and as a vernacular, domestic building, typical to southern England. Historically, the asset was situated behind a blacksmith's shop.
- 14.9. The setting of this heritage asset is primarily confined to its immediate environment; its built form, its associated curtilage, and the adjacent two storey Victorian dwelling to the north. To the south is open landscaped corner of the junction between Hook Road and East Street, which provides some verdancy, a positive element of the setting.
- 14.10. Harmful elements of the setting include the heavily trafficked Hook Road immediately to the west, the busy junction between East Street and Hook Road to the south west and the imposing three storey education building to the west beyond the highway. Due to its poor-quality buildings and structures, overgrown landscaping and the extent of hard surfacing, the site has no value beyond its partial openness and does not contribute to significance of this heritage asset.



Photo 1: 10 & 12 Hook Road



Photo 2: Setting of 10 & 12 Hook Road

- 14.11. In considering the change to the setting as a result of the detailed residential scheme, although set back within the site, the upper floors of residential Blocks C and D would be visible above the north east of this listed building. Whilst the Heritage Assessment concludes that these Blocks would not lead to an interaction with the setting and significance of the assets, Officers conclude that their presence would interact with the setting of the Listed Building.
- 14.12. Currently, the site is predominantly void of high-level development, providing an unfettered sky backdrop to the listed building to the north east. The presence of Blocks C and D would interrupt that unfettered backdrop, resulting in a meaningful change in the setting of these listed buildings, which would harm their significance.
- 14.13. Furthermore, the presence of the Blocks C and D would introduce domestic illumination in the backdrop of these listed buildings, changing setting in which these heritage assets are experienced at night.
- 14.14. The performing arts school proposed under the outline scheme would be in close proximity to these listed buildings. The Heritage Statement advises that when considering the potential impact on the setting and significance of these listed buildings, the decision maker should be mindful that the current backdrop contains the modern car park. Moreover, if the viewer travels further north along Hook Road, the gasholders become visible set back into the site.
- 14.15. Whilst it is true that Hook Road Car Park and, to some extent, the gasholders form part of the setting of these listed buildings, these are in the peripheral, with the main setting being the adjacent, two storey development to the north, open space to the south and the open nature of the site to the north east. The proximity of the performing arts school

would interrupt the unfettered backdrop, resulting in a meaningful change in the setting of these listed buildings, which would harm their significance.

- 14.16. The activity generated by the proposed development, individually and cumulatively, would also change the setting that these listed building is experienced in. The site currently generates minimal vehicular and pedestrian movements during the daylight hours and is relatively quiet in the night hours. The proposed development would generate a greater number of movements from residents and from patrons of the performing arts school which would affect a meaningful change to the setting of these listed buildings, which would harm their significance.

Hook Road School (Grade II)

- 14.17. Hook Road School is a single storey building completed in 1820 and was built as an early National School Society school. Its significance lies in its historical interest; it is a Victorian, purpose-built school that provided elementary education, in accordance with the teaching of the Church of England, to underprivileged children. The school was extended in the second half of the 20th century in a modern architectural manner that is reminiscent of the Gothic appearance of the original building.
- 14.18. The setting of this heritage asset is primarily confined to its immediate environment, its built form, and its associated curtilage. Its significance is mainly appreciated in views taken from the east, where its full form can be experienced. Its setting is, for the most part, distinctly harmful; it is encroached upon by its modern extension to the north, its main outlook is onto a busy junction between East Street and Hook Road to the east and the heavily trafficked East Street lies to the immediate south.
- 14.19. Although there is some intervisibility between Hook Road School and the site to the north east, due to its poor-quality buildings and structures, overgrown landscaping and the extent of hard surfacing, the site has no value beyond its partial openness and does not contribute to significance of this heritage asset.



Photo 3 Hook Road School



Photo 4: Setting of Hook Road School

- 14.20. In considering the change to the setting of this listed building as a result of the detailed residential scheme, whilst the site is separated from this listed building by Hook Road, views from the south looking down Hook Road would include Blocks C, D and F.
- 14.21. Although this would result in a change to the existing setting, it would be peripheral to the viewer's main experience of the setting of the listed building.
- 14.22. In considering the change to the setting of this listed building as a result of the outline theatre scheme, the performing arts school would be visible rising above the roofline of 11 & 12 Hook Road. Although the setting would change significantly as a result, the theatre scheme would replace a poor-quality building with a contemporary building of a much higher

quality, the design, and materials of which can be managed through a subsequent reserved matters application, to improve the setting of this listed building.

27 East Street (Former The Plough and Harrow Public House) (Grade II)

- 14.23. The Plough and Harrow Public House is a two-storey building which was constructed in circa 1900. Its significance lies in its architectural interest; the shopfront is decorated with green and brown glazed tiles and there is carriage door in the left hand wing. The first floor features a sash bay windows and a double curved parapet with brick border descending down towards the edges of the building.
- 14.24. The setting of this heritage asset is primarily confined to its immediate environment; its built form, its associated curtilage and the nearby development comprising the listed buildings to the west of the site (19- 21 and 23- 25 East Street), both of which have been constructed in a similar period and therefore make a positive contribution to the significance of this heritage asset.
- 14.25. Harmful elements of the setting include the heavily trafficked East Street to the immediate south, the poor performing arts school building to the north and north east and the imposing three storey commercial buildings to the south beyond the highway. Due to its poor-quality buildings and structures, overgrown landscaping and the extent of hard surfacing, the site has no value beyond its partial openness and does not contribute to significance of this heritage asset.



Photo 5: 27 East Street and its setting

- 14.26. In considering the change to the setting as a result of the detailed residential scheme, Block C would be visible above the roofline to the north east. Notwithstanding this, this Block would be set back within the site and the upper floors would be read against the other taller buildings

set to the front of East Street. Although this would result in a change to the setting, it would be peripheral to the viewer's main experience of the setting of the listed building.

14.27. The performing arts school scheme would replace a poor-quality building with contemporary building of a much higher quality, the design, and materials of which can be managed through a subsequent reserved matters application.

14.28. The performing arts school scheme would form a new backdrop to the listed building and would be prominent in the setting to the east, both notable in views facing the listed building. Although the setting would change significantly as a result of the additional height of the contemporary performing arts school scheme to the rear, the design and materials can be managed through any subsequent reserved matters application to improve the setting of this listed building.

19 and 21 East Street (Grade II)

14.29. 19 and 21 East Street is a semi-detached, two-storey building constructed in the early 19th century. Its significance lies in its architectural and historical interest; the building is clad in white weatherboarding, with each dwelling featuring two sash windows and rectangular trellis porches with pointed tops. These assets are surviving examples of Epsom's residential buildings from the early 19th century.

14.30. The setting of these heritage assets is primarily confined to their immediate environment; the built form, their associated curtilage and the nearby development comprising the adjacent listed buildings to the east (23 and 25 East Street, with 27 East Street beyond), all of which have been constructed in a similar period and therefore make a positive contribution to the significance of these heritage assets. To the west is the open landscaped corner of the junction between Hook Road and East Street, which provides some verdancy, a positive element of the setting.

14.31. Harmful elements to the setting include the heavily trafficked East Street to the immediate south, the busy Hook Road/East Street junction to the far west, and the imposing three storey commercial buildings to the south beyond the highway. To the north lies the car park associated with the site. Due to its poor-quality buildings and structures, overgrown landscaping and the extent of hard surfacing, the site has no value beyond its partial openness and does not contribute to significance of this heritage asset.



Photo 6: 19 and 21 East Street



Photo 7: Setting of 19 & 21 East Street with 23 and 25 East Street and 27 East Street

- 14.32. In considering the change to the setting as a result of the detailed residential scheme, Block C will appear as a background feature above the rooftop when viewed from the south west. This Block would be set back within the site and would be read against the other taller buildings set to the front of East Street. Although this would result in a change to the existing setting, it would be peripheral to the viewer's main experience of the setting of the listed building.
- 14.33. In considering the change to the setting as a result of the outline theatre scheme, the new performing arts school would be highly visible to the rear of the listed buildings, notably in direct views to the front of the listed buildings. Although the setting would change significantly as a result of the additional height of the contemporary performing arts school scheme to the rear, the design and materials can be managed through any subsequent reserved matters application to improve the setting of this listed building.

23 and 25 East Street (Grade II)

- 14.34. 23 and 25 East Street is a two-storey dwelling constructed in the early 19th century. Its significance lies in its architectural and historical interest; the building is clad in white weatherboarding with five sash windows and a central rectangular trellis porch with pointed top. This asset is a surviving example of Epsom's residential buildings from the early 19th century.
- 14.35. The setting of these heritage assets are primarily confined to their immediate environment; the built form, their associated curtilage and the nearby development comprising the adjacent listed buildings to the west of the site (19 and 21 East Street) with 27 East Street to the east, both of which have been constructed in a similar period and therefore make a positive contribution to the significance of these heritage assets. To the far west is the open landscaped corner of the junction between Hook Road and East Street, which provides some verdancy, a positive element of the setting.
- 14.36. Harmful elements of the setting include the heavily trafficked East Street to the immediate south, the busy Hook Road/East Street junction to the far west, the poor-quality performing arts school building to the east and north and the imposing three storey commercial buildings to the south beyond the highway. To the north lies the site, which, poor quality buildings and structures, overgrown landscaping, and the extent of hard surfacing, has no value beyond its partial openness, and does not contribute to significance of this heritage asset.



Photo 8: 23 and 25 East Street



Photo 9: Setting of 23 and 25 East Street with 19 and 21 East Street and 27 East Street

- 14.37. In considering the change to the setting as a result of the detailed residential scheme, Block C will appear as a background feature above the rooftop when viewed from the south west. This Block would be set back within the site and would be read against the other taller buildings set to the front of East Street. Although this would result in a change to the existing setting, it would be peripheral to the viewer's main experience of the setting of the listed building.
- 14.38. In considering the change to the setting because of the outline theatre scheme, the new performing arts school would be highly visible to the rear of the listed buildings, notably in direct views to the front of the listed buildings. Although the setting would change significantly as a result of the additional height of the contemporary theatre scheme to the rear, the design and materials can be managed through any subsequent reserved matters application to improve the setting of this listed building.

14.39. Setting of Conservation Area

- 14.40. Significance can be harmed through development within a heritage asset's setting. Whilst there is no statutory protection for the setting of a Conservation Area, paragraph 213 of the NPPF requires that consideration be given to any harm to or loss of significance of a designated asset, which includes Conservation Areas, from development within its setting.
- 14.41. This is further supported by paragraph 219 of the NPPF which states that local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

- 14.42. Appendix 2 Glossary of the NPPF defines setting of a heritage asset as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 14.43. Significance can be harmed through development within a heritage asset's setting. Whilst there is no statutory protection for the setting of a Conservation Area, paragraph 207 of the NPPF requires that consideration be given to any harm to or loss of significance of a designated asset, which includes Conservation Areas, from development within its setting.
- 14.44. Whilst the site is not within a Conservation Area, the proposed development has the potential to affect the setting of three surrounding Conservation Areas, which are discussed below:

Adelphi Road

- 14.45. The majority of the Adelphi Road Conservation Area lies to the south west of the site, 60 metres beyond the Hook Road highway at the closest point. The Laine Theatre adjoins the Adelphi Road Conservation Area to the south.
- 14.46. The Adelphi Road Conservation Area has two distinct sub character areas; Adelphi Road encompasses a group of 19th century artisan houses, mainly arranged as semi-detached pairs and the Hook Road/East Street Junction, which features a more varied group of historic buildings in a variety of uses – the former National School, an early 20th century public house, and three pairs of Surrey vernacular weatherboarded cottages, all of which are listed Grade II.



Figure 4: Adelphi Road Conservation Area

- 14.47. Almost all of the Conservation Areas buildings contribute to the area's special historic character and appearance and there is much of historic interest. The significance of Adelphi Road Conservation Area is therefore derived from the group value of the historic buildings as remnants of pre-20 century Epsom.
- 14.48. Adelphi Road Conservation Area has a somewhat compact and introverted setting that engages little with the surrounding modern character, particularly Hook Road and East Street, both of which have been extensively redeveloped with modern 20th century development that does not contribute to the area's special historic interest. The architecture of the buildings and the open landscaped corner of the junction between Hook Road and East Street, which provides this Conservation Area with some verdancy, are positive elements of the setting.
- 14.49. Harmful elements of the setting include the heavily trafficked Hook Road East Street junction, which suffers from a plethora of road signage and traffic control measures that are predominantly modern and utilitarian, along with the modern character created by the 20th century development along Hook Road and East Street, all of which do not contribute positively to the historic environment. To the north of the Conservation Area lies the site, which due to poor quality buildings and structures, overgrown landscaping, and the extent of hard surfacing, has no value beyond its partial openness, and does not contribute to significance of the Conservation Area.
- 14.50. In considering the change to the setting because of the residential scheme, Block C will appear as a background feature above the Hook Road/East Street Junction Character Area. This Block would be set back within the site and would be read against the other taller buildings set to the front of East Street. Although this would result in a change to the existing setting, it would be seen in conjunction with the contemporary setting of East Street and its large scale industrial, and residential led buildings and would therefore not impact on the significance of the Conservation Area.
- 14.51. From the Adelphi Road Character Area, within Adelphi Roads itself, any glimpsed views of the development would be likely to be limited to the tops of the tallest buildings. The notable views would be from Hook Road and would include Blocks C, D and F. Although this would result in a change to the existing setting, they would be seen in conjunction with the contemporary setting of East Street and its large scale industrial, and residential led buildings and would therefore not impact on the significance of the Conservation Area.
- 14.52. In considering the change to the setting as a result of the outline theatre scheme, the new performing arts school would be highly visible from both Character Areas and the setting of the Conservation Area would change significantly as a result of the additional height of the contemporary theatre scheme. Although the design and materials could be managed

through any subsequent reserved matters application, the height and bulk of the performing arts theatre would be read in isolation from surrounding development and would still create a meaningful change that would detract from and cause harm to the significance of the Conservation Area.

Linton Lane

14.53. Linton Lane Conservation Area lies of the far north east of the site, adjacent to the boundary of the Thames Water Treatment Works, 100m from the north eastern boundary of the site.

14.54. The Linton Lane Conservation Area is made up by two streets of late 19th century post-railway residential development (Victoria Place, Leith Road) and one street of early 20th century residential development (Middle Lane). A further street, Lintons Lane, is positioned between the two main roads and because it predates them and contains a number of late 18th century cottages which are listed.



Figure 5: Linton Lane Conservation Area

14.55. The majority of the buildings in the conservation area were built between 1880 and 1910 and are linked to the expansion of Epsom that was stimulated by the arrival of the railways. It is likely that Victoria Place was completed and named to commemorate Queen Victoria's Silver Jubilee in 1887. Almost all of the buildings contribute to the area's special historic character and appearance and there is much of historic interest. The significance of Linton Lanes Conservation Area is therefore derived from the group value of the historic buildings as remnants of pre- 20 century Epsom.

- 14.56. Lintons Lane Conservation Area is surrounded to the south by commercial development that extends above the predominant two storey development of the Conservation Area. The remaining areas surrounding the Conservation Area are primarily residential, with open space to the far north west. Although there are no notable outward views from the Conservation Area, there is a noteworthy view along Middle Lane which is identified in the Conservation Area Appraisal for its 'pleasing rhythm arising from the repetition of the architectural features along this line of well-detailed Edwardian houses'.
- 14.57. In considering the change to the setting as a result of the detailed residential scheme, due to Middle Lane being aligned with the site, if viewed from Middle Lane, Blocks D, E, and F would be visible above the existing two storey development on Linton Lane. Although these would be distant objects on the horizon, they would be clearly legible and would juxtapose with the two-storey setting, distracting from the noteworthy view of Middle Lane, thereby changing the surrounding in which the Conservation Area is experienced. Whilst it is acknowledged that the historic gasholders would have been visible from the Conservation Area for around a century and that Blocks D and F have been designed to somewhat reflect this, the setting has evolved from the gasworks for some time and the proposal would therefore affect a meaning full change that would cause harm to the significance of the Conservation Area.
- 14.58. In considering the change to the setting as a result of the detailed residential scheme theatre scheme, the new performing arts school would not be visible from the Linton Lane Conservation Area and would therefore not affect the setting or significance of this Conservation Area.

Epsom Town Centre

- 14.59. The Epsom Town Centre Conservation Area is separated by the wail line and at its nearest point is 130m to the south.
- 14.60. The significance of Epsom Town Conservation Area lies within its retained historic market town character and rich historic interest as a spa town, following the discovery of the medicinal properties from the local pond, which attracted many noble visitors, including King Charles II.
- 14.61. The area surrounding the Epsom Town Conservation Area is primarily residential, although to the east are large pockets of mature vegetation and open spaces including Roseberry Park and Fair Green which contribute positively to the setting. The residential buildings are from a variety of periods.

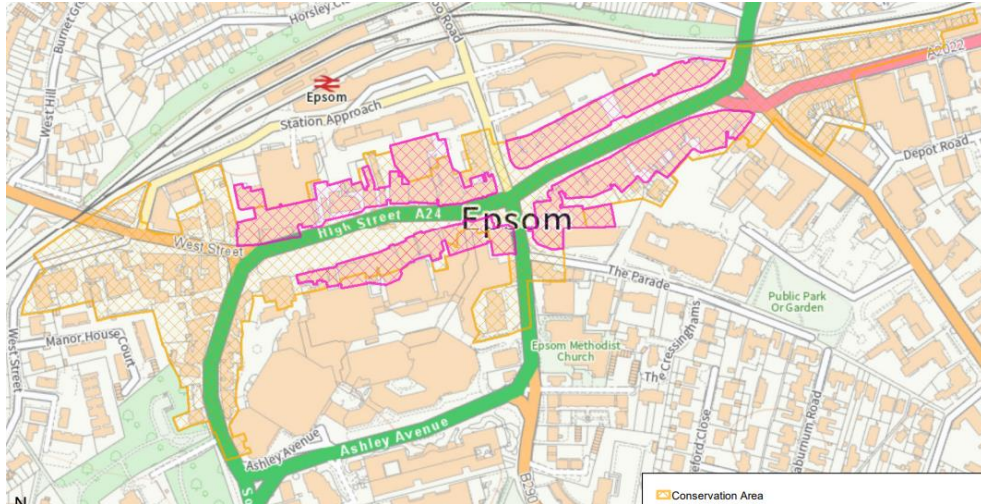


Figure 6: Epsom Town Centre Conservation Area

- 14.62. The documentation supporting this application considers the site to be a detracting element that does not contribute to the setting and significance of the Conservation Area. However, the site has a limited background view from within the Conservation Area and its partial openness and absence of development does contribute to the setting and significance of this Conservation Area.
- 14.63. In considering the change to the setting as a result of the residential scheme, Block D would be visible from the north east corner of the Conservation Area, over the railway bridge near the junction of Hook Road and East Street. This would result in a change to the setting of the Conservation Area. Furthermore, this view from the Conservation Area does not include the other taller buildings set to the front of East Street, so Block D would be seen in isolation, rather than in conjunction with the contemporary setting of East Street and its large scale industrial and residential led buildings.
- 14.64. The jarring appearance of Block D in isolation would therefore affect a meaning full change that would cause harm to the significance of the Conservation Area.
- 14.65. Harm to the Significance of Identified Heritage Assets (Listed Buildings and Conservation Areas)**
- 14.66. Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the NPPF. Whilst the proposal would harm the significance and setting of some of the heritage assets surrounding the site through the alteration of elements within their setting and significance, the degree of harm would not seriously affect the heritage asset's significance and could therefore not be considered to meet the high test of substantial harm.
- 14.67. The harm attributed to the significance of designated heritage assets as a result of the proposal is less than substantial. In accordance with paragraph 215 of the NPPF, this harm must be weighed against any

public benefits associated with the proposal. Great weight should be given to the heritage asset's conservation, irrespective of the scale of harm identified.

14.68. Public Benefits

14.69. The NPPF identifies that public benefits could be anything that delivers economic, social, or environmental progress, as described in paragraph 8. The PPG further states that public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits (020 Reference ID:18a-020-2019072).

14.70. The public benefits of the proposed development include:

- The contribution of net gain residential development to the Borough housing figures at a time that the Council cannot identify a five-year housing land supply and in considering the extent of the Council's housing shortfall and how long the deficit is likely to persist, given the timetable for the emerging Local Plan. Officers attach significant weight to this public benefit
- The contribution of affordable housing to the Borough, at a tenure that meets one of the Boroughs greatest affordable housing needs. Officers attach significant weight to this public benefit
- The social benefits from an increase in choice and types of homes for different members of the community. Officers attach significant weight to this public benefit
- The social benefits from provision of public open spaces and play areas within an urban town centre location that can be accessed by both future residents and members of the general public. Officers attach significant weight to this public benefit
- The generation of economic benefits from the employment during the construction phase of the proposed development. However, as this benefit is temporary, limited weight is attached to this public benefit.
- The direct economic and social benefits from investment into the nearby town centre from future residents, adding to the vitality and viability of the town centre. Although and there is no evidence to suggest that the local economy would be disadvantaged without the expenditure generated from the proposed development, it is likely to provide some minor investments. For this reason, limited weight is attached to this public benefit.

14.71. Officers give considerable importance and weight to the desirability of preserving the setting and the features of special architectural and historic interest of the surrounding heritage assets. However, notwithstanding the considerable importance and weight that the less than substantial harm attracts, in this case, the accrued public benefits are considered to outweigh the less than substantial harm arising from the proposal. No heritage specific conditions are necessary.

15. Archaeology

- 15.1. The site lies in an area of High Archaeological Potential as a result of it forming part of the backlands of the Epsom Historic Town Core. These backlands have the potential to contain evidence for past light industrial and domestic use and the development of historic Ewell and as such, the site has potential to contain as-yet unknown heritage assets which may be damaged by the proposed development.
- 15.2. The application is supported by an Archaeology Statement prepared by ACD Environmental, reference PRI24419_AHA, revision A and dated August 2024. The Statement acknowledges that the southern eastern section of the site forms part of the Area of High Archaeological Potential but highlights that as almost all the designation correlates with the existing commercial building on site, the construction of this is likely to have removed any significant remains.
- 15.3. The Statement identifies that the designation has the potential for earlier post-medieval or medieval deposits and that there are recordings of prehistoric and Roman finds and features but ultimately concludes that the site has low archaeological potential due to high levels of ground disturbance due to past development and that no pre-determination archaeological fieldwork will be required. The Statement recommends that a watching brief is required, focused on areas where less disturbance is likely to have occurred
- 15.4. The County Archaeology Officer has reviewed the archaeological desk-based assessment and considers it to be of acceptable quality. However, the County Archaeology Officer does not agree with the recommendations set out in the Statement that an archaeological watching brief would form acceptable mitigation for the proposed development works.
- 15.5. Given the potential of the site to contain unknown heritage assets, the County Archaeology Officer considers the more appropriate response to the proposed development is to undertake an archaeological trial trench evaluation, guided and focused by the results of any geotechnical investigations should such results be available. The County Archaeology Officer has confirmed that these works could be secured by condition, in the event permission is granted.

16. Public Open Space, Play Space and Landscaping

16.1. Public Open Space

- 16.2. One of the overarching objectives of the NPPF is the social objective. This supports strong, vibrant, and healthy communities by (inter alia) fostering accessible open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

- 16.3. Policy CS4 of the CS gives focus to the creation and maintenance of an accessible network of green spaces within the built-up area of the Borough.
- 16.4. Policy E15 of Plan E requires the delivery of approximately 0.24 ha of public open space within the development, with the potential to be used as formal outdoor provision for the Rainbow Leisure Centre. It should be noted that this provision covers the entirety of the 2.4 ha allocation and is not necessarily required from the site itself. The key notes to the policy (paragraph 5.21) suggests that the 0.24 ha of new formal public open space provision could take the form of flood-lit public all weather multi-use pitch provision to be operated by the adjoining Rainbow Leisure Centre and that the retention of existing formal open space provision to the rear of the Linton's Lane Centre will also be sought.
- 16.5. The site proposes to deliver a total of 1096m² (0.1 ha) integrated publicly realm open space, which has been developed around the 'Green Lung' of the site. This would contribute towards the policy ambition to secure 0.24 ha of public open space from the allocation.
- 16.6. The primary public realm area would be 'In the Round'; a central area proposed for community gathering and events. This is intended to be a platform for flexible recreation, events, and exhibitions such as outdoor live performances, temporary play/art installations or pop-up food venues. This area is intended to connect the community, as well as attract those from surrounding areas by encouraging interactions and fostering a vibrant and cohesive neighbourhood. Benches would be provided in this location to support this, by encouraging gatherings or used as resting points.
- 16.7. However, it is unclear whether the flexible activity space will be successful in terms of generating activity and vitality in the long term. Public spaces requiring activation tend to be more successful when they are on or adjacent to a major thoroughfare that can attract a high level of footfall. Officers consider 'In the Round' to mainly cater for the local needs of future residents and the limited numbers of general public using the shared link between Epsom Town Centre (via Hook Road) and the Rainbow Centre and it cannot be guaranteed that the space will become a vital active space without some active management by the estate to develop its role and purpose in the long term. In the event permission is granted, an obligation within the Section 106 securing opportunities for an alternative open space/children's play area use for 'In the Round' is recommended, in the event that the activity space is unsuccessful.
- 16.8. A further public realm area is 'The Meadow' which proposes to be an area of engaging landscaped green open space, which would also include informal intermittent children's play areas. This is an opportunity for both future residents and the general public to have access to green open space within the Town Centre.

- 16.9. Whilst there is no policy requirement for each development to provide a specific quantum of open space, the proposed public realm areas would be well integrated within the surrounding built form, inclusively design to be accessible to all, would provide opportunities for social cohesion and promote wellbeing. In the event permission is granted, it would be subject to a condition to secure soft and hard landscaping details of the proposed public realm, along with details of proposed street furniture. To ensure that the public realm areas are retained and maintained in perpetuity, a Landscape and Ecological Management Plan would also be secure by way of an obligation to a Section 106 Agreement.

16.10. Play Space

- 16.11. Paragraph 103 of the NPPF encourages opportunities for sport and physical activity which is important for the health and well-being of communities.
- 16.12. Although the key text to Policy DM12 of the DPDM highlights additional requirements for play space, these are secured through private gardens, rather than public play areas. Notwithstanding that there is no policy requirement for play space, Fields in Trust Guidance: Planning and Design for Outdoor Sport and Play (superseding 'The Six Acre Standard') is the recognised benchmark standard for the provision of children's play areas.
- 16.13. The proposal seeks to provide a children's play area to the north west of Block E. Whilst it would be preferable to have a children's play area more central to the site, the area proposed for the children's play area is also likely to attract the general public visiting the Rainbow Centre, which would provide opportunities for integrating the community with the wider public.
- 16.14. Furthermore, it is likely that the children's play area would be within a five-minute walking distance of each residential block, the maximum walking distance recommended by the Fields in Trust guidance.
- 16.15. The area proposed also has the benefit of direct supervision from Block E and Block F, although care needs to be taken as to the location of play equipment so that it would not result in a loss of privacy or noise nuisance to the occupiers of the ground and first floor levels of this residential Block E.
- 16.16. Care also needs to be taken as the play area identified is bounded on two sides by vehicular road, although the level of vehicular traffic on both these roads is likely to be very low level. It may be beneficial to seek traffic calming measures to the internal road near the play area to change the road environment and make vehicle users aware of the presence of vulnerable pedestrians in the area. This consideration would come about in the Road Safety Audit.

16.17. A further children's play area is proposed adjacent to Block D, although this is likely to be more informal than the children's play area to the north of Block E. Similarly, this area would be in an accessible location and would be naturally surveyed by the surrounding built form, although care needs to be taken as to the location of play equipment so that it would not result in a loss of privacy or create noise and nuisance issues to the occupiers of the ground and first floor levels of this residential Block D.

16.18. In principle, the siting of the children's play areas is acceptable, as they would be naturally supervised and positioned near pedestrian routes so they can be accessed easily by both future residents and members of the general public. In the event planning permission is granted, details on the particulars of the children's play areas (including surfaces, boundary treatments and equipment specification) would be secured by way of condition and to ensure that the children's play area is retained and maintained in perpetuity, a Play Area Management Plan would also be secured by way of an obligation to a Section 106 Agreement.

16.19. Public Open Space Sunlight

16.20. The Proposed Accommodation Light Assessment prepared by AWH, revision 3 and dated November 2024 identifies the main areas of open public space and has assessed the level of sunlight

16.21. BRE Guidance¹ recommends that for it to appear adequately sunlit throughout the year, at least half of amenity space should receive at least two hours of sunlight on 21st March.



Figure 7: Amenity Areas Assessed for sunlight

¹ Paragraph 3.3.7 and 3.3.11 Building Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight 2022 guidance

16.22. The Council's Environmental Health Advisors considers the scope, methodology, assessment, and conclusions of the supporting Proposed Accommodation Light Assessment to be robust.

16.23. The results assessment show that Amenity Area A1 and A2 very comfortably comply with the BRE guidance, with 88% and 100% of the respective amenity areas receiving at least two hours of sunlight on 21st March. However, at 48% of Amenity Area A3 receiving at least two hours of sunlight on 21st March, this falls short of the BRE guidance. However, as this fails by only 2%, this shortfall is marginal and not unacceptable. Overall, the results the level of sunlight achieved in the open spaces are considered to be acceptable.

16.24. Landscaping

16.25. Paragraph 136 of the NPPF, Policy CS3 of the CS, Policy DM5 of the DMPD and the Householder SPG seek the retention, protection and enhancement of existing and new trees, hedgerows, and other landscape features, with removal of trees supported by sound justification and appropriate replacement planting of native species.

16.26. The application is accompanied by an Arboricultural Impact Assessment and Method Statement prepared by Greenspace Ecological Solutions and dated August 2024 and subsequent Briefing Note prepared by Montagu Evans LLP, dated 16 December 2024, following comments from the Council's Tree Officer.

16.27. The Statement confirms that there are 29 individual trees on the site and 10 tree groups. These existing trees do not benefit from any Tree Preservation Orders and that the site is not within a Conservation Area.

Impact on Existing Trees

16.28. Out of the 29 individual trees existing on the site, 10 are Category B trees, 17 are Category C trees and 2 are uncategorised.

16.29. Two individual trees would be removed from the site for arboricultural reasons whilst a further 18 individual trees would be removed to facilitate the proposed development, to either enable the construction of a building, the creation of a car park or to allow for landscape improvements. Nine trees would be retained.

16.30. Out of the individual trees to be removed, three are Category B trees, 15 are Category C trees and two are uncategorised.

16.31. The site also contains 10 groups of trees, all of which are Category C groups. Five of these groups are to be removed to facilitate the proposed development

- 16.32. The demolition of one of the existing buildings on site would affect the root protection area of two individual trees to be retained on site. To protect these root protection areas from demolition works, the existing building would be demolished from the top down, with the foundations being removed through an excavated trench.
- 16.33. Two individual trees to be retained on site would be affected by the construction of a building on the edge of their root protection areas, with a further two individual trees being affected by soil remediation within their root protection area. To protect these root protection areas from soil and foundation excavation works, a hand excavated trench to a depth of 800mm is proposed, from which a suitably qualified arboriculturist would prune back any roots back to the edge of the trench, allowing excavations to continue by machine.
- 16.34. Three individual trees to be retained on site would be affected by the construction of hard surfacing within their root protection areas. To protect the root protection areas of these trees during hard surfacing construction works and the operation phase, the new hard surfaces will be constructed in accordance with 'no-dig' principals and will utilise a geocell system.
- 16.35. Four individual trees and one group of trees to be retained on site would require pruning to accommodate the construction of the development.
- 16.36. All trees to be retained on site would be protected by a tree protection barrier consisting of "Heras" type panels or similar, which will be erected prior to demolition and left until construction is fully complete.
- 16.37. The Council's Tree Officer acknowledges that there are relatively few trees on the actual site itself and that most are of low grade. However, the Tree Officer does object to the loss of two Category B trees.
- 16.38. First, the Tree Officer is concerned with the loss of T14, which is a Sycamore that could potentially soften the built form between Block G and the Rainbow Centre.

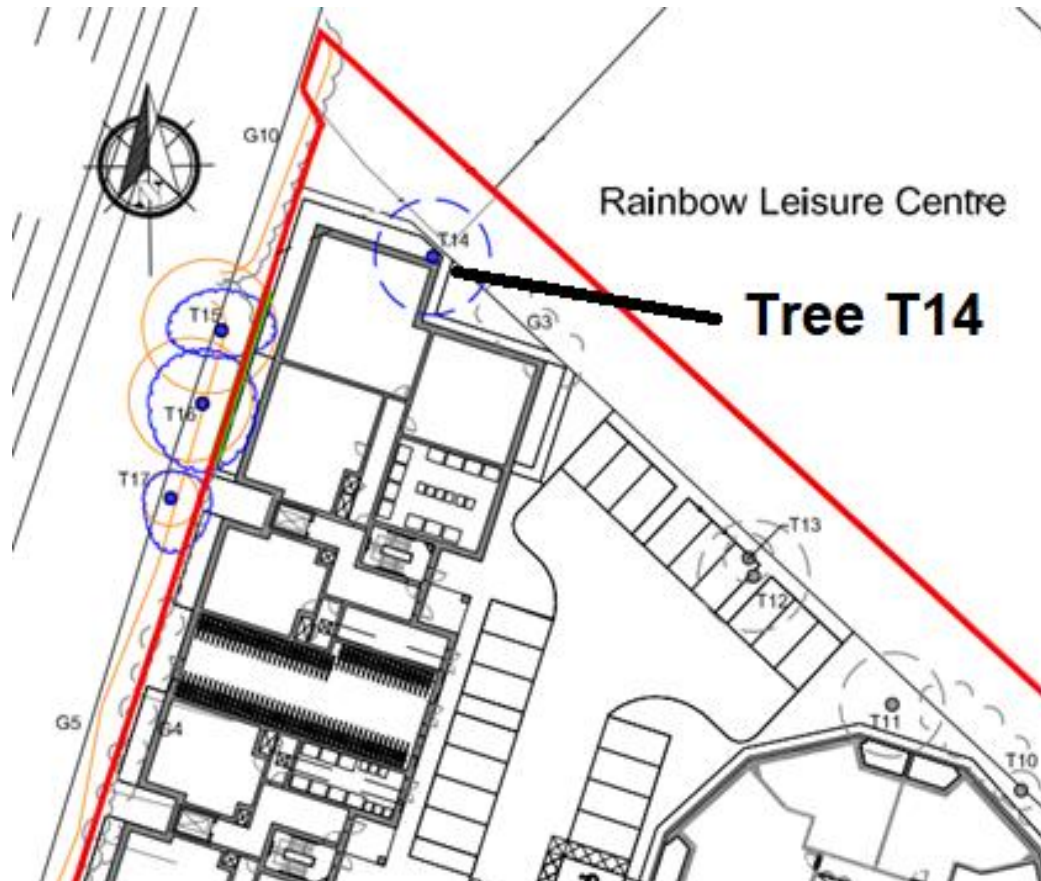


Figure 8: Location of T14

16.39. The Council's Tree Officer suggests that Block G is set back from the boundaries to allow for the retention of T14, as well as to provide further space to allow the future growth of offsite trees growing along the railway embankment.

16.40. Officers also regret the loss of T14 from the site but take into consideration the response from the applicant highlighting that the land in which this tree is situated contains the highest level of contamination on the site. Officers therefore conclude that it is unlikely that this tree would have flourished after its removal and reinstatement after the soil remediation works and that its removal is necessary.

16.41. With regards to the off-site trees on the railway embankment, the applicants arboriculturist has advised that these trees would be subject to pruning management works to ensure a sufficient gap is retained between them and Block G.

16.42. The Tree Officer also regrets the loss of T7, which is a Sycamore, but recommended that this loss should be compensated for in the Rainbow Centre Car Park, through the provision of planting pits in a hard surfaced area just opposite the Sycamore. The applicant has agreed to compensate for the loss of this tree through the means recommended by the Council's Tree Officer, which will be secured by way of a Grampian condition.

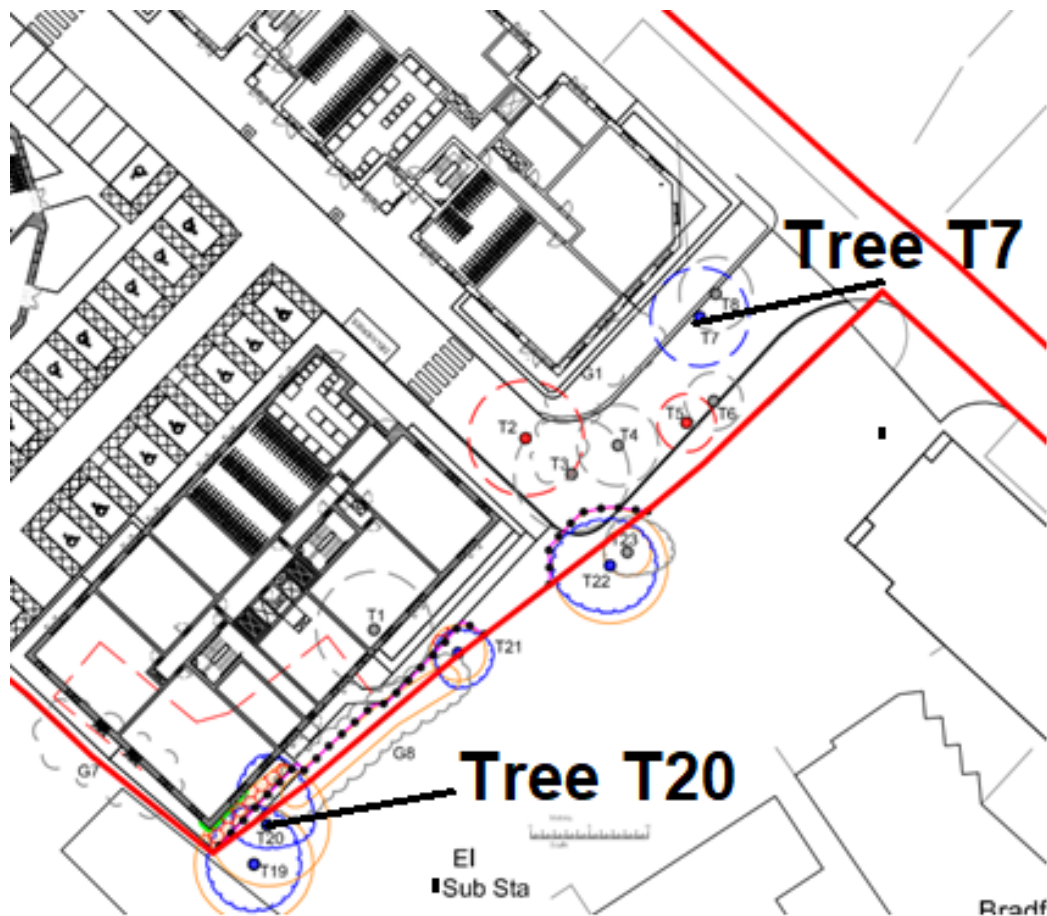


Figure 9: Location of T7 and T20

- 16.43. The Council's Tree Officer makes observation about T20, which is an offsite Sycamore to be retained on the boundary of Crossways House. There is some concern that the root protection area of this tree has been adjusted to take account of an existing building on site. To clarify, there is sometimes a need to modify a root protection area in a particular direction where there is a reduced rootable soil volume caused by the close proximity of structures or other barriers to root growth, such as existing buildings. The Council's Tree Officer was concerned that the existing building to the south west (31-37 East Street) has already exhausted root zone modification and as such, the root protection area for T20 should be the full radius.
- 16.44. The applicants arboriculturist have advised that that the root protection area of T20 does not conflict with the building to the south west as the root protection area is over 5 metres from the stem. The Council's Tree Officer has no further comment to make on this clarification.
- 16.45. The Council's Tree Officer is concerned that there would be no allowance for canopy growth of T20 as a result of its proximity to Block C which will create the need for disfiguring pruning to enable construction and ongoing liveability. The applicants arboriculturist has responded that this tree is a vigorous species that is able to tolerate management without undue harm

to life expectancy. This is demonstrated by the tree currently thriving whilst in close proximity to the existing building on site. Again, the Council's Tree Officer has no further comment to make on this matter following this clarification.

- 16.46. The Council's Tree Officer objects to the loss of the hedgerow between the Rainbow Centre and Block F, noting that the current width of the hedgerow is not replicated on the landscaping proposals. The Council's Tree Officer recommends that this hedgerow will require a landscape strip of at least 3.0 metres.
- 16.47. The applicants Arboriculturist questions as to whether the boundary of the site with the Rainbow Centre is in fact a hedgerow, as this boundary consists of self-sown sycamore, goat willow and butterfly bush that have established themselves within the mesh of the boundary fence. Any change to the boundary treatment in this area will require the young trees to be removed and therefore it is not feasible to retain them.
- 16.48. The applicant advises that as part of the emerging local plan, the ambition is and has always been to integrate the Rainbow Leisure Centre into the proposed development and in doing so, the fenced boundary would be entirely removed. Although limited weight is attributed to the emerging local plan due to its early stage in the plan making process, integrating development well with the surrounding context is a principle of good design though this can still be achieved with the delivery of a preferable landscape scheme. The Council's Tree Officer has no further comment to make on this matter following this clarification.

Proposed Landscape Strategy

- 16.49. The landscape proposals for the site would include the planting of 51 new trees across the site. The Council's Tree Officer has suggested that the disproportionately high amount of built form proposed in comparison to the designated amount of green space would not accommodate a functional and pleasant treescape and landscaped amenity space.
- 16.50. In particular, the Council's Tree Officer notes that the scheme seems to include very few large canopy trees, potentially due to the space that is required for these trees to grow to their full potential and that the smaller scale trees that are proposed through the central promenade will be out of scale amongst the high-rise built form. The Council's Tree Officer identifies a need for taller large canopy trees to soften the built form and give beneficial ecosystem service.
- 16.51. Officers recognise that the scheme attempts to balance the provision of much needed homes, associated car parking spaces, access for circulation, servicing, amenity, and public realm within a constricted site with limited the space available to provide optimal positions for planting trees of a more substantial scale. There should also be some

consideration of the increased density evident within the town centre location.

- 16.52. The landscaping design proposes to plant 22 small trees and 29 medium trees within the site – this has been influenced by the abrupt boundaries of Hook Road Car Park and Big Yellow Storage, which has had bearing on the tree planting provision and functionalities of these areas. Whilst it would have been positive to secure some large trees on the site that may provide some softening of the built form at a mid-height, the provision of medium and smaller trees would provide the site with tree coverage without compromising the amenities of future occupiers within the proposed built form and the public amenity areas. The Council's Tree Officer has no further comment to make on this matter make following this clarification.
- 16.53. The Council's Tree Officer has noted that the tree planting proposed in the proposed parking areas would have insufficient space for viable growth and identifies a risk of hard surface root eruption damage, due to a constricted planting area. The applicant's arboriculturist has advised that the trees within the car parking area would be planted into tree pits with soil cells located below the areas of hard standing, to provide a guaranteed minimum soil volume appropriate to the specified species. The Council's Tree Officer has no further comment to make on this matter make following this clarification.
- 16.54. The Council's Tree Officer has sought comfort that the proposed built form would not cast dominating shadows that would create otherwise uninviting and oppressive open spaces and would defuse light, threatening the ability of the new planting to grown healthily.
- 16.55. In particular, the Council's Tree Officer notes that where larger canopy trees are proposed, there would be insufficient spatial separation from the proposed built form buildings and insufficient provision of open space to give them an appropriate setting. The applicants arboriculturist has confirmed that the resident outdoor amenity and play space areas are all located where there is an acceptable quality of sunlight and appropriate micro-climate conditions, according to BRE standards and that all plant species and planting palettes have been selected according to their location and appropriate to their micro-climate conditions. The Council's Tree Officer has no further comment to make on this matter make following this clarification.
- 16.56. The Council's Tree Officer has particular comments on the use of Rowan trees within the site, noting that these are generally trees of weak constitution, that seldom make it past the young tree phase of growth and do not thrive. The Council's Tree Officer acknowledges the palate of trees could be reserved to a detailed landscaping condition but has reservations that there would not be an opportunity to replace large trees into a space designed for smaller trees. However, as there is no intention to provide any larger canopy trees on site other than those already identified, there

would be no requirement to retrospectively fit trees on the site. The Council's Tree Officer has no further comment to make on this matter make following this clarification.

- 16.57. The Council's Tree Officer is not aware of any evidence that the landscape below the ground has been considered to ensure healthy plant growth sufficient underground tree pits and planting beds following remediation of contaminations. The applicants arboriculturist has advised that all trees will all be planted into tree pits with soil cells located below the areas of hard standing to provide a guaranteed minimum soil volume appropriate to the specified species. The Council's Tree Officer has no further comment to make on this matter make following this clarification.
- 16.58. In general, the Council's Tree Officer is doubtful that an enclosed street realm is a substitute for a pleasantly landscaped open space of grassland trees and soft landscape beds, although it is recognised that there is insufficient ambient space within the scheme to achieve this. The Council's Tree Officer has recommended that one of the residential blocks is removed to from the scheme to contribute towards providing more ambient space.
- 16.59. Whilst it is acknowledged that the removal of a residential block from the scheme would provide more space to provide more open space and more landscaping, this needs to be balanced against the delivery of much needed market and affordable housing as envisaged by National and local policy, as well as considering the net benefits measured against the existing landscape setting .
- 16.60. The proposed landscaping strategy would deliver quality public realm, green open space, children's play areas and landscaping within a highly constricted site within a dense urban town centre location that can be accessed by both future residents and members of the general public, all of which is a benefit of the scheme. Notwithstanding, the net loss of trees on the site and the failure to deliver large canopy cover or extensive open space is a factor that weighs in the planning balance.

16.61. Open Space, Play Space and Landscaping Conclusion

- 16.62. There are various factors at play that have influenced the scale, layout and siting of the development. It is necessary for trees to be removed to accommodate redevelopment of the site. The density of the development, as envisaged by policy, has implications for the amount of open space and landscaping that is delivered. There is provision of open space facilities, made accessible to the public and links through the site are provided. The proposal is seen as striking an appropriate balance but the departures from policy and observations of the Trees Officer still weigh in the planning balance.

- 16.63. In the event planning permission is granted, delivery, retention and management of the landscaping would be secured by a Landscaping and Ecology Management Plan to ensure that the amenity, biodiversity and ecological benefits are retained over time.

17. Design and Character

- 17.1. Paragraphs 131 and 135 of the NPPF refer to the need for functional and visually attractive development that is sympathetic to local character and history.
- 17.2. Paragraph 139 of the NPPF states that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 17.3. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area.
- 17.4. 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.

Residential Development

17.5. Layout

- 17.6. The layout of the proposed development has been influenced by the siting of a new vehicular route proposed to the north east of the site, along with a new key pedestrian cycle route linking Hook Road to the Rainbow Leisure Centre and the desire to create as much a meaningful public realm and landscaping as possible. The layout identifies a 'Green Lung' running through the site from north east to south west, around which different character areas have been introduced to create defined areas of activity and diversity in the public and private realms.

Character Areas



Figure 10: Character Areas

'In the Round' Character Area

- 17.7. This is proposed as a central area within the residential development that would provide a flexible space for community driven activities. It could provide exhibition space for local artists to temporarily display artwork, a platform for live performances, or an area for pop up food venues.



Figure 11: 'In the Round'

The Meadow Character Area

- 17.8. This area would be green open space for future residents and passers by, as well as for informal children's recreation.



Figure 12: The Meadow

Green Infrastructure Character Area

- 17.9. This area is characterised by a pedestrian friendly shared cyclist street, with traffic calming measures such as textured surfaces and strategically placed street furniture. It would also establish an avenue of trees.

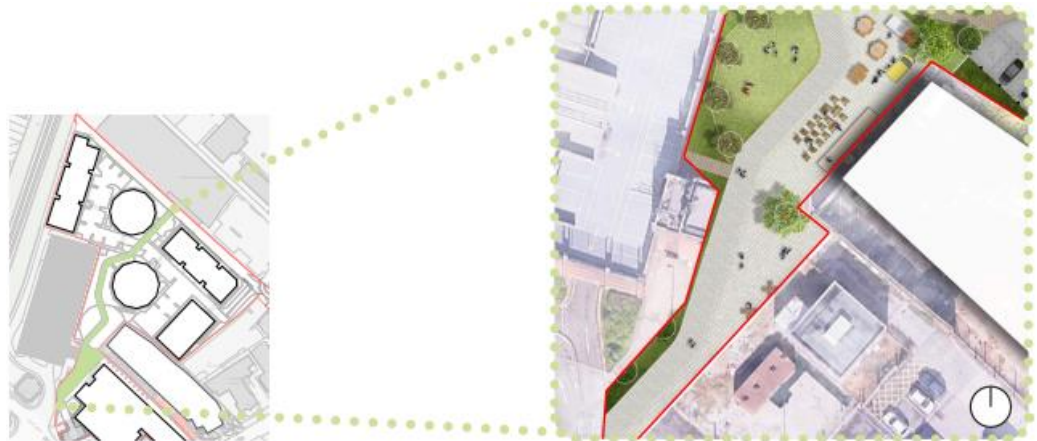


Figure 13: Green Infrastructure

Green Edge Character Area

- 17.10. This area would be a densely planted buffer, which would provide natural screening and provide a space for the conservation of a mix of native and exotic planting. It is also proposed to Introduction of hedgehog highways as an ecological measure.

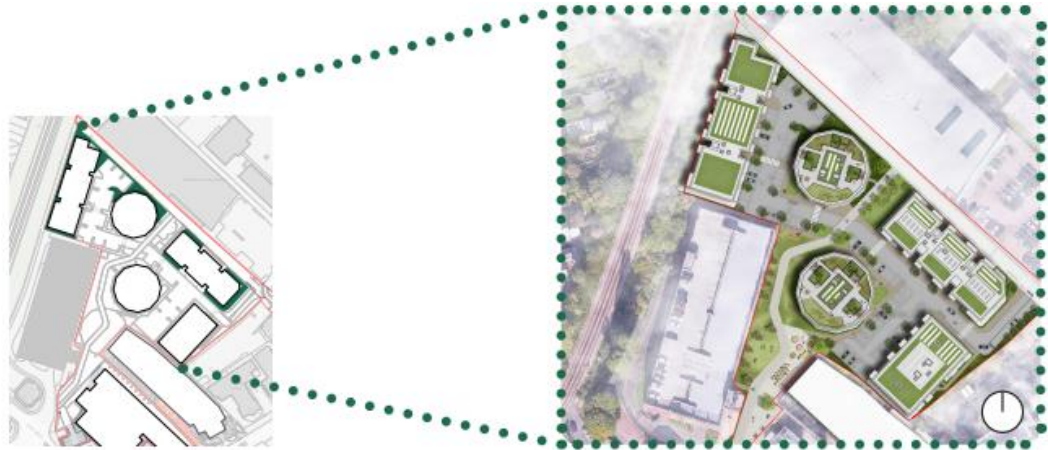


Figure 14: Green Edge

Amenity Roofs Character Area

- 17.11. The roof areas of Block D and Block F have been designed to allow for residents to socialise and would feature informal spaces and furniture, as well as an open amenity lawn area.



Figure 15: Amenity Roof

- 17.12. The new shared pedestrian cycle route between Hook Road and the Rainbow Leisure Centre would replace the existing pedestrian access which currently extends hard up alongside the railway bank to the north. The new shared access route would create a desire line that would holistically link Epsom Town Centre to the Rainbow Leisure Centre, which would avoid the use of the existing isolated railway embankment footpath or the heavily trafficked route along East Street.

17.13. The new shared access route would also provide opportunities for socialising or playing, as it would connect to 'In the Round' as well as the Children's Play Area. Street furniture would also provide opportunities for rest along the shared access route.

17.14. Other internal secondary pedestrian routes lead from the main shared route to the entrance of the buildings. All pedestrian routes would be well defined through the use of surfacing materials to ensure that they are logical and intuitive to understand.

17.15. The proposed permeability of the development is considered appropriate, with active frontages throughout that will provide overlooking and passive surveillance and therefore creating a sense of safe spaces within the site. The new shared access route represents a significant improvement in connectivity and permeability than the current undesirable route along East Street or adjacent to the railway line.

17.16. In terms of the layout of the built form, the linear buildings have been positioned to the outer edges of the site to define the boundaries of the site. The location of the built form places the highest vertical mass at the rear of the site. The two feature buildings (Blocks D and F) are centrally set between the linear blocks, creating desire lines through the centre of the site and identifying these as focal points of the scheme as a result of their juxtaposition with the linear built form on the periphery of the site.

17.17. Each residential block promotes active frontages at street level to encourage vitality and increased activity. It will be important to ensure that the residential entrances are well expressed in terms of quality and materiality and that the associated refuse/recycling and cycle store entrances do not appear as uninviting features. These details can be secured by condition in the event that permission is granted.

17.18. Height and Massing

17.19. Policy DM13 of the DMPD and Policy E7 of Plan E restricts building heights to 16 metres in certain locations within the Epsom Town Centre Boundary.

17.20. Given the Borough's objectively assessed housing need, the Planning and Licensing Committee agreed in May 2018 to improve the optimisation of housing delivery for development sites in the Borough and in order to do this, reduced the weight given to Policy DM13 of the DMPD during decision making.

17.21. Whilst the allocation within Plan E is silent on indicative building heights, the adopted Town Centre Masterplan indicates building heights up to seven storeys. Although the height of the residential development would exceed the indicative building height set out in the Town Centre Masterplan, it should be borne in mind that the Town Centre Masterplan is a high level document to inform the emerging Local Plan and that Policy

SA1 of the emerging Local Plan is not subscriptive with the height of future development.

17.22. The scheme comprises five separate blocks;

Block	Location	Storeys	Height	Form	Area
C	South	8	28.5m	Rectangular	722m2
D	Centre	11	37.0m	Dodecahedron	747m2
E	East	8	28.4m	Rectangular	936m2
F	North east	12	39.6m	Dodecahedron	693m2
G	North west	9	29m	Rectangular	1055m2



Figure 16: Masterplan

17.23. The proposed built form has been arranged so that the highest vertical mass is located to the rear of the site. The height of the proposed built form would be greater than any of those within the surrounding area. The built form along East Street contains some of Borough's highest buildings in a concentrated area, with the tallest building (Bradford House) at six storeys (18.4m), although permission was granted last year for the erection of a further six storey building at 79-81 East Street.

17.24. At eight storeys and 28.5m, the smallest of the blocks proposed on the site (Block C) would be significantly taller than those existing (and recently granted planning permission) on East Street.

17.25. Outside of the East Street context, the built form is primarily two storey residential dwellings, with the exceptions to this being Hook Road Car

Park (five storey), Feenies Nursey, Bunzl (approved to five storeys) and the flatted development at Woodstock Close (three storey) to the east of the site.

17.26. It is clear that height and massing of the proposal residential development would not be reflective of the surrounding built form. However, this is not necessarily harmful to local distinctiveness, as the proposed development would form its own distinctive independent character. The NPPF places great emphasis on making the most of development opportunities by optimising the potential of sites, particularly in highly sustainable and accessible locations. In addition, the NPPF encourages a step change in design quality of local areas where this is needed and can be achieved through outstanding and innovative approaches. The opportunity to deliver a development of significant scale and quality on the site is therefore clear and aligns with the objectives of the NPPF. It is also evident elsewhere in this report that because of the building being set back into the site and the intervening development in the surrounding area, the height is appreciated differently from various vantage points.

17.27. Built Form Character and Design

17.28. The architectural expression of the proposed built form is well considered, with Blocks D and F making reference to the sites industrial history by taking the form, massing and design from historic gas holders on the site (albeit as a 12 sided building, sufficiently close to the circular form of the gasholder structures). The use of horizontal exposed structural bands around these blocks, culminating in the open crown is an important architectural feature that makes direct reference to the gas holders. Similarly, the use of metal cladding with different profiles and textures adds visual interest to Blocks D and F, whilst continuing to reference the historic gasholders.



Figure 17: Block F

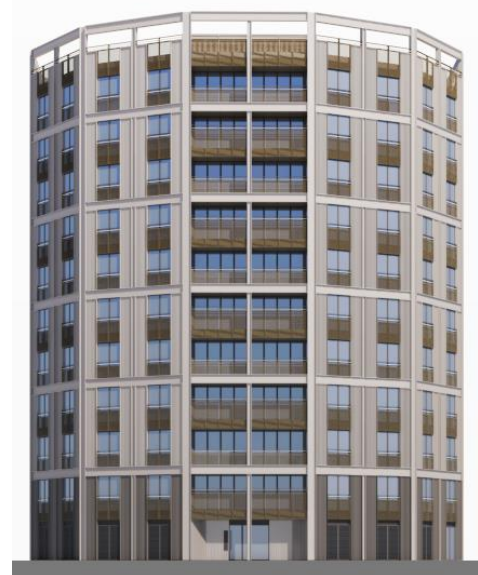


Figure 18: Block G

- 17.29. The recessed balconies on Blocks D and F are welcomed, as they allow the built form to retain the cylindrical shape reflective of the historic gas holders without visual interruption.
- 17.30. The linear nature of the three remaining blocks reflects the architectural language of the wider Epsom context, particularly in relation to the built form within the Town Centre. With respect to the design of the balconies, the starting point should be to provide amenity space into the building envelope, and the provision of protruding balconies on Blocks C, E and G disrupts the linear appearance, which is even more noticeable on Block G where the pattern is disjointed. However, it is acknowledged that a balance has to be made in providing a good level of internal amenity space and external private amenity space.
- 17.31. Blocks C, E and G would be predominantly constructed from brickwork, although the use of architectural metal mesh is picked up, which provides a material link between all blocks. The linear buildings would incorporate two toned brick variations on a horizontal banding, with the first two storeys constructed in a darker brick base with the remaining brickwork in a complementary lighter brickwork.
- 17.32. Although the pallet of brick for each block would differ (Block C would be buff brick, Block E would be red brick and Block G would be grey brick) dark grey brick panelling would feature in each block, which would tie in the materiality to the other linear blocks.
- 17.33. Although the built form represents a high-quality design response, the quality final finishes and materials would be instrumental to the success of the scheme. In the event planning permission is granted, samples of the materials would be secured by way of a condition to ensure this.

17.34. Townscape and Visual Impact

- 17.35. The application is supported by a Heritage, Townscape and Visual Impact Assessment, (HTVIA) prepared by Montagu Evans and dated August 2024, which provides an assessment of the likely impacts of the proposed development with regards to townscape and visual receptors.

Townscape Assessment

- 17.36. The Townscape Assessment considers the proposed development within its urban context, including the buildings, the relationships between them, the different types of urban open spaces, including green spaces and the relationship between buildings and open spaces
- 17.37. The framework for assessment of townscape and visual impact has been prepared using the Guidelines for Landscape and Visual Impact Assessment, Third Edition (Landscape Institute and Institute of Environmental Management and Assessment, 2013) ('GLVIA3'). The two components of townscape and visual assessment are:

- The assessment of townscape effects: assessing effects on the townscape as a resource in its own right; and
- The assessment of visual effects: assessing effects on the general visual amenity experienced by people.

17.38. The townscape baseline assessment within the HTVIA describes character areas/types and their characteristics. It defines the distinct and recognisable patterns of elements, or characteristics that make one area different from another. The objective of identifying the existing context is to provide an understanding of the townscape in the area that may be affected – its constituent elements, its character and the way this varies spatially, its geographic extent, its history, its condition, the way the townscape is experienced and the value attached to it.

17.39. The HTVIA categorises the townscape surrounding the site into three distinct townscape character areas:

Area 1: Light Industrial/Commercial
Area 2: Residential
Area 3: Town Centre

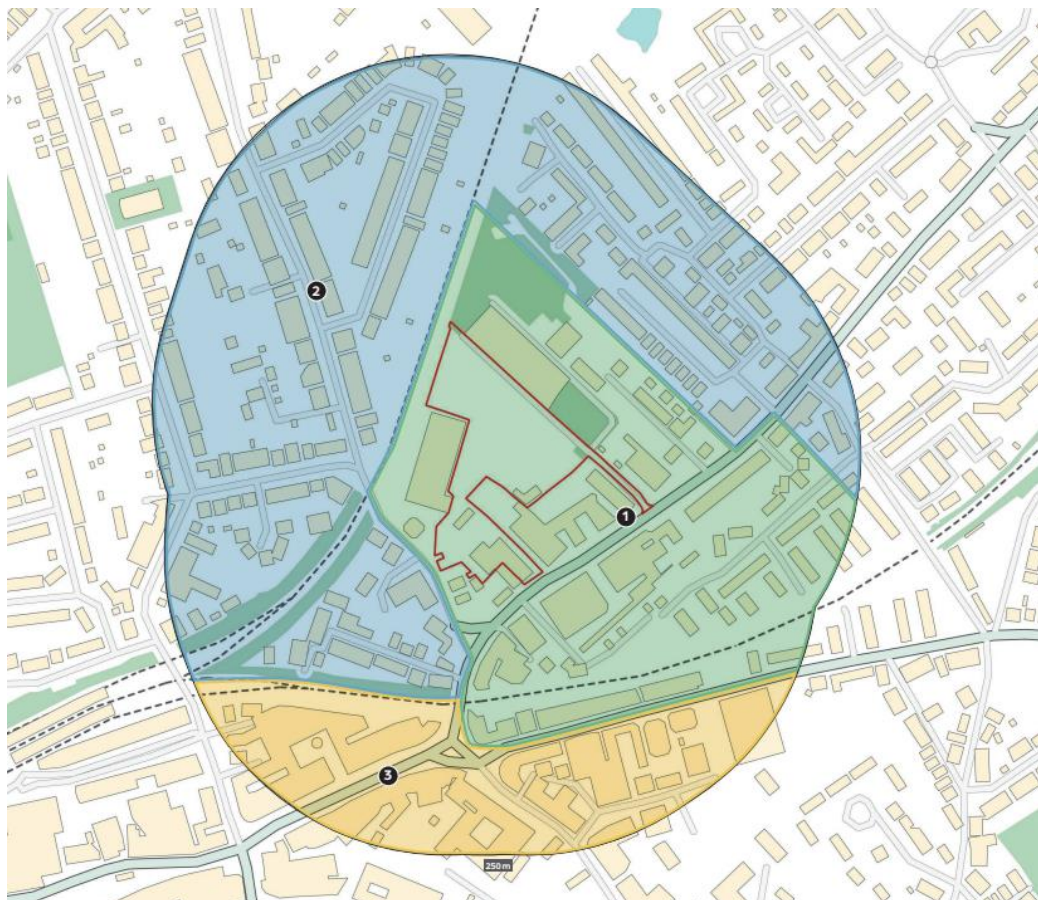


Figure 19: HTVIA Townscape Character Areas

Area 1: Light Industrial/Commercial

Baseline

- 17.40. The HTVIA identifies the Area 1 key features as the gasholders and the Rainbow Centre. The railway line and East Street are linear routes in this area, between which are large scale buildings interspersed with historic buildings. Whilst there are no designated views within this character area, the junction of East Street and Hook Lane is seen with a number of historic fragments of Epsom's townscape and the larger buildings along East Street are seen from this location.
- 17.41. Although the gasworks site itself has little built form, the character area is densely built up, the scale of buildings in this character area are varied with a mix of commercial and residential buildings up to five storeys, juxtaposed in places with historic two storey built form. There is no regular rhythm of spacing between or around buildings. The footprints of the buildings increase moving away from the Town Centre, with wider elevations fronting East Street.
- 17.42. The HTVIA notes that there are mature trees and vegetation throughout the TCA, including the area that lines the railway embankment, the edge of the site adjacent to the leisure centre and the open landscape area to the south at the junction with Hook Lane and East Street.
- 17.43. In considering the contribution of the site to the character area, the HTVIA concludes that it lacks interaction due to the enclosed boundaries. Although the gasholder is visible from a distance and from nearby open spaces, including Court Recreation Ground, the character of the site is inconsistent with the mix of uses around it.
- 17.44. The HTVIA identifies the townscape value of this area to be low as result of the number of large-scale buildings, and fragments of the historic townscape that developed outside of the historic centre in the 19th century.
- 17.45. In considering the sensitivity of the area to the proposed development, the HTVIA identifies this area to be low, identifying that the existing townscape has a high ability to accommodate the specific proposed change as townscape policies anticipate this type of development. Officers concur with the baseline of this character area set out in the HTVIA.

Assessment

- 17.46. The HTVIA recognises that there would be a noticeable change to the townscape character area as a result of the scale of the proposed development, however, the proposed development would create a new identity for the character area, drawing on historic industrial elements that

influence its architecture, creating a new unique character that forges its own identity within Epsom Town Centre.

17.47. Furthermore, the proposed development would visually improve the existing condition of the site, providing high quality built form with public open space and connectivity. This is a positive change to the character area, as it will draw users to the area.

17.48. The HTVIA concludes that although the proposed development would make a moderate change to the value of the townscape character area and would comprise a recognisable change that would alter key characteristics of the townscape character area, the proposed changes to the townscape character area the creation of links between the leisure centre and the town centre and the improvement to visual amenity would be beneficial and the proposed development would be an advantageous effect to the character of this townscape area.

Area 2: Residential

17.49. The HTVIA characterises Area 2 by its residential use, which was developed mostly in the late 19th Century with some early 20th Century additions. The primary route in this character area is Hook Road, with secondary routes spanning from this, with accommodate residential development.

17.50. The linear route of Hook Road and its associated secondary routes offers long range views which are of little interest other than being representative of residential character of the area.

17.51. The two-storey scale of the built form in this character area are reflective of suburban residential development, primarily consisting of terrace or semi-detached and occupying small footprints. The area is densely built up, with few spaces between buildings.

17.52. The HTVIA notes that there are mature trees and planting on the railway embankments. Court Recreation Ground is to the north west of the character area, which contributes to the functioning of the residential area.

17.53. In considering the contribution of the site to the character area, the HTVIA concludes that the site offers minimal contribution. The disused gasholder is seen from positions within the character area but does not underpin its understanding or functioning as a residential area.

17.54. The HTVIA identifies the townscape value of this area to be low, identifying that the existing townscape character area is characterised predominantly by low rise housing built around the turn of the 20th century.

- 17.55. In considering the sensitivity of the area to the proposed development, the HTVIA identifies the of this area to be low, due to the character of the area being predominately residential and the proposed development also being residential. Officers concur with the baseline of this character area set out in the HTVIA.

Assessment

- 17.56. The proposed development does not fall within this townscape character area, and therefore the change to the character is only visual. The proposed development has limited visibility from much of this townscape character area, with either distant background views in suburban foregrounds or glimpses of the built form between built form.
- 17.57. The distinct character of the proposed development would be legible from areas along Hook Road to the north of the site and where glimpsed in locations such as Miles Road. From the west, the enclosed nature of Adelphi Road means that there would be minimal visual change, although viewers would have an awareness of Blocks D and F, with some visibility of the tops of the built form glimpsed between existing development. To the east, although distant objects on the horizon, the proposed built form would be clearly legible from Middle Lane, creating a new skyline.
- 17.58. The HTVIA concludes that the proposed development would make a minor change to the value of the townscape character that would give rise to an effect, but this would not be significant. The nature of effect would be beneficial, due to the improvements in the connectivity of the site with the wider townscape character area and the improved visual amenity.

Area 3: Town Centre

- 17.59. The HTVIA notes that Area 3 features older buildings, although to the immediate south of the High Street, the scale of built form is noticeably increased and are more contemporary in appearance. The High Street is the focal route, spanning an east to west route with a large junction at Waterloo Road, which travels north to south. The High Street creates an enclosed environment with the junction at Waterloo Road forms a breaking enclosed appearance.
- 17.60. There are a number of key landmark buildings, which are typical of Victorian urban developments. These form focal points in the townscape and include the clock tower which is located to the west of the area.
- 17.61. The HTVIA identifies that the scale of the built form in the area is varied, with a varied roofline created by buildings that are between two and five storeys in height. The scale differs from the nearby residential areas and is defined by differing plot widths and increases in height across the town centre.

- 17.62. As the built form is primarily retail and commercial, it has a greater amount of ornamentation, including rusticated bases, pediments over key windows and strong cornice lines. The area is densely built up with few gaps between buildings and only a few mature trees.
- 17.63. In considering the contribution of the site to the character area, the HTVIA concludes that the site has no contribution save that the gasholder can be seen from the far eastern edge of this character area.
- 17.64. The HTVIA identifies the townscape value of this area to be medium as a result of the area containing a number of key landmark buildings and distinctive architectural features.
- 17.65. In considering the sensitivity of the area to the proposed development, the HTVIA identifies this area to be low, due to the distance of the development from the site. Officers concur with the baseline of this character area set out in the HTVIA.

Assessment

- 17.66. The visibility of the proposed development within this townscape character area would be highly localised and limited to the junction of the High Street and Hook Road. From this junction, the distinct character of the proposed development would be legible, with views limited of the top of Block C and Block D.
- 17.67. The HTVIA concludes that the proposed development would make a barely discernible change to the value of the townscape character, comprising a small change over a limited area. The nature of effect would be neutral.

Visual Impact Assessment

- 17.68. The HTVIA contains a visual impact assessment that considers the impact of the development upon visual receptors e.g. people. The assessment relates to how the amenity of people in the area affected by development will change (positive, negative, or neutral). This visual receptors for the purpose of this visual impact assessment that are likely to be affected by the change in views as a result of the proposed development are:
- Residents and other frequent users of the area
 - People, whether residents or visitors, who are engaged in outdoor recreation, including use of public rights of way, attractions, or those whose attention or interest is likely to be focused on the landscape and on particular views
 - Communities where views contribute to the landscape setting enjoyed by residents in the area

17.69. The HTVIA that identifies views which could be visually impacted by the proposed development. The views consist of local views as agreed with the Local Planning Authority:

1. Woodstock Close
2. East Street at Railway Bridge
3. East Street/High Street
4. Chase Road
5. Portland Close (incorrectly identified as Farriers Close in the HTVIA)
6. Hook Road
7. Court Recreation Ground
8. East Street at Newplan House
9. Epsom Downs

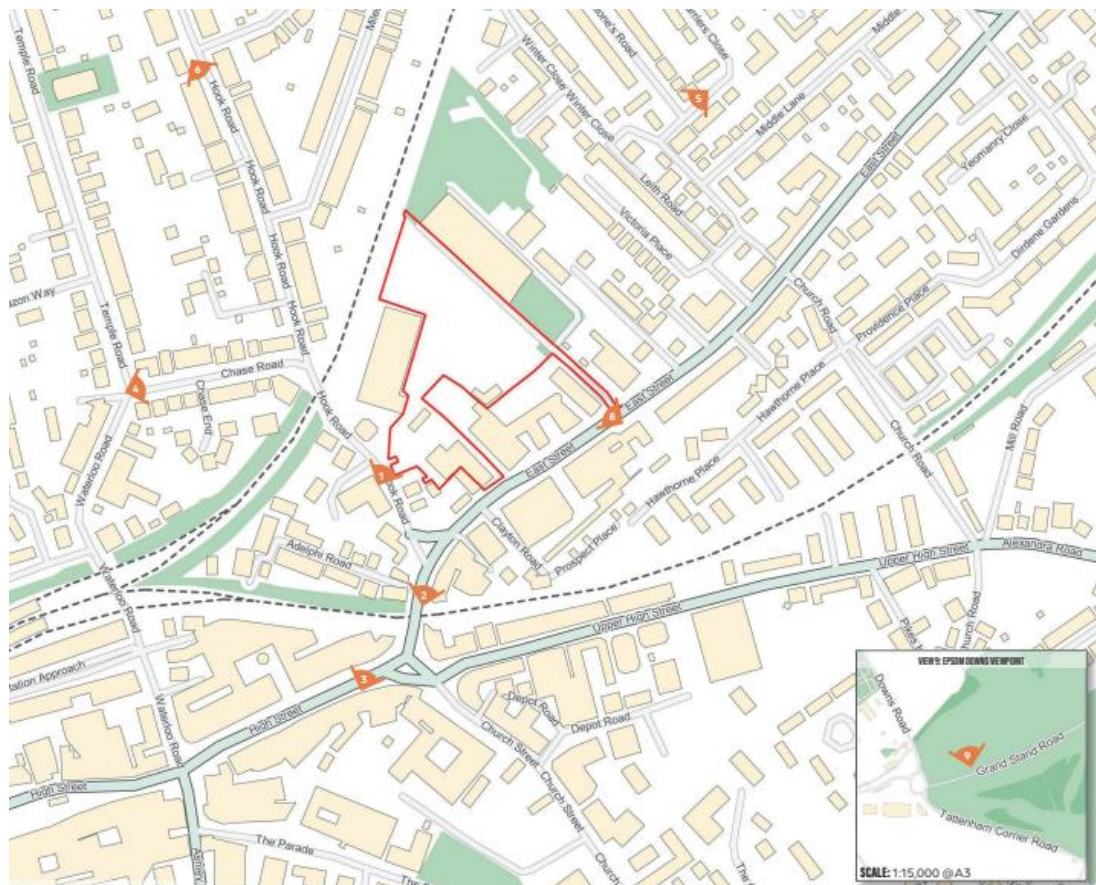


Figure 20: HTVIA Identified Views

Woodstock Close

17.70. This view represents one of the most noticeable changes from the surrounding residential settings. The current view of the commercial buildings would be replaced by new buildings of high-quality design.



Figure 21: Woodstock Court Existing



Figure 22: Woodstock Court Proposed

East Street at Railway Bridge

- 17.71. This viewpoint demonstrates the relationship of the proposed development and Listed buildings on East Street. The top of Block C can be seen above the roof tops of these Listed buildings. Due to the enclosure of the surrounding buildings and mature trees, the development will become less prominent the closer the viewer moves towards the Site along Hook Road.



Figure 23: East Street at Railway Bridge Existing



Figure 24: East Street at Railway Bridge Proposed

East Street/High Street

17.72. This view from the edge of the town centre, shows the top of Block D as visible, as the railway bridge would screen the proposal performing arts school and Block C.



Figure 25: East Street/High Street Existing



Figure 26: East Street/High Street Proposed

Chase Road

17.73. In this view, the proposed development would form a background feature to the suburban foreground. The linear form of Block G would be seen in conjunction with Blocks D and F.



Figure 28: Chase Road Existing



Figure 29: Chase Road Proposed

Portland Close

17.74. In this view, the proposed development would form a background feature to the suburban foreground. The linear form of Block E would be seen in conjunction with Blocks D and F.



Figure 30: Portland Close Existing



Figure 31: Portland Close Proposed

Hook Road

17.75. The majority of the development would sit behind the residential dwellings from this view on Hook Road. Block G would be visible from gaps between built form. Moving further north of Hook Road, it is likely that there would be some visibility of the linear blocks, in particular Block G.



Figure 32: Hook Road Existing



Figure 33: Hook Road Proposed

Court Recreation Ground

17.76. The tops of the majority of the residential blocks would be visible the Court Recreation Grounds



Figure 34: Court Recreation Ground Existing



Figure 35: Court Recreation Ground Proposed

East Street at Newplan House

17.77. The proposed development would have visibility to the rear of Newplan House. Block E would be visible in the middle ground of the view, with the crown of Block F beyond.



Figure 36: East Street/New Plan House Existing



Figure 37: East Street/New Plan House Proposed

Epsom Downs

17.78. This view is representative of a view from higher ground. The elevated height of the Epsom Downs allows the proposed development to be visible in the distance.



Figure 38: Epsom Downs Existing



Figure 39: Epsom Downs Proposed

- 17.79. Residents living in the predominantly residential areas around the site are more likely than any other visual receptor to notice a change in the built environment, so the susceptibility for change for these residents is high. In considering the effect on residents, the effect is medium, owing to the relatively limited extent of visibility and the considered improvements to the views in the locality resulting from the proposed development.
- 17.80. The most notable changes would from the surrounding residential settings. Of these, the most noticeable change would be from Woodstock Close. The existing view would change from a vacant site in poor condition with remnants of gas holders and a plethora of hardstanding, to new built form of a high-quality design, with variation in appearance and glimpses of open space and soft landscaping, creating a much more interesting view for residents.
- 17.81. A notable change in view would also been seen from Chase Road. The proposed development would be seen as a background feature within the suburban foreground, with the existing view of the top of Hook Road Car Park seen in juxtaposition with the proposed built form. The built form of the development would add some interest to the view and although it would somewhat detract from the suburban foreground, given its district character, the proposed built form would add visual interest for the viewer.
- 17.82. Similarly, the change in view to Portland Close would be seen as a backdrop feature. Although this background view is currently devoid of any development and the presence of the built form of the proposed development would form a new feature on the skyline. Given its district character, the proposed built form would add visual interest for the viewer.
- 17.83. A notable change in view would also be observed from residents in Hook Road. Whilst the majority of the proposed development would sit behind the existing residential building and would therefore have limited visibility, there would be views of the linear blocks, specifically Block G, through gaps between the residential buildings and when moving future north. The distance of the proposed development and its fleeting visibility would not distract from the view.
- 17.84. The views along East Street are representative of what residents would experience exiting the town centre and travelling towards residential areas. The composition of the proposed development would become less prominent the closer the viewer moves towards the site along Hook Road, due to the enclosure of the surrounding buildings and mature trees. Whilst the presence of the proposed development would be noted from these viewpoints, the distinct character of the proposed built form would add visual interest for the viewer
- 17.85. For the people using Epsom Town Centre for working, commuting and leisure purposes, the proposed development would only be seen from very localised positions and by those moving into Epsom along East Street and Hook Road.

17.86. For the users of Court Recreation Ground, although visible, the proposed development would not significantly alter the visual amenity offered by the open space. The distance of the proposed development in combination with the intervening tree belt which would provide some natural screening, would recede the built form visually.

17.87. For the users of Epsom Downs, whilst the elevated height of the Epsom Downs would allow for the proposed development to be visible in the distance and the screening provided by the natural the foliage, the visibility would be minimal.

17.88. It is also noted that whilst users both Court Recreation Ground and Epsom Down have the opportunity to appreciate view from these locations, they are also recreation spaces where users are likely to be more engaged in activities.

17.89. Designing Out Crime

17.90. Paragraph 96 of NPPF requires new development to be safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion

17.91. This is achieved through measures such as site layouts which enhance visibility and promote security, with developments required to incorporate principles of natural surveillance, defensible space, and secure access points.

17.92. The Surrey Designing Out Crime Officer (DOCO) has commended on the proposals, raising no objection to the scheme, subject to condition(s) to secure the inclusion of Secured by Design measures throughout the proposals, prior to the first occupation of the new units in the event permission is granted.

17.93. Design and Character Conclusion

17.94. The site as existing is incongruous in character with its surroundings. It is a vacant industrial plot on poor condition, which historically contained gas holders across the site, contrasting with the residential and commercial character and appearance in the locality. Although little structural evidence of the historic gasworks remains, the site has a clear, industrial character, which is significantly different from the urban and suburban context surrounding it.

17.95. The townscape and visual effects of the proposed development would somewhat reflect that of the former gasworks; the scale, massing and design of the proposed built form would continue to contrast with the surrounding context. However, this is not necessarily harmful to local distinctiveness; whilst there would be some localised impacts on townscape and views, in the longer term the proposed development would

enhance the local townscape benefits, and it would provide for its own distinctive independent character.

- 17.96. The NPPF places great emphasis on making the most of development opportunities by optimising the potential of sites, particularly in highly sustainable and accessible locations. Overall, the proposal is considered to strike an acceptable balance between maximising development potential of the site to ensure a deliverable scheme with significant benefits, without significantly detracting from key townscape or visual elements in the area. Identified harm is still weighed in the overall planning balance.

18. Quality of Accommodation

18.1. Internal Amenity

- 18.2. Paragraph 135 of the NPPF, 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, including with respect to layout, orientation, and massing.

Floor Area

- 18.3. The Nationally Described Space Standards 2015 sets out internal space standards for new dwellings at a defined level of bedrooms, occupancy, and number of storeys. 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.
- 18.4. Appendix 1 of this report demonstrates that all the units would have a floor area that would either meet or exceed the Nationally Described Space Standards, as well as the bedrooms meeting the minimum requirements.

Aspect, Outlook, and Privacy

- 18.5. The distances between the residential blocks, generally upwards of 20m, are sufficient to ensure that there are no significant issues in respect of privacy or restricted outlook.
- 18.6. However, there are 68 units within Block G and 56 units within Block E that have direct overlooking into private living accommodation within another block at a window-to-window distance of only 2.6 metres. However, as these are secondary windows serving dual aspect rooms served by larger windows on another elevation, it would be reasonable to recommend a condition to ensure these affected windows are finished in obscurely glazing, in the event that permission is granted.

- 18.7. The documentation supporting this application identifies 377 units (83%) would benefit from dual aspect layouts (windows facing two different directions) with the remaining units 79 (17%) would having single aspect layouts. At less than 25%, this is a positive design outcome. However, as discussed above, the dual aspect on 124 units would have the outlook constrained, as the secondary windows would need to be obscured due to direct overlooking aspects.
- 18.8. However, these constricted dual aspect units and the single aspect units would still benefit from external private amenity space or balconies and have outlook over public realm or landscaping. Therefore, on balance their aspect and outlook would be acceptable.
- 18.9. Having regard to the site's location and the urban density of surrounding development, the levels of aspect and outlook are acceptable in this context.

Daylight and Sunlight

Daylight

- 18.10. Daylight is the light received from the sun which is diffused through the sky's clouds. Even on a cloudy day when the sun is not visible, a room will continue to be lit with light from the sky.
- 18.11. The application is supported by a Proposed Accommodation Light Assessment prepared by AWH, revision 3 and dated November 2024. The assessment has been prepared in accordance with guidance set out by the Building Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight 2022 guidance and BS EN 17037:2021 Daylight in buildings, which is a unified Europe-wide standard that deals exclusively with the design for and provision of daylight within commercial buildings and residential dwellings.
- 18.12. The British Standards Institution (BSI) has published endorsements to EN 17037, which take the form of a UK National Annex.
- 18.13. The Council's Environmental Health Advisors considers the scope, methodology, assessment, and conclusions of the supporting Proposed Accommodation Light Assessment to be robust.
- 18.14. There are no minimum mandatory requirements for daylighting in Building Regulations for England, but the guidance set out in the BRE guidance is widely accepted as the approved methodology when calculating light levels in habitable rooms. However, the BRE guidance needs to be taken flexibly and contextually, as the target values within the guidance may not be obtainable in more dense urban areas.

- 18.15. This is supported in paragraph 130(c) of the NPPF which states when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)
- 18.16. BRE guidance states that the rooms within proposed residential accommodation that should be assessed are living rooms, kitchens, and bedrooms, all of which are standard accommodation.
- 18.17. In considering internal illuminance targets, the UK National Annex gives illuminance recommendations of 100 lux in bedrooms, 150 lux in living rooms and 200 lux in kitchens.
- 18.18. There are a number of rooms within the development that are used for more than one purpose, such as open plan kitchen/living/dining rooms (LKD). These are given a 150-lux target, which has been agreed with by the Council's Environmental Health Advisors, who considers the scope, methodology, assessment, and conclusions of the supporting AWH assessment to be robust.
- 18.19. The AWH assessment concludes that 81% of the rooms within the development meet or exceed the BRE guidelines. This is broken down into LKD's and Bedrooms as follows:

Block	LKD Comply	LKD Conflict	% Comply	Bed Comply	Bed Conflict	% Comply
C	24	44	35%	89	31	74%
D	28	57	32%	151	7	96%
E	62	28	69%	129	21	86%
F	45	48	48%	132	6	96%
G	83	38	69%	195	7	97%
Total	242	125	65%	696	72	90%

- 18.20. The LKD's conflicting with the guidance is due to the depth the rooms, which means they fall short of the BRE guidance. Whilst deeper rooms contribute to lower daylight levels at the room's interior, areas closer to the windows receive ample daylight. Block C is more constrained by existing development and therefore has a lower level of compliance than the other blocks.
- 18.21. Whilst it is acknowledged that some of the units on the lower levels have relatively poor access to daylight, the overall daylight provision for a high-density scheme such as this is considered acceptable. Every unit has a balcony which is welcomed in amenity terms, but the overhangs inevitably reduce daylight provision to units below. Increasing window sizes or providing additional openings can improve daylight but has to be weighed against other issues in respect of architectural design or privacy. Furthermore, to achieve notable improvements to daylighting to units at lower levels would require likely significant reductions in massing and height, which would

impact on the viability and deliverability of the scheme. The appropriate balance has been struck.

Sunlight

18.22. BRE guidance suggests that on 21 March that at least one habitable room to a dwelling, preferably a main living room, should meet at least the minimum 1.5 hours sunlight criterion. The recommendations apply to rooms of all orientations but those facing northerly are naturally limited and therefore would have less expectation of sunlight.

18.23. The AWH assessment concludes that 58% of the assessed rooms would be served by a window within 90° due south and 77% of the units having at least one room meeting the guidance. 63% of the proposed living areas would be able to meet at least the minimum sunlight recommendation. This is broken down as follows:

Block	Room Comply	Room Conflict	% Comply
C	89	99	47% (188 rooms)
D	151	91	62% (242 rooms)
E	110	129	46% (239 rooms)
F	129	102	56% (231 rooms)
G	286	37	89% (323 rooms)
Total	76	485	63% (1,224 rooms)

18.24. As is the case for daylight, the worst performing units are within Block C and at lower levels. Within Block C there are 24 units (35%) are single aspect and face north west. There is no potential to significantly improve the level of sunlight achieved at Block C or the lower levels without making disproportionate alterations to overall height and massing of the scheme. It is simply inevitable that some units would be compromised. Removing balconies may improve some units, though this has to be weighed against the amenity benefit of a private balcony.

18.25. A further 9 units at Block G units are single aspect and face north west. Officers accept that for a scheme of this quantum, some units would have single aspect layouts and this is preferable to reducing the unit mix or the number of units, which would dilute aspects of the scheme that contribute to the mix and quality of development as a whole as well as impacting on the viability and deliverability of the scheme.

18.26. It is important to note that the above criterion relates to units acquiring at least 1.5 hours of sunlight each day. Of the 42% of the units that do not have an aspect within 90 degrees of due south, most will still have an easterly or westerly orientation where sunlight will be received during the day. The design of the scheme has struck the appropriate balance, and it would not be possible to design out the above issues in any scheme, However, the negative effects weigh in the planning balance.

Layout and Circulation

- 18.27. Each residential building would be served by two sets of staircases and two lifts. Officers note that the building design and placement of lifts and staircases reduces the need for long, singular hallways and the smaller corridors improve the overall residential environment.
- 18.28. Each residential building requires at least one firefighting lift and staircase and as Blocks E and G have a floor area above 900m² and are higher than 18 metres, both staircases and lifts are required to be firefighting stairs/lifts.
- 18.29. The application is supported by a Gateway One Fire Statement, prepared by Orion Fire Engineering, reference OF-001441-FFS-01-C, dated August 2024 and a RIBA Stage 2 Fire Strategy, prepared by Orion Fire Engineering, reference OF-0014410-OFS-01-B and dated July 2024. The Surrey Fire and Rescue Service are satisfied that these documents demonstrate compliance with the Fire Safety Order in respect of means of warning and escape in case of fire.

Overheating/Ventilation

- 18.30. The application is supported by an Energy and Overheating Strategy, prepared by CGP/MEP, reference CG15040-CGP-XX-XX-RP-1001 and dated August 2024, which identifies measures to mitigate the risk of overheating.
- 18.31. To minimise internal heat generation, the use of energy efficient lighting and equipment with low heat outputs would be installed and pipework on the centralised hot water system would be fully insulated to minimise heat loss and prevent heat build-up in corridors and risers.
- 18.32. Insulated external walls would minimise any heat gain through conduction and would reduce the amount of heat entering the building.
- 18.33. In considering the management of heat within the building, the residential blocks would have a medium weight thermal mass that provide a damping effect, allowing the development to buffer itself from high temperatures outside.
- 18.34. All units would be served by individual Mechanical Ventilation with Heat Recovery units. These units benefit from efficient heat recovery, allowing summer bypass in summer and also high efficiency heat recovery in winter. Railway facing apartments in Block G will utilise Hybrid MVHR's which contain an additional module enabling the tempering of incoming air. These units are required due to the closed windows on this façade and provide mitigation against overheating.
- 18.35. As noted above, most units have balcony overhangs, which will allow for summer shade in the areas adjacent to the windows.

18.36. Officers are satisfied that the measures to mitigate the risk of overheating would ensure a comfortable environment for future residents of the proposed development.

18.37. Outdoor Space

18.38. 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. To provide adequate private amenity space for development of flats, a minimum of 5m² of private outdoor space for 1-2 person dwellings should be provided and an extra 1m² should be provided for each additional occupant.

18.39. Appendix 1 of this report demonstrates that all the units would be served by policy compliant private amenity space that would either meet or exceed policy compliance. This private amenity space would be served through enclosed gardens at ground floor level or through the provision of balconies at first floor level and above. This private amenity space is supplemented by 544m² roof top amenity space on Block D and 547m² roof top amenity space on Block F, which would provide the future residents with communal amenity space.

19. Neighbour Amenity

19.1. Paragraph 135 of the NPPF sets an expectation that new development will be designed with a high standard of amenity for existing and future users.

19.2. This is reflected in Policy CS5 of the CS and Policy DM10 of the DMPD, which seek to protect occupant and neighbour amenity, including in terms of privacy, outlook, and sunlight/daylight implications.

19.3. Loss of Outlook/Overbearing Implications

19.4. The proposed residential development would be located at a minimum distance from the following residential properties:

- 34 metres from the far boundaries of the nearby residential properties at 22-44 Hook Road and 2-12 Miles Road (measured from Block G)
- 103 metres from the far boundaries of the nearby neighbouring properties at 27-49 (odds) at Victoria Place (measured from Blocks E and F)
- 84 metres from the far boundaries of the nearby residential properties at 10-16 (even) Hook Road (measured from Block C)
- 80 metres from the boundary of 17 East Street (measured from Block C)
- 27 metres from the rear elevation of Crossways House (student accommodation) (measured from Block C)
- 34 metres from the rear elevation of Bradford House (student accommodation) (measured from Block C)

- 19.5. Whilst the proposed development would have a greater presence upon the occupiers of these nearby residential properties than that currently experienced on the site, as a result of the distances retained, the proposed development would not give rise to any significant overbearing or loss of outlook implications upon the occupants of these properties.

19.6. Overlooking/Loss of Privacy Implications

- 19.7. The supporting paragraph to Policy DM10 of the DMPD acknowledges that existing residential properties can be particularly vulnerable to overlooking from new residencies adjacent to rear gardens and that as a general principle, a distance of at least 21 metres of separation between opposing properties will be encouraged (paragraph 3.20). Although this distance is not a prescribed standard, it is generally considered sufficient to maintain good levels of privacy and avoid an unreasonable level of overlooking, though increased separation is usually required at higher levels.
- 19.8. The proposed development contains a number of windows and external balconies that are orientated towards existing residential properties. Furthermore, the proposed balconies would provide external seating areas for future occupants to remain for a period of time, giving the occupants of existing nearby residential properties the perception of direct overlooking.
- 19.9. However, the distances retained between the proposed development and the boundaries of residential properties would be significantly in excess of the 21 metres sought in the supporting text to Policy DM10 of the DMPD and generally in the vicinity of 40m to the boundary of properties I Miles Road across the railway line, which prevents any undue opportunities for clear overlooking into the rear gardens and sufficient to mitigate any unreasonable loss of privacy to the occupants of these properties.

19.10. Daylight/Sunlight Implications

- 19.11. The NPPF does not express any particular standards for daylight and sunlight. Paragraph 130(c) of the NPPF states when considering applications for housing, authorities should take a flexible approach in applying guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
- 19.12. The application is supported by a Daylight and Sunlight Report prepared by AWH, revision 3 and dated November 2024. The assessment has been prepared in accordance guidance set out by the Building Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight 2022 guidance and BS EN 17037:2021 Daylight in buildings.

19.13. The Council's Environmental Health Advisors considers the scope, methodology, assessment and conclusions of the supporting Daylight and Sunlight Report to be robust.

19.14. The AWH report that the daylight and sunlight implications were assessed for the following residential properties:

- 10-16 Hook Road (evens)
- 22-54 Hook Road (evens)
- 2-24 Miles Road (evens)
- 5-51 Victoria Place (odds)
- 17-27 East Street (odds)
- Crossways House (student accommodation)
- Bradford House (student accommodation)
- 1-6 Woodstock Court
- 7-15 Woodstock Court

Daylight

19.15. The AWH report sets out the two parameters to measure the impact of the proposed development upon the identified residential properties. For daylight, this is Vertical Sky Component (VSC) and Daylight Distribution (DD).

Vertical Sky Component (VSC)

19.16. The VSC is the amount of skylight received at the centre of a window from an overcast sky. BRE guidance recommends at paragraph 2.2.7 that where the VSC value of a main window as proposed is below 27% and would be less than 0.80 times of its former value, then occupants of the existing neighbouring property would notice the reduction in the amount of skylight. If the VSC is more than 27%, then enough light would still reach the window of the existing neighbouring property.

19.17. However, the AWH report advises that target values in the BRE Guide may not be obtainable in dense urban areas where the grain of development is tight. This is recognised at paragraph 2.1.10 of the BRE Guidance.

19.18. Furthermore, the AWH report sets out that existing light levels in urban areas are frequently significantly below 27% VSC value due to existing obstruction angles created by taller buildings, and therefore the site context is a key consideration in any BRE Guide analysis. In central parts of towns and cities, VSC values are frequently at or around the in mid-teens level. It would be reasonable to acknowledge these considerations in this case.

19.19. While any reduction of more than 20% would be noticeable, the significance and therefore the potential harm of the loss of daylight is incremental. The following is a generally accepted measure of significance:

- 0-19% reduction – Negligible
- 20-29% reduction – Minor Adverse
- 31-40% reduction – Moderate Adverse
- Above 40% reduction – More Significant

19.20. Of the 520 windows tested, 89% met the BRE guidance of retaining 27% VSC and above, with the following exceptions:

Bradford House (student accommodation)

19.21. The AWH report identifies 13 transgressions (10 minor adverse and 3 moderate adverse) that would fall below the recommended BRE guidance a result of the proposed development. At ground level, three of these windows (R1 W1/W2/W3) serve a communal kitchen/living area, which is also served by another window that retains the existing level of skylight (R1 W8). W2 and W3 are the main windows and retain a VSC of 18% and 21% respectively and W1 is reduced to 8%.

19.22. The VSC values of R1 W2/W3 would retain acceptable living standards when considering the town centre context and the flexible approach required by the NPPF to making efficient use of the site and the remaining VSC value from R1 W1 would not significantly reduce the level of skylight to the room, given that the three remaining windows would still achieve acceptable skylight values.

19.23. Further windows serving bedroom (R2 W4 and R3 W5) would retain a VSC of 23% and 1.5%, respectively. A 23% VSC for R2 W4 would retain acceptable living standards when considering the town centre context and the flexible approach required by the NPPF to making efficient use of the site. R3 W5 is located behind a louver detail, which has resulted in an existing VSC of 2%. As the reduction is not less than 0.80 times of its former value, the loss would not be noticeable to the occupier within.

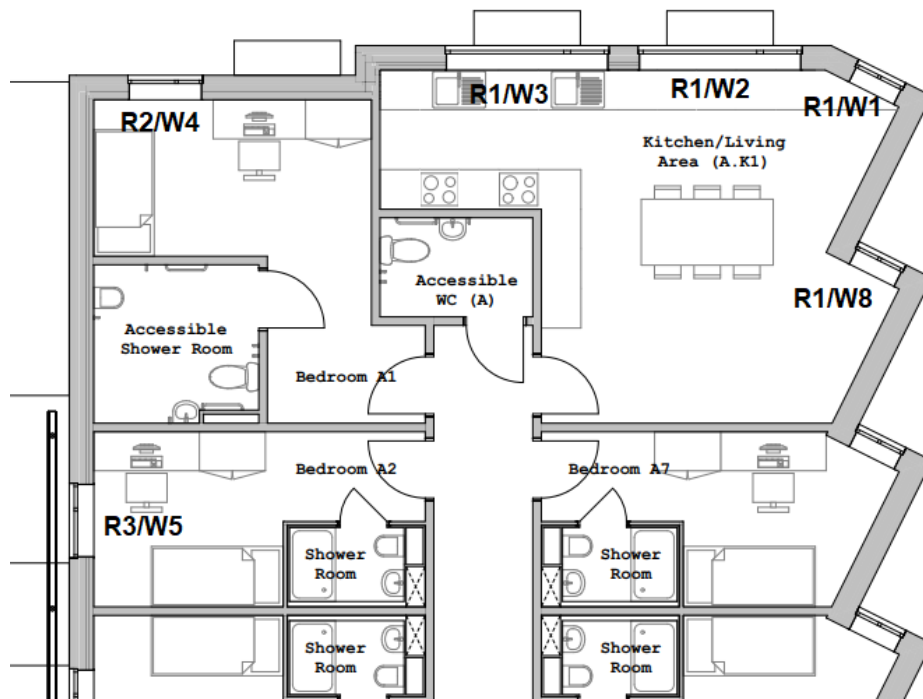


Figure 40: Ground Floor Bradford House

- 19.24. At first floor level, the skylight impact of the proposed development is similar. Three of the windows (R1 W1/W2/W3) serve a shared kitchen area, which is also served by another window that retains the existing level of skylight (R1 W8). W2 and W3 are the main windows and retain a VSC of 20% and 23% respectively and W1 is reduced to 9%. The VSC values of R1 W2/W3 would retain acceptable living standards when considering the town centre context and the flexible approach required by the NPPF to making efficient use of the site, and the remaining VSC value from R1 W1 would not significantly reduce the level of skylight to the room, given that the three remaining windows would still achieve acceptable skylight values.
- 19.25. Further windows serving bedroom (R2 W4 and R3 W5) would retain a VSC of 25% and 1.9%, respectively. A 25% VSC for R2 W4 would retain acceptable living standards when considering the town centre context and the flexible approach required by the NPPF to making efficient use of the site. R3 W5 is located behind a louver detail, which has resulted in an existing VSC of 2.3%. As the reduction is not less than 0.8 times of its former value, the loss would not be noticeable to the occupier within.

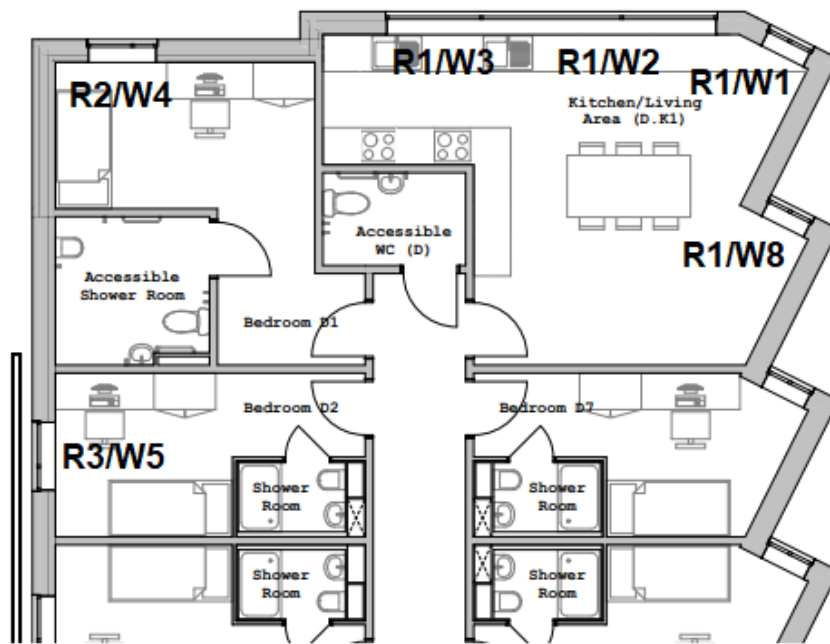


Figure 41: First Floor Bradford House

19.26. At the lower two floors, the second-floor skylight impact would be similar. Three of the windows (R1 W1/W2/W3) serve a shared kitchen area, which is also served by another window that retains the existing level of skylight (R1 W8). W2 and W3 are the main windows and retain a VSC of 22% and 26% respectively and W1 is reduced to 11%. The VSC values of R1 W2/W3 would retain acceptable living standards when considering the town centre context and the flexible approach required by the NPPF to making efficient use of the site, and the remaining VSC value from R1 W1 would not significantly reduce the level of skylight to the room, given that the three remaining windows would still achieve acceptable skylight values.

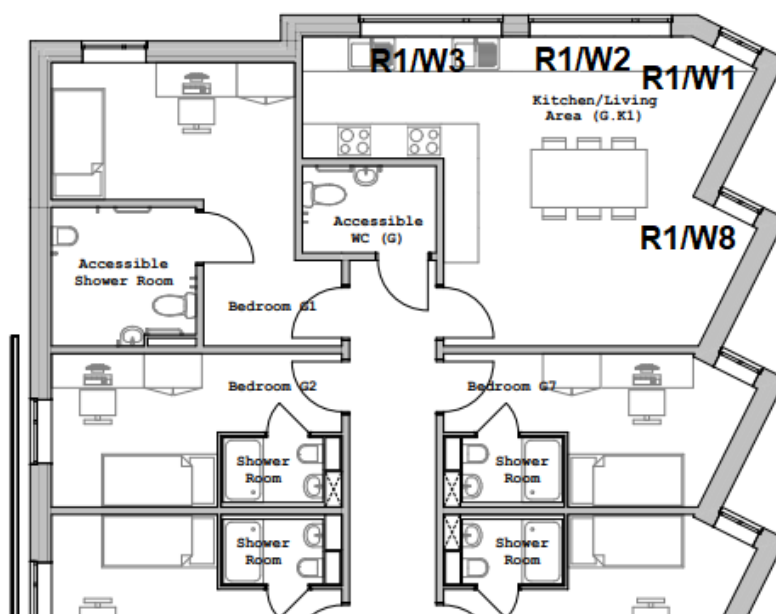


Figure 42: Second Floor Bradford House

- 19.27. The remaining windows within Bradford House would either continue to receive a VSC of 27% or above or the VSC is not affected from the original VSC value as a result of the proposed development.

Crossways House (student accommodation)

- 19.28. The AWH report identifies 31 transgressions (8 minor adverse, 20 moderate adverse and 3 more significant) that would fall below the recommended BRE guidance because of the proposed development. However, of these 31, 3 windows (R5 W4, R6 W9 and R7 W10) would retain VSC of 18% and above and 26 would retain a VSC of 20% and above because of the development. These retained VSC values would retain acceptable living standards when considering the town centre context and the flexible approach required by the NPPF to making efficient use of the site. It is also noted that the windows between 18%-20% retains VSC are as a result of the juxtaposition with the Big Yellow Storage building, which reduces southern sky view to these windows.
- 19.29. At ground floor level, windows R1 W11 and W12 directly face Bradford House, resulting in these windows having an existing VSC of 1% and 2%, respectively. These windows are secondary to serving a communal kitchen/living area, which is also served by two primary windows that would retain a VSC value of 23% because of the proposed development. Notwithstanding that this room would still achieve good levels of skylight from the existing primary windows, the reduction in skylight to R1 W11 and W12 R1 would not be less than 0.80 times of their former value, the loss would not be noticeable to the occupiers within.

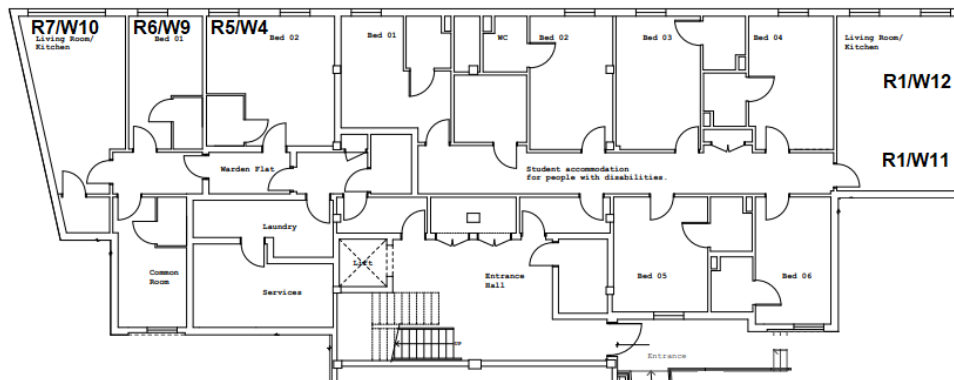


Figure 43: Ground Floor Crossways House

- 19.30. The remaining windows serving Crossways House would either continue to receive a VSC of 27% or above or the VSC is not affected from the original VSC value as a result of the proposed development.

14 Hook Road (residential dwelling)

The AWH report identifies 1 transgression (1 minor adverse) that would fall below the recommended BRE guidance as a result of the proposed development. This would reduce the VSC value of ground floor WC window R1 W1 at first floor window to 25%. However, this window serves

a bathroom, which is not defined as a habitable room for the BRE guidance².

16 Hook Road (residential dwellings)

- 19.31. 16 Hook Road contains two residential units, one at ground floor level and one at first floor level. The AWH report identifies 4 transgressions (3 minor adverse and 1 more significant) that would fall below the recommended BRE guidance as a result of the proposed development. This would reduce the VSC value of R1 W1 at ground floor level to 26%. However, this window serves a bathroom, which is not defined as a habitable room for the BRE guidance.
- 19.32. Also at ground floor level, R1 W3 is window within a door located under a porch structure and due to this, has an existing VSC of 2.8%. This would be reduced to a VSC value of 0.3% as a result of the proposed development, which would not be less than 0.8 times of its former value. Notwithstanding that this loss would not be noticeable to the occupiers within, the room would also be served by a main windows that would achieve a VSC value of 24% as a result of the proposed development, which is considered to provide acceptable living standards when considering the town centre context and the flexible approach required by the NPPF to making efficient use of the site
- 19.33. At first floor level, R1 W1 would achieve a VSC value of 24% as a result of the proposed development. However, the window serves a bathroom, which is not defined as a habitable room for the BRE guidance
- 19.34. Also, at first floor is R3 W3 which serves a living room and would achieve a VSC value of 14% as a result of the proposed development. Furthermore, this value would be 0.60 times of its former value. The existing VSC value is 19%, which is a result of the window being located directly under the eaves of the roof and its location directly adjacent to the two storey protruding gable element, along with the dense vegetation on the boundary, all of which impacts the existing daylight levels into the room.
- 19.35. It is noted that this property was subject to a conversion from one dwelling into two self-contained flats (planning permission 04/01391/FUL). This conversion resulted in a first floor living area that severely compromised the ability to obtain and is likely to be heavily supplemented with electric lighting. Whilst the proposal would reduce the existing VSC value of this room by 4%, this reduction is likely to be significant given the existing requirement for this living area to be illuminated by electric lighting.

² Paragraph 2.2.2 Building Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight 2022 guidance

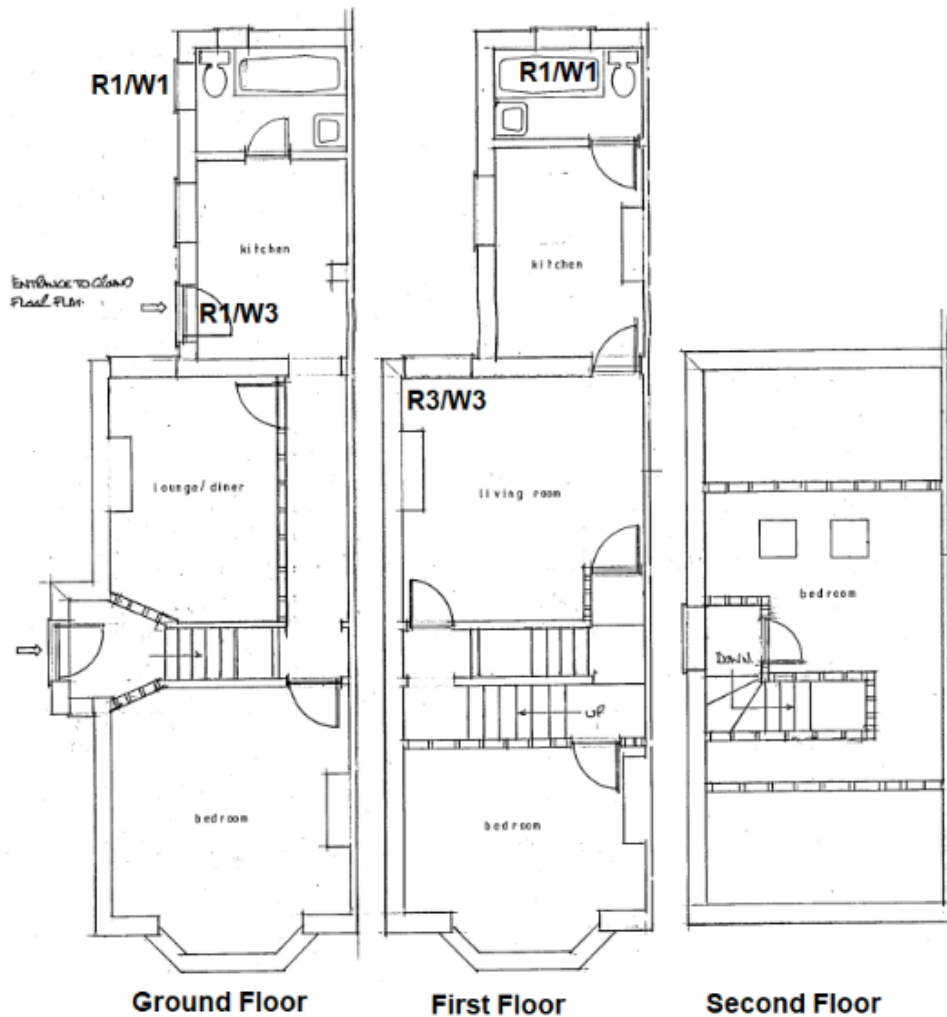


Figure 44: 16 Hook Road

17 East Street (residential dwelling)

19.36. The AWH report identifies 1 transgression (1 minor adverse) that would fall below the recommended BRE guidance as a result of the proposed development. This would reduce the VSC value of ground floor R1 W1 at first floor window to 23%. This retained VSC value would retain acceptable living standards when considering the town centre context and the flexible approach required by the NPPF to making efficient use of the site.

23 East Street (residential dwelling)

19.37. The AWH report identifies 1 transgression (1 minor adverse) that would fall below the recommended BRE guidance because of the proposed development. This would reduce the VSC value of ground floor R1 W1 at first floor window to 23%. This retained VSC value would ensure acceptable living standards when considering the town centre context and the flexible approach required by the NPPF to making efficient use of the site.

25 East Street (residential dwelling)

- 19.38. The AWH report identifies 1 transgression (1 minor adverse) that would fall below the recommended BRE guidance because of the proposed development. This would reduce the VSC value of ground floor R1 W1 at first floor window to 20%. This retained VSC value would ensure acceptable living standards when considering the town centre context and the flexible approach required by the NPPF to making efficient use of the site.

27 East Street (residential dwelling)

- 19.39. The AWH report identifies 2 transgressions (1 minor adverse and 1 moderate adverse) that would fall below the recommended BRE guidance because of the proposed development. This would reduce the VSC value of ground floor windows R1 W1 and W2 to 21% and 22% respectively and first floor window R2 W3 to 20%. These retained VSC values would ensure acceptable living standards when considering the town centre context and the flexible approach required by the NPPF to making efficient use of the site.

Daylight Distribution (DD)

- 19.40. The daylight distribution test divides those areas within a room that can see direct daylight from those which cannot and helps to indicate how good the distribution of daylight is within a room.
- 19.41. The BRE guide explains that the daylight distribution of a neighbouring property may be adversely affected if, after the development, the area of the working plane which receives direct skylight is reduced to less than 0.80 times its former value.
- 19.42. The AWH report advises that in an urban location, where existing buildings create restrictions, it is common for baseline DD levels to be 45-50%. The AWH report therefore considers this to be an acceptable DD retained level for an urban location. In considering the town centre context, the flexible approach required by the NPPF is to make efficient use of the site and the Council's Environmental Health Advisor has not raised any concerns with this approach, Officers accept this position.
- 19.43. The AWH report advises that whilst any reduction of more than 20% DD would be noticeable, the significance and therefore the potential harm of the loss of daylight is incremental. The following is a generally accepted measure of significance:
- 0-19% reduction – Negligible
 - 20-29% reduction – Minor Adverse
 - 30-39% reduction – Moderate Adverse
 - Above 40% reduction – More Significant

19.44. Of the 376 rooms tested, 89% met the BRE guidance of experiencing no more than 20% loss off DD, with the following exceptions:

Bradford House (student accommodation)

19.45. The AWH report identifies 3 transgressions (2 minor adverse and 1 moderate adverse) that would fall below the recommended BRE guidance as a result of the proposed development. This would reduce the DD to a bedroom on the ground floor by 34%, a bedroom on the first floor by 26% and a bedroom on the second floor by 21%. However, the ground floor bedroom would retain over 50% daylight distribution, with the other two rooms retaining 64% and 69% DD, respectively.

Crossway House (student accommodation)

19.46. The AWH report identifies 22 transgressions (5 minor adverse, 8 moderate adverse and 9 more significant) that would fall below the recommended BRE guidance as a result of the proposed development.

19.47. Given its town centre location, the existing DD levels from Crossway House are unusually high because of the site being undeveloped. The following rooms would not meet the BRE guidance of experiencing no more than 20% loss off DD:

Room	Use	Existing	Proposed	Reduction	Impact
Ground Floor					
R1	LKD	99%	76%	-23%	Minor
R4	Bedroom	99%	59%	-40%	More
R5	Bedroom	93%	47%	-46%	More
R6	LKD	99%	50%	-49%	More
First Floor					
R1	LKD	99%	78%	-21%	Minor
R5	Bedroom	99%	69%	-30%	Moderate
R6	Bedroom	95%	54%	-41%	More
R7	Bedroom	97%	55%	-42%	More
Second Floor					
R5	Bedroom	99%	60%	-39%	Moderate
R6	Bedroom	98%	58%	-40%	More
R7	Bedroom	99%	53%	-46%	More
R8	Bedroom	98%	52%	-46%	More
R9	Bedroom	98%	53%	-45%	More
R10	Bedroom	94%	57%	-37%	Moderate
Third Floor					
R5	Bedroom	98%	70%	-28%	Minor
R6	Bedroom	98%	68%	-30%	Moderate
R7	Bedroom	98%	64%	-34%	Moderate
R8	Bedroom	97%	62%	-35%	Moderate
R9	Bedroom	97%	61%	-36%	Moderate
R10	Bedroom	96%	64%	-32%	Moderate

Fourth Floor					
R9	Bedroom	93%	67%	-26%	Minor
R10	Bedroom	93%	65%	-28%	Minor

19.48. The AWH report identifies that the ground floor of Crossways House would be the most affected by the proposed development, with the lowest retained DD being 47% (R5). The AWH report considers this to be acceptable, as the retained level means that a significant proportion of the room can see the sky after the development is in place. As all other transgression rooms would retain more than 50% DD, which the AWH report considers to be acceptable.

19.49. The following table sets out the further transgressions on neighbouring properties identified by the AWH report:

Room	Level	Existing	Proposed	Reduction	Impact
2 Miles Road					
R1	Ground	92%	57%	35%	Moderate
R1	First	93%	72%	21%	Minor
6 Miles Road					
R1	Ground	92%	66%	26%	Minor
R1	First	93%	58%	35%	Moderate
12 Hook Road					
R1	Ground	89%	69%	20%	Minor
16 Hook Road					
R3	First	94%	58%	36%	Moderate
22 Hook Road					
R3	Ground	89%	69%	20%	Minor
26 Hook Road					
R2	First	94%	69%	25%	Minor
32 Hook Road					
R1	Ground	93%	68%	25%	Minor
R1	First	94%	72%	22%	Minor
36 Hook Road					
R1	First	94%	72%	22%	Minor
23 East Street					
R1	Ground	76%	57%	20 %	Minor
R2	Ground	91%	63%	28%	Minor
27 East Street					
R1	First	97%	63%	34%	Moderate
R1	Second	67%	40%	27%	Minor

19.50. The AWH report identifies that the majority of the transgression rooms would retain more than 50% DD, which the AWH concludes as acceptable.

Daylight Conclusion

- 19.51. The proposed development would have some significant implications on the levels of daylight current enjoyed by the occupier of Crossways House and Bradford House, resulting in the reduction of very high daylight levels achievable because of the site being undeveloped. Whilst Officers are mindful of the fact that Crossways House and Bradford House comprise student accommodation and this should not mean that the occupiers should be subject to reduced living conditions, consideration has to be given to a recent appeal³ adjacent to the site (31-37 East Street) which consider the impact of large scale development upon the living conditions of the occupiers of Crossways House.
- 19.52. The Inspector considered that a noticeable change in reduced daylight/sunlight when assessed the BRE guidance need not however be considered unacceptable⁴ and gave weight to the 'relatively short duration of occupancy by students and vacation-time visitors' and that the noticeable change would 'chiefly affect the parts of the rooms furthest from the window, whilst areas adjacent to the windows would remain reasonably well lit'. This is of relevance as far as 'the accommodation provides study bedrooms where desks are generally located adjacent to the windows. The Inspector concluded that the appeal development would not adversely affect the potential for occupants of the affected rooms to make use of natural light to work during the day.
- 19.53. The development would also significantly impact the levels of daylight achieved by a first floor living room associated with 16 Hook Road. This room is already suffering from reduced levels of natural lighting and likely to be supplementing the poor daylight levels with artificial lighting. Whilst the current level of VSC would be reduce by 5% and the DD by 36%, this impact is likely to be minimally noticeable as a result of the existing requirement for artificial lighting.
- 19.54. Achieving notable improvements to the daylighting to Crossway House, Bradford House and 16 Hook Road as a result of the development would require likely significant reductions in massing and height, along with the and the removal of Block C, which would dilute positive aspects of the scheme that contribute to the mix and quality of development as a whole as well as impacting on the viability and deliverability of the scheme.

Sunlight

- 19.55. The BRE guidance advises at paragraph 3.1.2 that the main requirement for sunlight is in living rooms, where it is valued at any time of day but especially in the afternoon. Sunlight is also required in conservatories. It is viewed as less important in bedrooms and in kitchens, where people prefer it in the morning rather than the afternoon.

³ APP/P3610/W/23/3324830 31-37 East Street, Epsom, Surrey KT17 1BD

⁴ Paragraph 24 - APP/P3610/W/23/3324830 31-37 East Street, Epsom, Surrey KT17 1BD

Available Sunlight Hours (Internal Living Areas)

- 19.56. To calculate the loss of sunlight over the year, a different metric, the annual probable sunlight hours (APSH), is used. Here 'probable sunlight hours' means the total number of hours in the year that the sun is expected to shine on unobstructed ground, allowing for average levels of cloudiness for the location in question.
- 19.57. Habitable rooms in domestic buildings that face within 90 degrees of due south are tested, as are rooms in non-domestic buildings that have a particular requirement for sunlight. There is no requirement in the BRE guidance to test windows that face within 90 degrees of due north.
- 19.58. The BRE guidance⁵ recommends that where applicable windows receive a minimum of 25% of the total annual probable sunshine hours, to include a minimum of 5% of that which is available during the winter months between 21st September to the 21st of March (the approximate dates of the autumn and spring equinoxes), then the room should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.80 times their former value, either over the whole year or just in the winter months and the overall annual loss is greater than 4% of APSH, then the occupants of the existing building will notice the loss of sunlight.
- 19.59. All the neighbouring properties assessed under the AWH report have either met the BRE guidelines or have northly orientated windows, with the single exception of ground floor window R2 W2 at 48 Hook Road. Whilst the proposed development would not noticeably reduce the sunlight to this room outside of the winter months, the sunlight received in the winter months would be reduced from 5% down to 3%.
- 19.60. The use of this room this window serves is unknown, but it is still reasonable to conclude that the floor plan mirrors that of 50 Hook Road, which would suggest that this window serves a galley kitchen. This window's ability to attract sunlight is already constricted by the juxtaposition of the built form of 46 Hook Road, which has resulted in the existing low value. Although the occupier of this neighbouring property is likely to notice the reduction in sunlight to this window during the winter months because of the proposed development, the window passes all the VSC and daylight distribution tests, so the actual levels of daylight obtained into the living area through this window would not be impacted.

Amenity Areas

- 19.61. The BRE Guidance⁶ recommends that at least half of the amenity area should receive at least two hours of sunlight on 21 March. If an existing

⁵ Paragraph 3.2.6 and 3.2.7 Building Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight 2022 guidance

⁶ Paragraph 3.3.7 and 3.3.11 Building Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight 2022 guidance

garden or outdoor space is already heavily obstructed, then any further loss of sunlight should be kept to a minimum. In this poorly sunlit case, if as a result of new development, the area that can receive two hours of direct sunlight on 21 March is reduced to less than 0.80 times its former size, then this further loss of sunlight is significant.

- 19.62. All the neighbouring properties with garden areas assessed under the AWH report have met the BRE guidelines.

Rainbow Leisure Centre

- 19.63. The Rainbow Leisure Centre has recently completed the installation of a large solar array to its roof. The solar array was designed to incorporate the potential sunlight impacts of the proposed development, which would therefore not prejudice the level of renewable energy generated for use by the centre.

Sunlight Conclusion

- 19.64. The levels of sunlight achieved into habitable rooms and private amenity gardens of the neighbouring properties would continue to meet BRE guidelines in the event permission was granted, save for a single window at 48 Hook Road, which would experience a noticeable 2% reduction in sunlight to a window serving living accommodation in the winter months. As winter sunlight entering this window is already severely constrained due to surrounding built form and given that daylight levels would continue to meet BRE guidelines, on balance, this is a minor impact as a result of the proposed development.

Neighbouring Amenity Conclusion

- 19.65. In the case of the 6 neighbouring properties and 23 student accommodation rooms that would experience moderate adverse impacts and above, the daylight and sunlight impacts constitute an adverse impact of the scheme is to be weighed in the planning balance.

20. Highways and Transport Impacts

- 20.1. The NPPF requires new development to use a vision led approach to identify transport solutions that deliver well designed, sustainable, and popular places.
- 20.2. Paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios
- 20.3. 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.

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

20.5. The application is supported by a Transport Assessment (TA) prepared by Markides Associates, reference 23059/TA01 and dated August 2024. The TA gives an account of the existing local highway network; the existing public transportation infrastructure as well as highlighting the accessibility benefits of the site. The County Highway Authority are satisfied that this highways account gives a fair representation of the site and the surrounding local network.

20.6. Site Sustainability

20.7. The site is within Epsom Town Centre and close proximity (800m or less) to a number of medical, education, retail and community facilities, most of which are walking distance from the site. Those facilities further from the site (outside of 800m) such as some primary and secondary schools can be accessed by public transport links in close proximity to the site.

20.8. In term of public transport links, the nearest bus stops are situated 110m to the site and benefit from regular bus services. Epsom Railway Station is located 700m west of the site and benefits from 107 cycle parking spaces.

20.9. As the site has access to several public transport links, including Epsom Railway Station and several bus stops, as well as being with walking and cycling distance of key local facilities, the site is in a highly sustainable location.

20.10. Pedestrian and Vehicle Access

20.11. Paragraph 115 of the NPPF requires safe and suitable access to the site for all users whilst paragraph 117 of the NPPF seeks to minimise conflicts between pedestrians, cyclists, and vehicles.

20.12. The primary vehicle access to the site is via East Street and lies between the Laine Theatre and the former Majestic Wine Shop and comprises a two-way access with a priority junction. A secondary vehicle access is via Hook Road and it serves a commercial enterprise on the site.

20.13. Pedestrian and cyclist access can also be achieved through these existing vehicle access points, although there are no dedicated footways along the extent of these access for these more vulnerable road users. There is a

further pedestrian access into the site alongside Hook Road Car Park, although this is via a security gate.

- 20.14. The proposal would create a primary vehicular access from the Rainbow Leisure Centre access. To accommodate the development, reconfiguration of the existing Rainbow Leisure Centre car park access is proposed.

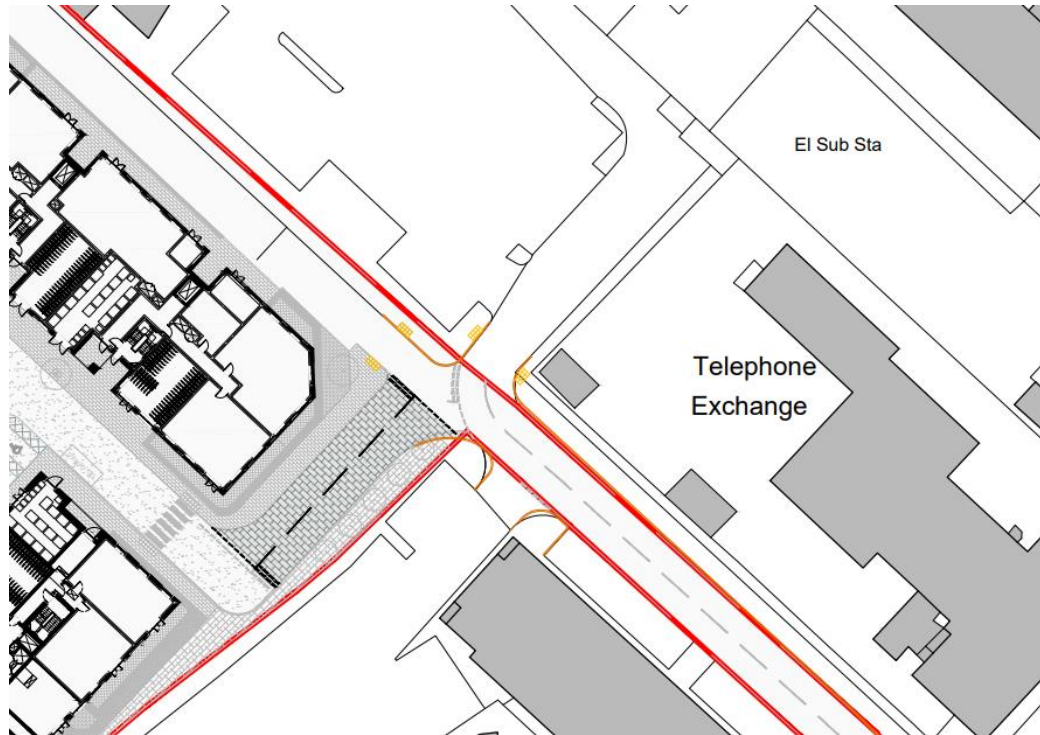


Figure 45: New Access Junction

- 20.15. The existing secondary access from Hook Road will remain as existing and will be the primary access for the proposed new theatre. An additional service access shall be provided from Hook Road, although this will be for deliveries and servicing only.

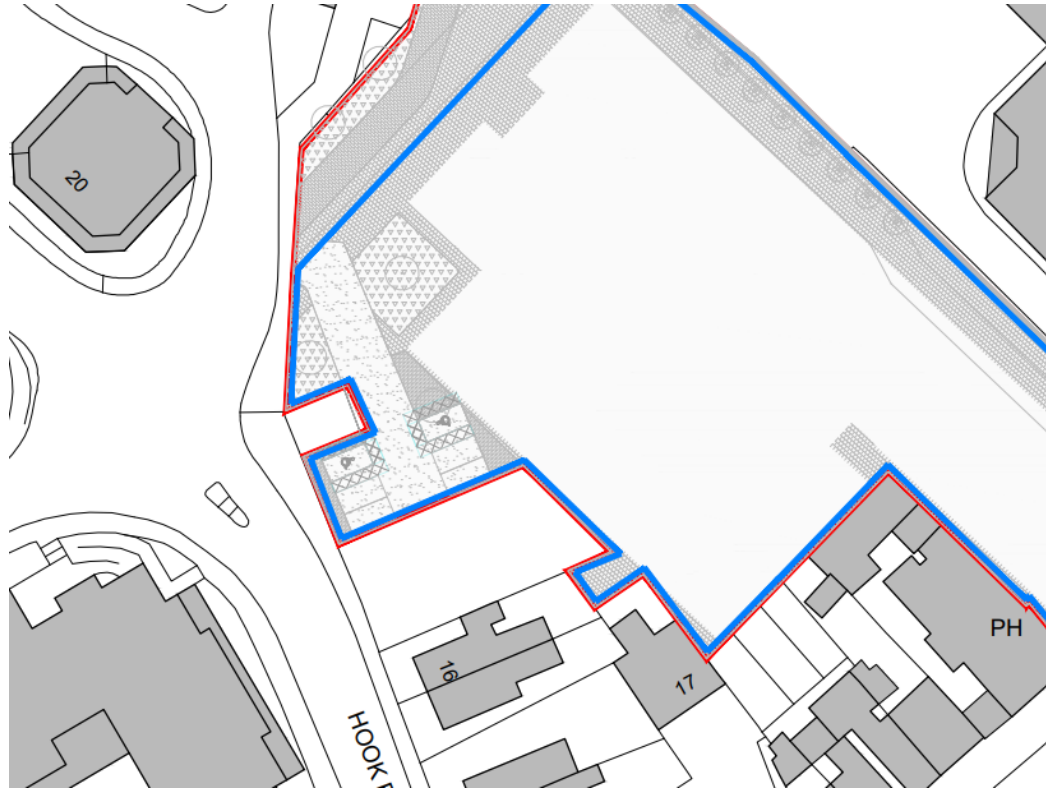


Figure 46: Theatre Vehicular Access

20.16. Pedestrian Manoeuvrability

20.17. The main pedestrian access through the site links Hook Road to the Rainbow Leisure Centre. This access would be a shared link with pedestrians and cyclists. There is currently no direct shared access proposed from the site to East Street, though this would come forward as part of a reserved matters application for the new performing arts theatre.

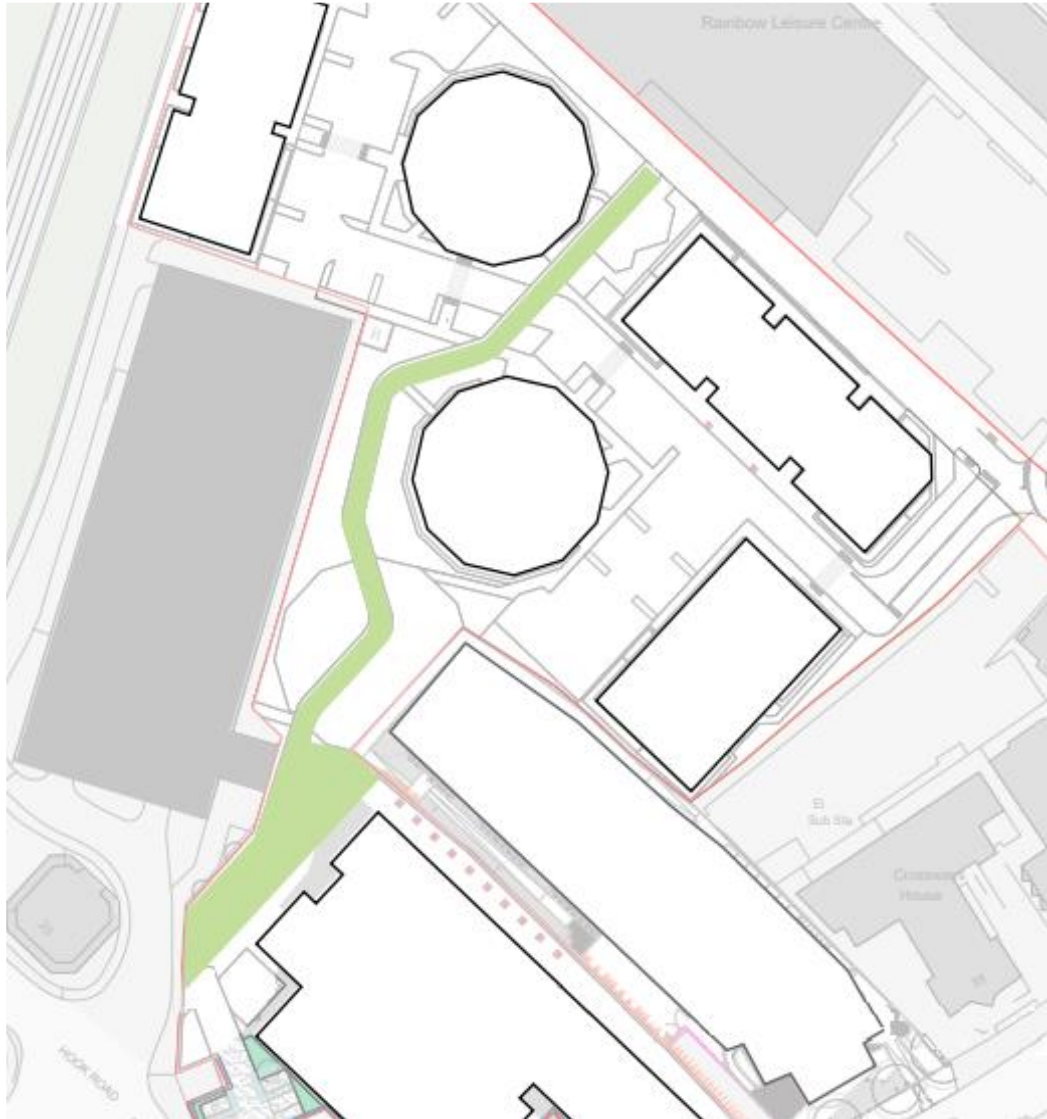


Figure 47: Main Shared Pedestrian/Cycle Link

20.18. Currently, the main pedestrian links between Epsom Town Centre and the Rainbow Leisure Centre is via a shared Pedestrian/Cycle Link on East Street or the pedestrian footpath that runs alongside the railway embankment to the north of the site. Neither of these routes are particularly attractive due to the high volume of vehicle traffic on East Street and the enclosing and oppressive experience of the pedestrian footpath, which is only operational during certain hours. Officers consider that the proposed pedestrian/cycle link that would cross the site would represent a significant improvement over the existing situation with the proposal including a much-improved environment within which to walk and cycle. This is a strong benefit to be weighed in the planning balance.

20.19. Vehicular Manoeuvrability

20.20. The site would be served by a single two-way access road that would terminate at two hammer head junctions and one dead end. The access route serves the court parking areas and tracking plans demonstrate to the satisfaction of the County Highway Authority that vehicle can

manoeuvre within the site and leave the site in a forward gear without compromising the proposed parking bays

20.21. Trip Generation

Residential Development

20.22. The TS states that part of the site that forms vacant brownfield land generates no trips. Officers generally agree with this statement, although there may be some very low-level generation associated with the existing use, as vehicles have been observed on this part of the site periodically.

20.23. Whilst the TS is silent on the existing trip generation associated with the commercial enterprise on the site, this is observed to be low level, although frequent during the week period.

20.24. To assess the trip generation associated with the proposed residential development, the TRICS database has again been consulted, using data associated with similar development scenarios within a town centre location.

Person Trip Rate

20.25. The TRICS assessment has demonstrated that the proposed residential development would generate a total of 312 two-way total person trips in the AM peak (08:00-09:00), a total of 307 two-way person trips in the PM peak (17:00-18:00) and a total of 2,498 two way total person trips across the whole day.

Private Vehicle Trip Rate

20.26. The TS has predicted that the proposed residential development would generate a total of 47 two-way total trips in the AM peak, a total of 46 two-way trips in the PM peak and a total of 375 two-way total private vehicle trips across the whole day. This trip generation has been predicted using 2011 census data and by taking into account the ratio of proposed vehicle parking on the site.

20.27. The TS has motorcycles, scooters, or mopeds as a separate category to private vehicle trip generation. The trip generation predicted with these vehicles is a total of 5 two-way total trips in the AM peak, a total of 5 two-way trips in the PM peak and a total of 43 two-way total vehicle trips across the whole day.

Private Vehicle Passenger Trip Rate

20.28. The private vehicle passenger trip generation associated with the proposed residential development is predicted to be a total of 10 two-way total trips in the AM peak, a total of 14 two-way trips in the PM peak and a

total of 115 two-way total private vehicle passenger trip across the whole day.

Public Transport Trip Rate

- 20.29. For this predicted trip rate, public transport includes trains, buses, and taxis. The public transport trip generation associated with the proposed residential development is predicted to be a total of 207 two-way total trips in the AM peak, a total of 203 two-way trips in the PM peak and a total of 1,651 two-way total public transport trips across the whole day.

Cycling and Pedestrian Trip Rates

- 20.30. The pedestrian trip generation associated with the proposed residential development is predicted to be a total of 28 two-way total trips in the AM peak, 28 two-way total trips in the PM peak and a total of 225 two-way total pedestrian trips across the whole day.
- 20.31. The cycle trip generation associated with the proposed residential development is predicted to be a total of 10 two-way total trips in the AM peak, a total of 10 two-way trips in the PM peak and a total of 83 two-way total cycle trips across the whole day.

Delivery and Servicing Trips

- 20.32. The TA has also predicted the trip generation associated with the residential development for Light Goods Vehicles (LGV - typically Amazon delivery vehicles, Royal Mail, DPD and trades vehicles for example) and Ordinary Goods Vehicles 1 (OGV1 - typically supermarket delivery vehicles and refuse vehicles) and Ordinary Goods Vehicles 2 (typically large consumer good deliveries and removal vehicles)
- 20.33. The LGV trip generation associated with the proposed residential development is predicted to be a total of 9 two-way total trips in the AM peak, a total of 9 two-way total trips in the PM peak and a total of 114 two-way trips across the whole day.
- 20.34. The OGV trip generation associated with the proposed residential development is predicted to have no two-way total trips in the AM peak, no two-way total trips in the PM peak and a total of 8 two-way total pedestrian trips across the whole day.
- 20.35. As well as delivery and service goods vehicles, the TA has also predicted the trip generation associated with delivery and service motorbikes and moped (typically used for food delivery). This vehicle trip generation associated with the proposed residential development is predicted to have 6 two-way total trips in the AM peak, 3 two-way total trips in the PM peak and a total of 63 two-way total pedestrian trips across the whole day.

Vehicle Trip Distribution

- 20.36. The TS outlines how the private vehicle trip generation associated with the residential development is predicted to be distributed on the highway network. This has been predicted using the 2011 Census and focuses on the East Street/Rainbow Leisure Centre Access Road, to understand whether vehicles are more likely to travel east or west along the East Street from the proposed residential development.
- 20.37. The analysis has concluded that private vehicles are more likely to travel eastbound on East Street/towards Ewell (60%) than westbound/towards Epsom Town Centre (40%).
- 20.38. The TS predicts that in the AM peak, a total of 28 two-way trips would travel eastbound on East Street, whilst a total of 19 two-way trips would travel westbound. In the PM peak, a total of 28 two-way trips would travel eastbound on East Street, whilst a total of 18 two-way trips would travel westbound. In total, there would be 225 two-way total private vehicle trips travelling eastbound and 150 two-way trips travelling westbound per day.

Impact of Vehicle Trip Generation on Junction

- 20.39. In considering the implications of the vehicle trip generation on the local and wider highway network, local junction modelling has been carried out. The junction modelled is the junction of A24/Rainbow Leisure Centre.
- 20.40. The TA concludes that the existing junction has capacity to accommodate the additional private car trip generation and would continue to work well without any mitigation required.

Performing Arts School

- 20.41. The TA concludes that whilst the redevelopment of the performing arts school would result in an increase on 4,356m² floorspace, it is anticipated that this increase would not generate any more vehicular trips to the site, particularly as the number of on-site car parking spaces would not increase and given that majority of trips by the various age groups of students attending would be by active modes of travel.
- 20.42. Whilst Officers generally agree with the TA conclusion that the redevelopment of the performing arts school is unlikely to increase the current levels of trips generation, the redevelopment is likely to make the facility far more desirable for hire than the current building and therefore is likely to significantly increase person trips.
- 20.43. However, given that the site is in a highly sustainable location and that active modes of travel will be encouraged by a supporting travel plan and taking into consideration that the level of vehicle parking to serve the proposed redevelopment can be managed through a subsequent reserved matters application, both the County Highway Authority and

Officers are satisfied that the future redevelopment of the performing arts school would not have any adverse impacts on the existing highway network.

20.44. Trip Generation Conclusion

20.45. The County Highway Authority is satisfied that the TRICS assessment provides a robust and realistic assessment of the likely impact of the proposed development on the highway network and that the residual cumulative impacts of the development would not have a material impact on the capacity of the surrounding network.

20.46. Site Sustainability

20.47. Paragraph 115 of the NPPF seeks to ensure that (inter alia) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location. Within this context, paragraph 117 states that (inter alia) development should give priority first to pedestrian and cycle movements with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.

20.48. Paragraph 118 of the NPPF requires all development that will generate significant amounts of movement to provide a travel plan.

20.49. In 2017 the Government produced a Cycling and Walking Investment Strategy (CWIS) outlining its ambition to make cycling and walking a natural choice for shorter journeys or as part of longer journeys by 2040.

20.50. Surrey County Council's Local Transport Plan 4 (LTP4) aims to support these Government ambitions. Key policies (inter alia) seeks to prioritise walking and cycling. To support the objectives of LTP4, proposals should be designed so that residents are encouraged to actively travel and feel well connected through improved accessibility routes and desire lines.

20.51. The Epsom & Ewell Local Cycling and Walking Infrastructure Plan (LCWIP) was endorsed at the Licensing and Planning Policy Committee in September 2024 and is part of Surrey's broader LCWIP programme to develop LCWIPs county-wide. The LCWIP is a long-term plan that aims to support an uptake in the number of people walking and cycling by delivering improved facilities for existing active travel users whilst also encouraging mode shift by attracting new users.

20.52. Travel Plan

20.53. A framework Travel Plan, prepared by Markides Associates, reference 23059/TP01 and dated November 2024 sets out the long-term management strategy to deliver sustainable transport objectives. The specific aims are to ensure that management strategies and infrastructure are in place to support sustainable travel choices for residents at first

occupation, with focus given to the most sustainable forms of travel, walking, and cycling. This document will be monitored by the County Highway Authority for a period of five years and will be reviewed to determine if more specific target to meet the objectives are required.

20.54. The Travel Plan measures to encourage the reduction in car use are as follows:

- The provision of 702 long-stay cycle parking spaces and 20 short-stay cycle parking spaces
- Safe, dedicated footpaths through the site
- To provide incentives and promote the ability to work from home
- Promoting the availability of local employment, leisure and retail uses and community facilities to on-site residents
- Working with local businesses and firms that deliver to the development to consolidate freight activity and reduce vehicle numbers
- Sharing of community travel success stories and the results of the plan via the website or other platforms, and enabling users to share information on opportunities
- community events will include information on travel and seek to promote healthy lifestyles and sustainable transport wherever possible
- Information on walking/cycle route planners and Epsom Health Walks
- Organise participation in promotional events such as 'Walk/Bike to school Week' or 'Walk/Bike to Work Week'
- Provision of information relevant to local pedestrian routes to the nearest public transport stops
- Providing 2 years free membership and riding credits for the Beryl Bike Scheme
- Using reasonable endeavours to obtain a discount for residents at the local bicycle shop
- Residents will be made aware of Bike User Groups, Adult Cycle Skills sessions, Children Bikeability and Surrey Wheels for All, which offers free sessions to specifically those who may have a disability
- The use of public transport shall be encouraged by providing information on public transport stops, routes, timetables, and fares from the application site

20.55. The measures above would be displayed on notice boards at the site, marketed through the use of social media and would be found in Welcome Packs distributed to new households.

20.56. The County Highway Authority are satisfied that the measures set out in the Travel Plan would actively promote the take up of sustainable travel and seek to secure the full Travel Plan by way of a planning condition in the event permission is granted.

20.57. In light of the anticipated increase in pedestrian and public transport movement generated by the proposed development and given the need to encourage sustainable transport and offer high quality, accessible infrastructure for future occupiers, the County Highway Authority have requested that the applicant commit to providing offsite highway improvements as follows:

- Contribution of £250,000 towards local active travel improvements (LCWIP)
- Provision of a signalised crossing at the Hook Road / East Street junction (left turn leaving Hook Road)
 - Improvements to bus stops along East Street and outside McDonalds on Epsom High Street
- To procure the provision of 3 ultra-low emission car club vehicles for a minimum of three years from the first occupation of any dwelling.
- Travel Plan auditing fee of £6,150

20.58. The LCWIP contribution would be secured against projects identified in core walking and cycle corridors in close proximity of the site. This includes improvements to connecting footpaths, footpath widening and traffic calming measures.

20.59. Bike Hire

20.60. The proposal initially sought to provide a cycle hire scheme, with the benefits of encouraging a change in travel behaviour as well as supporting the Council's aims of meeting zero emission targets by 2025. The cycle hire scheme was proposed as a phased scheme to be rolled out over a three-year period, with the applicant providing the funding towards the initial set up only.

20.61. This initial set up involves the installation of three docking stations (one at the site, one at Epsom Train Station and one at Epsom General Hospital) and 10 bikes. However, the latter stages of the phased roll out of the cycle hire scheme potentially requires financial support from the Council, and Officers cannot not be assured that the scheme could be self-funding.

20.62. Whilst Officers are supportive of the sustainable objectives and aims of the cycle hire scheme, given that there is no certainty to longevity of the cycle hire scheme without the support of other departments within the Council, Officers and the County Highway Authority negotiated the securing of a larger contribution towards the Council's LCWIP in preference, which is a long term plan that also encourages a change in travel behaviour, as well as the additional benefits of reduced carbon emissions, improved air quality, reduced congestion and improved health and well-being. The scheme before Members therefore does not include the provision of a cycle hire scheme.

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

20.64. Car Club Provision

20.65. The TA confirms that it has an agreement with a car club operator to provide three electric vehicles on site with all residents of the new scheme benefiting from a 3-year free car club membership. Additionally, a £50 credit for all first-time occupiers towards the use of initial car club is proposed.

20.66. Given the potential length of time to achieve part and full occupation of the site, it is proposed to provide one car club vehicle on site from first occupation, with the remaining other vehicles being implemented when more commercially viable to do so, dictated by demand but in full by a certain period. Therefore, a trigger mechanism with the car club operator for the provision of the committed 2nd and 3rd vehicles on site is proposed, which would be worded accordingly as an obligation within a Section 106 Agreement.

20.67. However, to ensure that any future car club vehicles do not result in the loss of any residential parking spaces in the future, it is recommended to secure a Car Park Management Plan in the event permission is granted, so a robust case can be made for the loss of a residential parking space(s) to accommodate further car club vehicles.

20.68. Car Parking

20.69. Policy DM37 of the DMPD and the Parking Standards for Residential Development SPD specify a minimum vehicle parking requirement of 0.75 spaces for 1–2-bedroom flats and one space for 3 bed flats and expects new development proposals will meet these standards. The Council will consider exceptions to this approach if an applicant can robustly demonstrate that the level of on-site parking associated with their proposal would have no harmful impact on the surrounding area in terms of street scene or the availability of on-street parking.

20.70. A residential development of 456 new units in the mix proposed would be expected to provide 359 vehicle parking spaces within the site to be policy compliant. This equates to a parking ratio of 0.78 spaces per unit.

20.71. The proposed development would provide 68 vehicle parking spaces within the site, equating a parking ratio of 0.15 spaces per unit. This is a significant shortfall from the level of parking provision expected on site to be policy compliant.

20.72. Notwithstanding this, there is national and local emphasis on promoting sustainable modes of travel and increasing active and public travel mode choice. Epsom Town Centre provides a good level of amenity and choice of public transport modes and therefore provision for vehicular parking in the town centre can be significantly reduced, due to the higher accessibility to amenities in this location. Furthermore, the sustainable measures package proposed as part of this scheme would promote and encourage public and active transport.

20.73. Furthermore, Policy DM37 of the DMPD does make provision for exceptions to complying with the Council's Parking Standard where it can be robustly demonstrated that the level of on-site parking associated with their proposal would have no harmful impact on the surrounding area in terms of street scene or the availability of on-street parking.

20.74. The draft Local Plan has also adopted, at Appendix 4, a maximum parking standard whereas the current requirement is a minimum standard. This reflects the policy direction towards sustainable travel methods where alternative modes of transport are promoted.

20.75. The TA identifies that Epsom Town Centre is located within a Controlled Parking Zone which restricts on street parking. Within a 250m of the site the surrounding highway network has the following on street parking restrictions:

Road	Walking Distance from Site	Parking Restriction
Hook Road (South)	Boundary	East: No Waiting Every-Day 8.30am-6.30pm West: No Waiting at all times
Hook Road (North)	113 metres	West: No Waiting Mon-Sat 8.30am-6.30pm
Woodstock Court	19 metres	Parking Every-day 9am-8pm Permit holders (O) only
Miles Road	225 metres	Primarily unrestricted but with limited spaces due to driveways
Chase Road	112 metres	Both Sides: No Waiting Mon-Sat 8.30am-6.30pm
Adelphi Road	113 metres	North: Parking Every-day 8.30am-6.30pm Permit holders (B) only South: No Waiting at any time West: No Waiting Mon-Sat 8.30am-6.30pm
East Street (West)	102 metres	Both Sides: No Loading Mon-Fri 7.30am-9.30am 4.30pm-6.30pm Sat 8.30am-5.30pm
East Street (East)	144 metres	Both Sides: No Waiting Mon-Sat 8.30am-6.30pm
Clayton Road	167 metres	No Waiting at any time

Road	Walking Distance from Site	Parking Restriction
Prospect Place	250 metres	Private Car Park
Hawthorn Place	180 metres	No Waiting Mon-Fri 9am-5pm Parking Mon-Fri 9am-5pm Permit holders (E) only
Victoria Place	295 metres	Parking Mon-Fri 9am-8pm Permit holders (N) only
Leith Road	300 metres	Unrestricted but too narrow for parking
Linton's Lane	335 metres	Parking Mon-Fri 9am-8pm Permit holders (N) only
Portland Place	413 metres	Parking Mon-Fri 9am-8pm Permit holders (N) only

Figure 48: Surrounding Road Network Parking Restrictions

20.76. As the roads surrounding the site are subject to single or double yellow line restrictions, and therefore, as no on street parking can legally take place for the majority of the day, residents or visitors of the proposed development would have limited opportunity to park on street within the vicinity of the site and would therefore not give rise to increased parking stress.

20.77. Furthermore, the TA highlights the close proximity of local car parking facilities in the vicinity and wider area of the site which have significant capacity to accommodate the shortfall of parking on site:

Car Park	Name	Walk Distance	Walk Time (mins)	Capacity (Spaces)	Length of Stay
1	Hook Road Multi-Storey Car Park	<100m	<1	530	24 hours
2	Depot Road	650m	10	257	24 hours
3	Hope Lodge	650	10	83	24 hours
4	Town Hall	550m	8	85	24 hours
5	Ebbisham Centre	600m	8	132	24 hours
6	Epsom Station Car Park	700m	10	29	Monthly Ticket Holders Only
7	High Street Car Park	800m	11	85	24 hours

Figure 49: Local Car Parks

20.78. Whilst it is recognised that Hook Road Multi Storey Car Park forms part of wider development proposals for the area, there are a number of car parking within reasonable walking distance to accommodate the short fall of parking on site.



Figure 50: Location of Local Car Parks

20.79. In light of the above, the parking restrictions in the surrounding network and capacity within nearby car parks, alongside the sustainable location of the site, are sufficient to offer robust evidence that the shortfall in parking would not have a harmful impact on the surrounding area in terms of street scene or the availability of on-street parking in accordance with Policy DM37 of the DMPD.

20.80. In the event that planning permission is granted, to prevent further parking stress in permit areas, it is reasonable to recommendation that an obligation is set out in the Section 106 application to prevent occupation or use of the development by a person or person(s) in possession of an Epsom and Ewell Residents Parking Zone Permit.

20.81. Car Park Management

20.82. The proposed vehicle parking spaces would not be allocated to individuals. Instead, it is proposed that a 'right to park' permit scheme would be implemented within the proposed development that would allow residents with a permit to park in any permitted space. The number of permits would reflect the total number of car parking spaces available.

20.83. The right to park would run for a 12-month period and would either be monitored at the point of access via a number plate recognition system or on a permit basis, which would be displayed in the vehicle.

20.84. The parking provision on site would be arranged as shown below:

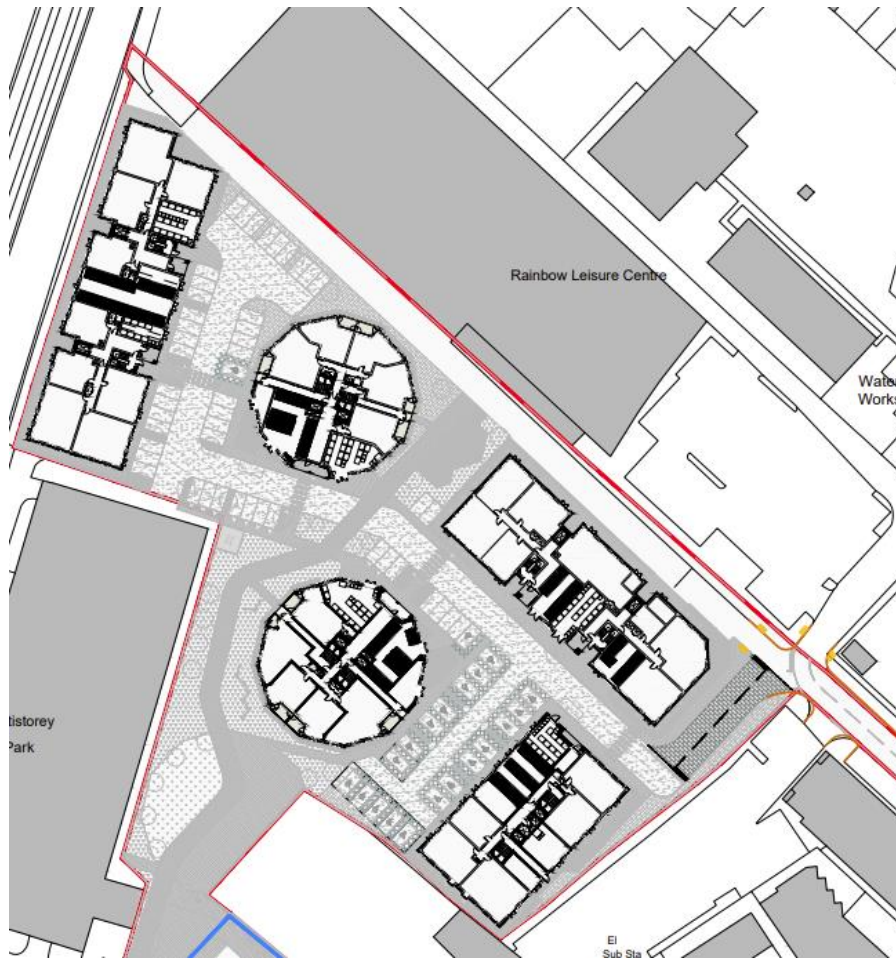


Figure 51: Parking Layout

20.85. There are concerns that the 'right to park' scheme running on a 12-month period basis would result in the displacement of a vehicle from the site at the conclusion of the 12-month period if the right to park is not maintained. For example, a person who has paid for an on-site permit for the preceding 12 months may not be in a position to do so for the next 12 months, thereby losing the ability to park their vehicle on-site and displacing this vehicle off site. Officers need to understand the implications of the 12-month right to park permit scheme further to determine what implications this could have on the surrounding highway network.

20.86. Furthermore, Officers need to be reassured that the on-site parking is enforced so that only those eligible are able to make use of the facilities, including preventing parking by non-residents. To address these concerns, a Car Parking Management Plan is to be secured via a Section 106 obligation in the event permission is granted.

20.87. Disabled Parking

20.88. The proposal would provide 21 accessible parking spaces, which is the equivalent of 31% of the total parking provision proposed on site. This is well in excess of the Surrey County Council requirement to provide 5% of total parking spaces for disabled users and is supportive of the large number of M4(2) and M4(3) accessible and adaptable units. Providing and managing these spaces in perpetuity would be secured as part of a Car Park Management Plan in the event planning permission is granted.

20.89. EV Charging

20.90. The proposal would provide 15 spaces (22%) with Electric Vehicle Charging Points, with the remaining spaces having passive provision to future proof the estate as car ownership habits changes. The County Highway Authority are satisfied that this level of charging points makes suitable provision for encouraging sustainable travel. This provision would be secured by way of a condition in the event that planning permission is granted.

20.91. Cycle Parking

20.92. 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.

20.93. The proposal would provide a total of 722 cycle parking spaces, made up of 702 long stay cycles parking spaces, which would be located within secure shelters within the five residential buildings and 20 short stay cycle parking spaces, which would be provided in the form of 10 Sheffield standards, each with a capacity to hold 2 cycles each. These short stay cycle parking spaces would be used predominantly for visitors and would be located at ground floor level across the site, within the public realm.

20.94. The provision of 722 cycle parking spaces would exceed the Council's policy requirement to provide 522 secure cycle spaces on site. This supports the accessible location of the site and goes part way to justify the alternate approach to delivering the Beryl Bike scheme. In the event permission is granted, a condition to secure the siting and covered design for the proposed short stay cycle provision is proposed.

21. Refuse and Recycling Facilities

21.1. 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.

- 21.2. The application is supported by a Technical Note prepared by Markides Associates, reference 23059 and dated 11 September 2024 which includes a Swept Path Analysis for Servicing Vehicles (drawing number 23059-M A-XX-XX-D R -C-7006 - P10).
- 21.3. The Technical Note highlights that the refuse and recycling storage would be located at ground floor level in each of the residential blocks. The Technical Note acknowledges that the number of refuse and recycling bins within each storage area are dependent upon the number of bedrooms per unit and have advised that the number has been provided in line with BS5906 Waste Management Guidance, which are slightly lower than those set out in the Epsom and Ewell Waste guidance, thus reflecting evolving behaviours and recycling trends. Notwithstanding this, the Technical Note concludes that the BS5906 guideline are more appropriate for this development due to the high proportion of one- and two-bedroom units and that site management would ensure that refuse and recycling bins are suitably organised and rotated throughout the week. The bin size and type have, however, been provided as per the Epsom and Ewell guidance.
- 21.4. The Technical Note also highlights that there is sufficient room within the ground floor storage areas for refuse and recycling containers to be manoeuvred; storage areas will be within a suitable distance of the internal road for refuse vehicles to be able to collect the waste; residents will not have to be carried more than 30m to storage areas; and that storage areas will have level hard surfaces and suitable access pathways between the car parking with a dropped kerb.
- 21.5. The Technical Note confirms that the access roads construction would be suitable for collection vehicles to service the development, and the Swept Path Analysis for Servicing Vehicles demonstrates that the Council's refuse vehicles can manoeuvre within the site to leave in a forward gear.
- 21.6. Having reviewed the refuse/recycling arrangements proposed along with the Swept Path Analysis for Servicing Vehicles, the Council's Transport and Waste Services Manager considers them to be acceptable in terms of capacity, storage, and access.

22. Ecology and Biodiversity

- 22.1. Paragraph 193 of the NPPF, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

22.2. Site of Special Scientific Interest Risk Zone Area

- 22.3. The site is within a Site of Special Scientific Interest (SSSI) Impact Risk Zone Area and within 280 metres of the Stones Road Pond SSSI. Stones Road Pond has been designated as SSSI because it has one of the largest colonies of Great Crested Newts (GCNs) in England. The site is on private land with no public access.
- 22.4. Given the nature of the proposed development and its distance to this SSSI, Natural England were consulted on this application and have been satisfied that the proposal would not damage or destroy the interest features for which the site has been designated.
- 22.5. The application is supported by an Ecological Assessment, prepared by Greenspace Ecological Solutions, dated December 2024, a District Licence Report, reference 202502009 and dated 3rd March 2025, and an Impact Plan for Great Crested Newt District Licensing (Version 1) dated 19th February 2025
- 22.6. The Appraisal advises that a Phase 1 Habitat Survey of the site was undertaken in November 2023, with a follow up in January 2024.

22.7. Protected Species

Bats

- 22.8. The Phase 1 Survey identified three existing on-site buildings as having moderate suitability to support roosting bats, as well as one tree having suitability to support winter roosting potential.
- 22.9. Subsequently, each identified building was subject to two dusk emergence surveys conducted between August and September 2024 to determine the presence/likely absence of roosting bats. No bats were seen emerging from the buildings, although low numbers of common pipistrelle were recorded within and around the site.
- 22.10. As the likely absence of roosting bats within the buildings has been identified, a licence will not need to be sought from Natural England to allow the demolition of all buildings within the site in the event permission is granted.
- 22.11. The tree identified as having suitable winter roost potential would require felling to accommodate the proposed development. The felling of this tree would be subject to a precautionary working method statement that would be secured by condition in the event permission is granted. This would ensure that the felling would be carried out under the supervision of a licenced bat ecologist.
- 22.12. The existing landscape in and around the site provides foraging and commuting opportunities for bat, although limited connectivity to optimal

areas of broadleaved woodland, lines of trees and grasslands within the surrounding landscape and the domination of hard standing on site offers low suitability for foraging and commuting bats.

- 22.13. Although the proposal would therefore result in some loss of suitable habitat for bats, the proposal involves replacement tree planting and habitat to be created as part of the proposal.
- 22.14. In the event permission is granted, the Appraisal identifies mitigation measures for post development lighting during, both construction and operation phases, as unchecked lighting can be detrimental to how bats use vegetation for foraging and commuting.

Badgers

- 22.15. The Phase 1 Habitat Survey of the site did not observe any signs of badgers or their setts. The Appraisal identifies the site and its immediate surroundings as providing sub-optimal habitat for badgers and are therefore unlikely to have any attraction.
- 22.16. However, as badgers are a highly mobile species that can occupy a site at short notice, should 12 months elapse between the survey date and the commencement of works, an update survey of the Site for evidence of badgers should be undertaken.
- 22.17. Furthermore, Badgers could occasionally commute across the site during any construction works, and therefore mitigation measures in the form of covering excavation works over night to prevent falling and to fence off or cover any spoil piles to prevent badgers establishing setts within them are recommended in the event permission is granted.

Nesting Birds

- 22.18. The Phase 1 Habitat Survey of the site identified suitable nesting and foraging habitat for breeding birds within the site. All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and in the event that permission is granted, it would be reasonable to secure measures to prevent works to suitable bird nesting habitat (in this instance trees, scrub and buildings) from being conducted within the core breeding period for birds of late February–August.

Hazel Dormouse

- 22.19. The Phase 1 Habitat Survey of the site did not record any evidence of dormouse and the existing landscaping on site provides sub-optimal foraging, commuting and nesting habitat. Furthermore, within the wider landscape, there is a lack of connectivity to suitable dormouse habitat. The Appraisal concludes that in considering this, and in the absence of any previous recordings of dormouse on the site, no further consideration to the presence of dormice is required at this time.

Great Crested Newts (GCN)

- 22.20. The site falls within the red impact risk zone for GCN. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the red impact zone, there is highly suitable habitat and a high likelihood of GCN presence.
- 22.21. There are two ponds within 500m of the development proposal, situated about 280m north-east from the site boundary discussed above). Natural England Standing Advice guidance for local planning authorities advises that surveys on ponds up to 500m from development sites should be requested.
- 22.22. Furthermore, there are recent GCN records within 500m of the site and there is direct connectivity between the development and surrounding features in the landscape. It is therefore possible that opportunistic GCN may be found on site commuting across or utilising the suitable habitat on site.
- 22.23. The proposal would result in the loss of suitable GCN habitat from the site and to therefore understand the impact of development upon the potential present population of GCNs and to consider any mitigation methods, the applicant has sought to utilise the District Licence Scheme for GCN. To clarify, where works would harm GCN or their habitats, a licence is required in order to make those activities lawful. Natural England is the licensing authority and has granted great crested newt 'District Licences' to certain Councils in England. This enables those Councils to issue authorisations to developers for specific parcels of development land, without further application (by the developer) to Natural England.
- 22.24. Nature Space are the Councils District Licensor, who have reviewed the scheme to determine whether the proposed development can be dealt with under the relevant District Licence and contains technical details relating to planning and licensing requirements.
- 22.25. In support of this application, Nature Space have submitted a District Licence Report, reference 202502009 and dated 3rd March 2025, along with an Impact Plan for Great Crested Newt District Licensing (Version 1) dated 19th February 2025 which confirms that the proposal can be dealt with under a district licence. Subject to conditions to comply with the terms and conditions of the district licence, to secure working restrictions and on-site mitigation measures and to secure a certificate from Nature Space confirming that all mitigation measures have been carried out, Officers are satisfied that the proposed development can be carried out without causing harm to GCN or their habitat.

Hedgehog

22.26. The Phase 1 Habitat Survey of the site identifies habitats with suitability to support hedgehog. Furthermore, there are suitable connected habitats within the wider landscape. Therefore, the Appraisal identifies suitable mitigation measures to ensure the welfare of hedgehogs, including the incorporation of 'hedgehog highways' involving the inclusion of new hedgerow/scrub planting, log/brush piles in appropriate locations on the peripheries of the development, dark corridors, and gaps under boundary fences.

Biodiversity Enhancements

22.27. The Council's Ecology Officer has reviewed the Preliminary Ecology Appraisal and has considered it to be appropriate in scope and methodology and recommends, in the event permission is granted, a condition to secure the enhancement measures set out within.

22.28. Subject to the above mentioned conditions, should permission be granted; the Local Planning Authority are satisfied that they have carried out their duty of care under Section 41 of the Natural Environment and Rural Communities Act to protect the species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

22.29. The proposal would not prejudice the existing ecological value of the site and would enhance the conservation potential of a site in accordance with Policy CS3 of the CS 2007, Policy DM4 of the DMPD 2015 and the requirements of the NPPF.

22.30. Biodiversity Net Gain

22.31. Schedule 7A of the Town and Country Planning Act 1990 and Section 180 of the NPPF require delivery of biodiversity net gain (BNG) of 10%, including by establishing coherent ecological networks that are more resilient to current and future pressures with the overall intention to deliver a more or better quality natural habitat than there was before development.

22.32. The application was accompanied by a BNG Assessment, a BNG Base Plan prepared by Greenspace Ecological Solutions, reference J21349 and dated and Metric Tool.

22.33. The proposed development would create a BNG of 21.68% for habitats and 195.26% for hedgerow units, exceeding the national requirements. This net gain would be delivered through a comprehensive landscaping scheme, which includes the planting of 51 new trees, new native hedgerow, and the provision of biodiverse green roofs.

22.34. Whilst it is acknowledged that the site is currently of very low biodiversity value and that any biodiversity improvement would result in a high uplift, the biodiversity enhancement of the site is a benefit of the scheme to be weighed in the planning balance.

22.35. In the event permission is granted, a Landscape and Environmental Management Plan (LEMP) and details of the biodiverse green roof would be secured by way of a condition, and the biodiversity net gain will be secured on site by way of the Section 106 agreement.

23. Flooding and Drainage

23.1. Flood Risk and Vulnerability

23.2. 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.

23.3. The application is supported by a Flood Risk Assessment, prepared by Whitby Wood, reference P451576-WW-XX-XX-RP-C-0001 and dated August 2024 (FRA).

23.4. 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 located in Flood Zone 1. As such the development has low risk of fluvial flooding.

23.5. Furthermore, all proposed access to the site would also be within Flood Zone 1 and would continue unimpeded to provide safe access to and from the residential developments in the event of a flood.

23.6. As the proposed development would lie within Flood Zone 1, neither the sequential test nor the exceptions test, as set out in the Government's guidance 'Flood risk assessment: the sequential test for applicants' 2017 needs to be carried out.

23.7. In respect of pluvial flooding, part of the northern section of the site lies within the Epsom and Ewell designated Critical Drainage Area. The supporting FRA identifies this area as being within a groundwater emergence zone (within an area where there is potential for groundwater flooding) and within the 1 in 30-year risk of surface water flooding. As such, the site is prone to risk of flooding, both on and off site and off site, if surface water and ground water are not effectively managed.

23.8. Paragraph 175 of the NPPF states that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment

demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)

23.9. National flood risk standing advice for local planning authorities (August 2024) provides further clarification stating that a sequential test may not be needed if development can be laid out so that only elements such as public open space, biodiversity and amenity areas are located in areas at risk of any source of current or future flooding.

23.10. A Sequential Test of the site had been undertaken by the Council in January 2023 as part of Regulation 18 and through the Council's Proposed Submission Local Plan Flooding Sequential Test December 2024 as part of the Local Plan making process. These assessments concluded that the site passes the Sequential Test based on the Council's own evidence.

23.11. Furthermore, limited built form is proposed on areas at risk of surface water flooding as identified in the FRA. Block G, which is located within an area at higher risk, does not include any basements. In addition, the thresholds of the building can be raised, and the level design of the site can be developed at detailed design stage to mitigate this risk.

23.12. Sustainable Drainage

23.13. Paragraph 173 of the NPPF 2023, Policy CS6 of the CS 2007 and Policy DM19 of the DMPD seek the implementation of sustainable urban drainage systems (SUDS).

23.14. The application is supported by a Drainage Strategy Report, prepared by Whitby Wood, reference P451576-WW-XX-XX-RP-C-0002 and dated August 2024.

23.15. The Report calculates the existing run off rates for the site and the attenuation storage required on site to store the runoff until it can be discharged in a way that emulates the natural drainage system of the site

23.16. The Report sets out that the most appropriate drainage scheme for the site includes the use of green roofs (a living roof), blue roofs (designed to provide temporary water storage), permeable paving, rain gardens and tree pits attenuation tanks to provide the storage volume required to control the rate that the run off is discharged to the existing Thames Water surface water sewer on the eastern boundary of the site. Thames Water have confirmed that they have the surface water infrastructure capacity to accommodate the associate surface water discharge.

23.17. The green roofs have been maximised on all blocks and blue roofs will be introduced to Blocks D and F. The storage crate sizes for the blue roofs

and the method for releasing the water/the opportunities for using the stored water (for purposes of irrigation or cooling) would be subject to confirmation at the detailed design stage, which would be secured via a SuDs design condition in the event that permission is granted.

- 23.18. To mitigate surface water at ground level, permeable paving would be utilised which would allow rainwater to filter through. The Report advises that water can then be stored in the sub-base and either allowed to infiltrate into the ground if possible or collected by a perforated pipe and drained into the system.
- 23.19. Similarly, rain gardens are shallow landscaped depressions that can reduce runoff rates and volumes and treat pollution through the use of engineered soils and vegetation.
- 23.20. Although subject to detailed design if permission is granted, the use of infiltration is not recommended, given the site's historic land use and the presence of shallow groundwater, which could encourage surface water to percolate through contaminated ground and into the primary aquifer. The Environment Agency also confirmed that it would not support the use of infiltration on the site and has recommended a condition to prevent this, in the event permission is granted.
- 23.21. However, it is noted that the Report has considered this scenario and has advised that in the event that infiltration is high risk, then the ground level SuDs could be tanked with an impermeable membrane outside of the feature to prevent water infiltrating through the system. A perforated carrier pipe would then convey the water within the system to the existing surface water sewer. Officers are satisfied that an alternative method to infiltration is therefore achievable on the site.
- 23.22. The Lead Local Flood Authority have confirmed that the outline drainage proposal satisfies the requirements of the NPPF and has recommended that should permission be granted, suitable conditions are required to secure the details of the design of the surface water drainage scheme and to ensure that it is properly implemented and maintained throughout the lifetime of the development, in the event permission is granted.

23.23. Foul Water

- 23.24. The Report confirms that foul water discharge from each of the residential blocks is proposed to discharge into the existing Thames Water network on East Street. The foul water would be conveyed to the utility hole via foul water stacks dropped below slab level internal to the proposed blocks and be picked up by inspection chambers situated outside the blocks. The foul water will discharge at an unrestricted rate. However, the Report advises that an uplift in peak foul water flow rates compared to the existing site is expected.

- 23.25. Whilst there is evidence to suggest that Thames Water have confirmed that there is capacity in the existing surrounding sewer network to accommodate the surface and foul water discharge associated with the proposed development, Thames Water have requested a condition to secure a foul water impact assessment prior to development taking place on site,

24. Contamination and Remediation

- 24.1. Paragraph 196 of the NPPF and Policy DM17 of the DMPD requires planning decisions to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Paragraph 125(c) of the NPPF strongly encourages remediation of brownfield sites.
- 24.2. The site was part of coal gas manufacturing works from at least 1870 to the 1960s and historical mapping indicates that there have been several processes/structures on the site in different configurations over the decades. Gasworks are often contaminated with a wide range of organic and inorganic contaminants. There has also been a major fly-tipping event on the site in the recent past which may have resulted in other contaminants impacting the site.
- 24.3. The application is supported by a Phase 1 – Geotechnical and Geo-Environmental Desk Study, prepared by Whitby Wood, reference P451576-WW-XX-XX-RP-G-001 P06 and dated 15 August 2024. This Study identifies that the site is underlain by Made Ground of varying composition and depth, which is frequently and, at times, heavily contaminated with numerous contaminants including PAH's, heavy metals, and asbestos. Extensive remediation of the site will be required, with differing remediation treatment dependant on the proposed use of a given part of the site and the level of contamination beneath. This will generally involve a combination of treating the soil on site and by removing and replacing the heavier contaminated soil and this forms the first phase of the development. The likely timeframe to complete the remediation of the site is 9-12 months.
- 24.4. The previous use of the site presents a high risk of residual contamination from the former gas work (and associated infrastructure) that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location, as the site is located upon Secondary and Principal aquifers, with shallow groundwater observed within the made ground/superficial deposits. The site also lies within Source Protection Zone 1.
- 24.5. The Environment Agency primary concern would be the impact of the proposed development upon the groundwater. The supporting Environmental Desk Study has demonstrated to the satisfaction of the Environment Agency that it will be possible to suitably manage the risk posed to controlled waters by the proposed development, subject to a

condition securing a groundwater remediation strategy and associated verification report in the event permission is granted.

- 24.6. To prevent any mobile contamination associated with surface water from polluting into the controlled waters, the Environment Agency have recommended a condition to prevent infiltration of surface water drainage and piling into the ground. In the event permission is granted, these conditions are considered reasonable and were predicted by the applicant's drainage specialist who has advised that there are methods to drain surface water without the need for direct infiltration (See Section 22 of this agenda report).
- 24.7. The Council's Contamination Officer has raised no objection to the proposed development subject to conditions to secure a Quantitative Risk Assessment, a Foundation Works Risk Assessment, and a remediation strategy, along with verification and maintenance conditions, in the event permission is granted.
- 24.8. 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. The proposal is therefore considered to accord with Policy DM17 of the DMPD and the requirements of the NPPF.
- 24.9. The remediation of the site on its own should be seen as a planning benefit that weighs in favour of the development.

25. Noise

- 25.1. Paragraph 198 of the NPPF and Policy CS6 of the CS seek to mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 25.2. The application is supported by an Acoustic Report prepared by Sharps Redmore, reference 2322130 and dated 15 August 2024 which contains a Noise Assessment regarding impact of the impact of the surrounding noise environment on future occupiers of the scheme, as well the impact of the proposed development on residential properties.
- 25.3. An existing noise survey across the site has demonstrated:
- East: (Closest to the A24 (East Street) and furthest from the rail line) the ambient levels (LAeq) are consistently between 49-53 dB during the daytime (07:00- 23:00) and 47-49 dB during the nighttime (23:00- 07:00). Maximum noise levels are 66-68 dB.

- North: ambient levels are between 57-60 dB during the daytime and 45-52 dB during the night-time. Maximum noise levels are 65-68 dB.
- South: To the south and middle of the site, the day-time ambient levels are between 47- 49 dB.
- West: (near the railway line at ground level) ambient levels were consistently 52 dB at daytime and 50 dB at nighttime. Maximum noise levels were 67 dB. Manned measurements at the top of the Hook Road car park indicates similar levels during the daytime of 49- 51 dB. Trains events from the top of Hook Road car park ranges in maximum levels between 63-78 dB.

25.4. The Assessment highlights that the noise environment across the site is mainly from road traffic, intermittently broken by rail noise from the elevated line, however the train noise does not dominate any one area of the site. There is some plant noise from the adjacent leisure centre, which has a ventilation louvre on its west facade. The Assessment concludes that the noise environment across the site is of relatively low risk during the day and low/medium risk during the night.

25.5. The Assessment considered the nearest neighbouring noise sensitive receptors to be the student accommodation at Bradford House and Crossways House as well as the neighbouring properties across to railway line to the west on Hook Road and Miles Road.

25.6. The Council's Environmental Health Advisors considers the scope, methodology, assessment, and conclusions of the supporting Acoustic Report to be robust.

Plant

25.7. The proposed development includes a number of roof top air source heat pumps (ASHPs). 60 ASHP units would be located on Block E roof top and 24 ASHP units would be located on Block C rooftop. These units would operate 24 hours a day.

25.8. The nearest noise sensitive receptors to the ASHPs (depicted in blue), would be at least 19 metres from these roof tops, as shown below:

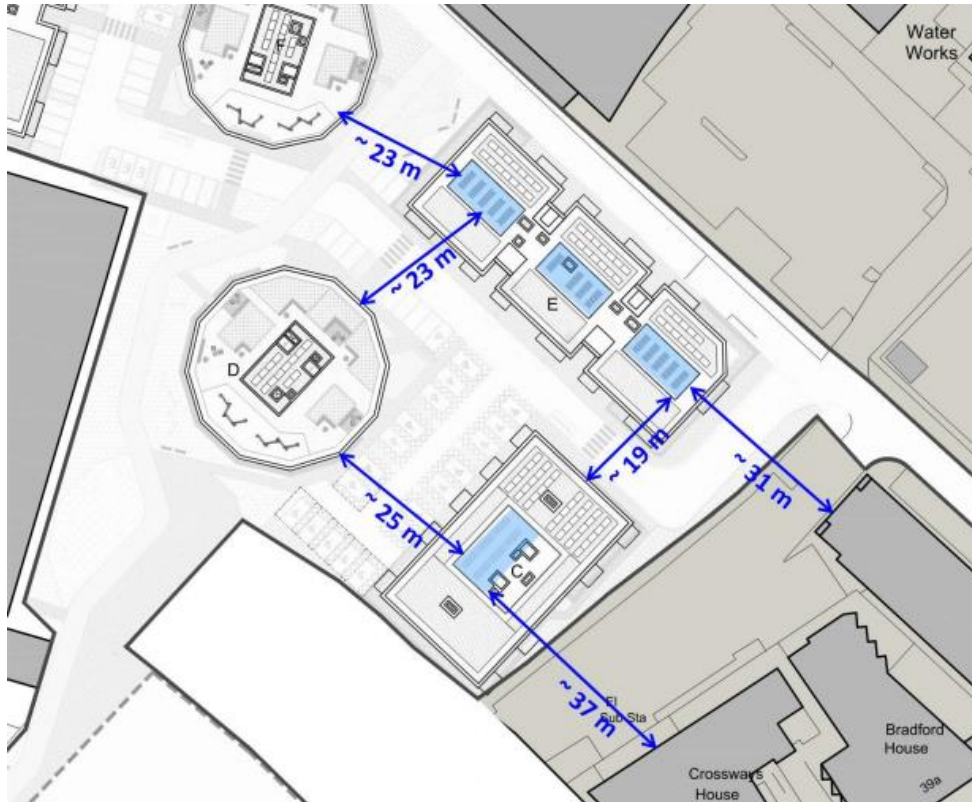


Figure 52: Distance from ASHP units to nearby noise sensitive receptors

- 25.9. It is noted that Blocks D and F at respective heights of 11 and 12 storeys would overlook the rooftops of Blocks C and E. The Assessment has calculated that typical operating noise at the overlooking receptors could vary around 50 dB LAeq without any form of noise mitigation.
- 25.10. The Assessment has identified a potential mitigation measure by providing acoustic protection around the ASHP's with single or double bank acoustic louvres, or as an attenuated forced air plant enclosure, at a height at least 1 m taller than units. In the event permission is granted, it would be subject to a condition to secure details of the proposed ASHP's noise attenuation mitigation.
- 25.11. The Assessment advises that any acoustic design to mitigate the ASHPs noise levels for the future occupiers of the overlooking units of Blocks D and F would be compliant with all other neighbouring noise sensitive receptors identified in the Assessment.

Internal Building Services Noise Limits

- 25.12. The scheme proposes to install Mechanical Ventilation and Heat Recovery units in each residential unit. The Assessment advises that these would be attenuated to ensure they do not exceed suitable noise limits. In the event permission is granted, it would be subject to a condition restrict the rating level of noise emitted cumulatively by all fixed plant.

Railway Noise

- 25.13. The Assessment has considered the noise implications arising from the elevated railway line running along the northern boundary of the site on the amenities of future occupiers.
- 25.14. Just west of the site is Epsom Station and a second track splits. The last train passes the site around 11.37 pm and starts again at circa 5.46 am. The Assessment acknowledged that freight has been noted as occurring on the line, but typically only up to three events could be determined as potentially occurring at night.
- 25.15. To mitigate for the noise associated with the adjacent railway line, the Assessment recommends sound reduction mitigation within the external walls and roof of the residential blocks. For windows, the Assessment recommends sound reduction glazing, with the living rooms and bedrooms facing of the closest blocks directly adjacent to the leisure centre building and car park and the bedrooms of residences in Block G facing, and with a view of, the railway line having an enhanced sound reduction. As the noise is intermittent, this is a sound solution. In the event permission is granted, it would be subject to a condition to secure details of the proposed noise attenuation mitigation for the building envelope and windows.
- 25.16. If these windows were opened to obtain natural air, particularly at night, the noise levels from the night trains would exceed building regulations criteria for noise. To prevent this, the MVHR units would avoid any overheating without the need to open windows to all Block G bedrooms.

Adjacent Self Storage Facility

- 25.17. The Assessment considers the noise implication associated with the self-storage facility and flexible office space currently under construction to the south of the site following a successful appeal. This facility involves vehicles arriving and leaving, manoeuvring at parking, and loading and unloading activities. The facility would be staffed from 08:00 – 18:00, with customer access available up to 23:00, being used in a limited fashion.

Activity Noise

- 25.18. The application for the self-storage facility was supported by a Noise Assessment Report which has been used to consider the noise implications on the proposed development. The Assessment notes that the predicted noise levels for activities associated with the self-storage units are no higher than existing pre-existing background noise level.

Plant Noise

- 25.19. The plant associated with the self-storage facility is subject to a noise condition. Although the Assessment has concluded that the night time

noise levels set out in the condition are acceptable, there is some concern that the daytime level is generous and if any noise issues were to occur, these can be addressed by the Council via their duties under Sections 79 & 80 of the Environmental Protection Act 1990.

26. Air Quality

- 26.1. Although there are no Air Quality Management Areas within the Borough, Paragraph 199 of the NPPF requires decisions to sustain and contribute towards compliance with relevant limit values or national objectives for pollutants.
- 26.2. The application is supported by an Air Quality Assessment, prepared by Redmore Environmental, reference 7377r6 and dated 3 December 2024 which has been undertaken to assess the potential impacts associated with dust emissions during the construction phase of the proposed development; the potential impacts associated with road transport emissions during the operational phase of the proposed development and the risk of exposure of future residents to any existing air quality issues.
- 26.3. An assessment of the potential changes in pollution levels at sensitive ecological locations as a result of road vehicle exhaust emissions associated with the development was also undertaken in the Air Quality Assessment.
- 26.4. Also supporting this application is a Remediation Implementation and Construction Logistics Plan prepared by Cognition Land and Water, reference 0470 V2.2 and dated 30 July 2024. This Plan outlines the various elements of the remediation, earthworks and demolition works to support the proposed development and how they will be carried out.
- 26.5. The Council's Environmental Health Advisors considers the scope, methodology, assessment, and conclusions of the supporting Air Quality Assessment to be acceptable.

Dust Emissions During Construction

- 26.6. The undertaking of construction activities such as demolition, excavation, ground works etc. all have the potential to result in dust emissions throughout the construction phase. Furthermore, construction vehicle movements also have the potential to result in dust emissions from highway surfaces.
- 26.7. In considering the magnitude of potential dust emissions associated with the construction works, the Assessment calculates the magnitude of potential dust emissions from demolition would be medium, the magnitude of potential dust emissions from earthworks to be medium, the magnitude of potential dust emissions from construction to be large and the magnitude of potential dust emissions from construction traffic road debris to be small.

- 26.8. There are over 100 sensitive receptors (human receptors) within 50 metres of the site boundary; within 20 metres of the road network and within 250 metres of the site boundary. All these sensitive receptors are classified as high.
- 26.9. The Assessment has calculated that the potential risk to human health impacts on the sensitive receptors is low from construction, demolition, earthworks, and road debris.
- 26.10. However, the Assessment also contains a number of mitigation measures that can be implemented during the construction phase that would result in the impacts from dust generating activities during the construction phase to be not significant on the surrounding sensitive receptors.
- 26.11. The remediation phase of the development has the potential to impact sensitive locations as a result of air quality impacts from dust and Volatile Organic Compound (VOC) emissions, during the remediation phase. The Assessment concludes that these impacts would be adequately mitigated through use of the protocols outlined in the Remediation Implementation and Construction Logistics Plan produced by Cognition Land + Water and therefore the residual impacts of the remediation phase are predicted to be not significant.
- 26.12. The Council's Environmental Health Advisors have advised that the supporting Remediation Plan requires refinement and should include a suitably detailed air quality and odour monitoring plan covering all relevant elements including individual VOCs as well as dust and odour; site-specific trigger levels that are protective of both public health and amenity should be developed. The emphasis of the Remediation strategy should be to avoid and reduce emissions at source, rather than to mitigate at the boundary.

Transport Emissions during Operational Phase

- 26.13. The development has the potential to increase concentrations of Nitrogen Dioxide (NO₂) and the release of particle matter (PM₁₀ and PM_{2.5}) as a result of road traffic exhaust emissions associated with vehicles travelling to and from the site during the operational phase.
- 26.14. The Assessment calculates that the predicted impacts of annual mean NO₂, PM₁₀ and PM_{2.5} concentrations as a result of the proposed development to be negligible at all receptor locations.
- 26.15. The Government's Pollution Climate Mapping (PCM) model identifies roads that might exceed the legal limits for air pollution at 40µg/m³. Vehicle movements generated by the proposed development have the are predicted along a number of these roads (10 in total) and the proposal therefore has the potential to increase concentrations of NO₂ at these locations and affect compliance with these legal limits.

- 26.16. The Assessment calculates that annual mean concentrations of NO₂ are well below the legal limits of 40µg/m³ at all PCM links and are not predicted to lead to an increase in annual mean NO₂ concentrations of more than 0.23µg/m³.

Emissions Exposure to Future Residents

- 26.17. The proposed development has the potential to impact on existing air quality in the vicinity of the site and expose future residents to elevated pollution levels during the operation phase.
- 26.18. The Assessment advises that dispersion modelling was undertaken to predict pollutant concentrations at sensitive locations as a result of emissions from the local highway network both with and without the development in place. The results demonstrate that air quality impacts generated by the development were not predicted to be significant at any sensitive location in the vicinity of the site.

Emissions Exposure to Ecological Receptors

- 26.19. The development has the potential to increase pollutant levels at sensitive ecological designations as a result of road traffic exhaust emissions associated with vehicles travelling to and from the proposals during the operational phase.
- 26.20. The Assessment has considered Ashted Park and Epsom Common, which are both located within 200m of roads which may be used to access the proposed development. Ashted Park is located adjacent to Dorking Road, located 3 miles from the site and Epsom Common LNR is located 2 miles from the site, adjacent to West Hill and is dissected by Dorking Road.
- 26.21. The predicted trip generation associated with the proposed development set out in the Transport Assessment (TA) prepared by Markides Associates, reference 23059/TA01 and dated August 2024. This indicated that the proposals are not predicted to increase traffic flows in the vicinity of the any ecological designation by more than 1,000 annual average daily traffic. The Assessment therefore concludes that the proposed development impacts on these ecological receptors would not be significant.

Air Quality Conclusion

- 26.22. The Assessment and its conclusions have satisfied the Council's Environmental Health Advisors that the air quality factors are not a constraint to the development, subject to a condition to secure an updated Remediation Implementation Plan, to include the recommendations of the Council's Environmental Health Advisors and a Construction Environment Management Plan, to includes appropriate and to apply appropriate

mitigation both for emissions and dust associated with the associated construction traffic.

27. Glare

- 27.1. Given the height of the proposed buildings and their proximity to the rail and road network, the Council's Environmental Health Professionals recommended that the applicant commission a glare and glint expert to undertake an initial assessment to determine whether the building materials would create significant reflections to either the rail lines or the road. Affecting train and vehicle drivers.
- 27.2. Glare is caused by the presence of focused bright light, and can lead to discomfort, or even be disabling in the sense that objects may become difficult to see or cause an instinctive desire to look away from a bright light source.
- 27.3. The application is supported by a Glare Occurrence Assessment, prepared by AWH, dated December 2024., which considered the glare guidance set out in the BRE Site Layout Planning for Daylight and Sunlight 2022 guidance.
- 27.4. The Council's Environmental Health Advisors considers the scope, methodology, assessment, and conclusions of the supporting Glare Occurrence Assessment to be acceptable.
- 27.5. In an urban environment, moving traffic or trains represent the biggest risk factor and so for the purposes of the glare analysis viewpoints are selected accordingly. In the case of cars, the important focus points are generally junctions or traffic lights. In the case of trains or trams, signals or bends are important considerations, and therefore the relevant focal point will be signals after rounding a bend.
- 27.6. Generally speaking, occurrences of glare that occur beyond 30 degrees would not be regarded to be of significance. Where glare occurs within 30 degrees, the duration of the glare and occurrence degree should be considered. The table below provides the categories for glare.

Significance guidance	Possible Factors
Negligible	No reflections are visible or if visible all occur at angles greater than 30 degrees from the driver's line of sight and if so, as stated by the CIE ⁴ , will be of "little significance"
Minor	Solar reflections are visible within 30 degrees to 10 degrees or between 10 degrees to 5 degrees of the driver's line of sight for a short period of time
Moderate	Solar reflections are visible within 10 degrees and 5 degrees of the driver's line of sight occurring for a long period of time.
Major	Solar Reflections are visible within 5 degrees of a driver's line of sight.

Figure 53: Glare Significance Table

Railway Analysis

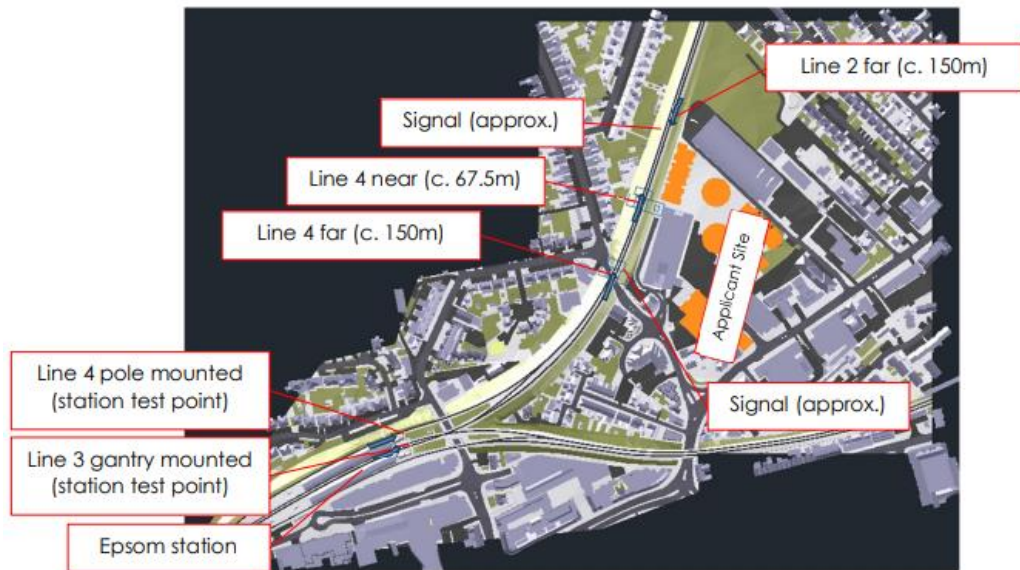


Figure 54: Rail Test Locations

Line 4 Station Signal

- 27.7. This receptor point relates to trains leaving platform 4 at Epsom Station. The distance from this signal to the nearest part of the site is over 320 metres, which is a relatively significant distance. The glare analysis concludes that there is potential for glare at this receptor for relatively limited periods throughout the year, although the extent of the glare is very limited, and the proposed built form is distant. The glare is therefore categorised as moderate adverse. However, as there are significant intervening trees present between the receptor and the site, this would inevitably limit the potential to see the proposed built form— particularly when in leaf. Given this mitigation and the distance to the site, the risk is reduced to minor – moderate adverse.

Line 3 Station Signal

- 27.8. This receptor point is taken from the platform on Epsom Station. The glare analysis concludes that there is potential for glare, but this occurs between 20 and 30 degrees, is distant and occurs for a limited amount of the year. The potential for glare is minor. The presence of the intervening trees also further diminishes the potential for glare at this location.

Line 4 Far

- 27.9. This receptor point is taken from the signal opposite the Rainbow Leisure Centre. The glare analysis concludes that it is unlikely that glare will present any significant concerns at this location, as Block G would be primarily of a brick finish, which means that large parts of the façade are unlikely to present any glare risk. This receptor has therefore been categorised as negligible. This is particularly so since Block G is of a brick

finish, which means that large parts of the façade are unlikely to present any glare risk.

Line 4 Near

- 27.10. This receptor point is taken from the signal opposite the Rainbow Leisure Centre. The glare analysis concludes whilst there is a slightly higher risk of glare in the winter months relative to the 'far' receptor, this study suggests that it is unlikely that glare will present any significant concerns at this receptor, which has been categorised as negligible due to the angle of occurrence and limited duration.

Line 2 Far

- 27.11. This receptor point is taken from the signal found to the east of the Hook Road railway line bridge. The glare analysis concludes that there would be limited winter/autumn glare within the 30 – 40-degree radius. However, this disappears at the 20-degree view radius. This receptor has therefore been categorised as negligible – minor

Road Analysis

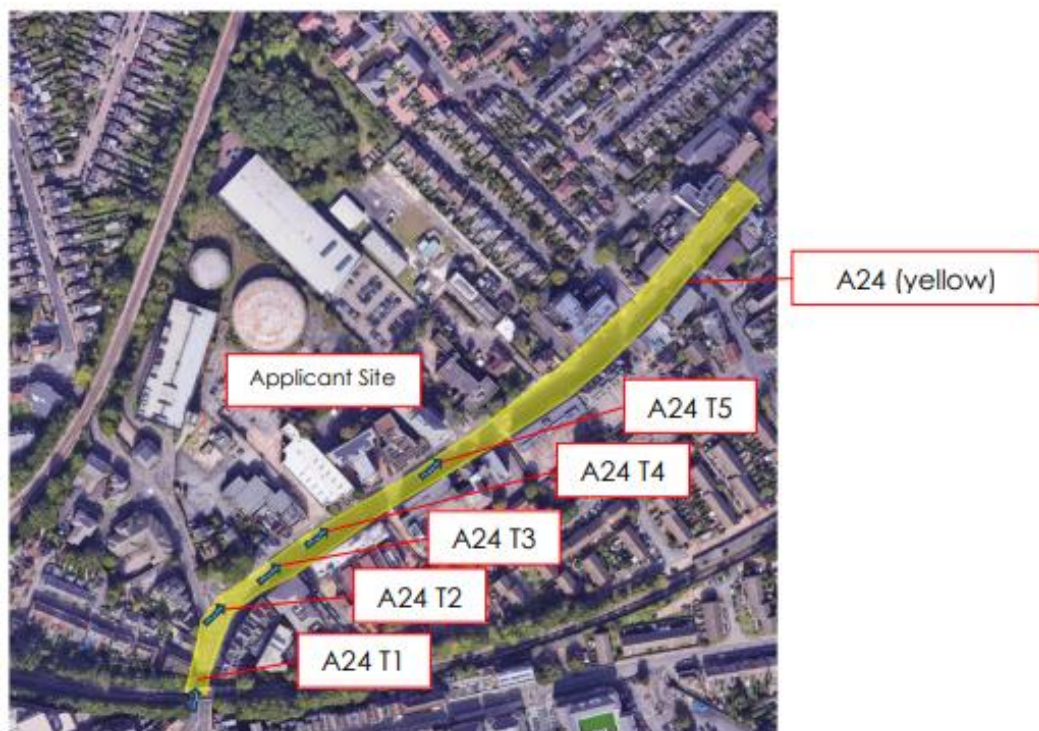


Figure 55: East Street (A24) Test Locations

A24 (East Street) T1

- 27.12. This receptor point considers vehicles as they emerge from under the A24 railway line bridge and look towards the Hook Road – East Street junction. The glare analysis concludes that there is a glare risk at both the 40- and 20-degree view angles. Whilst the potential glare occurs at relatively

limited times of the day and year, there is potential for this to occur within 5 degrees. In particular, the near parts of the Laine Theatre can be seen when looking towards the junction and the near traffic light.

- 27.13. However, the relatively limited glare period means that the occurrence risk is moderate rather than major. Notwithstanding this, the glare analysis recommends that the performing arts school façade, or at least the lower part(s) are constructed in a less reflective finish. The more distant parts of the gas holder faceted buildings are outside of the 10-degree radius, and the glare period is limited, meaning that these are considered to present a minor risk.

A24 T2 & A24 T3

- 27.14. The A24 T2 receptor point taken from the centre of the Hook Road – East Street junction, looking up the A24 and the A24 T3 receptor point taken from further up the A24 looking up the road towards test point T4. The glare analysis concludes that glare may occur in the winter months, at these receptor points, but due to the radius of occurrence and the limited period, the risk is negligible-minor.

A24 T4 & A24 T5

- 27.15. These receptor points are taken further up the A24. Due to obstructions presented by existing buildings, these receptor points do not see the proposed massing and therefore cannot present a glare risk.
- 27.16. The glare analysis demonstrates that whilst there is a potential for the development to cause issue of glare on both the railway line and the A24, these risks are mitigated through distance, intervening trees or through the use of less reflective materials on the proposed performing arts school scheme, which can be controlled by way of a material details condition on any subsequent Reserved Matters application.

28. Environmental Sustainability

- 28.1. On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.
- 28.2. 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.
- 28.3. The application is supported by an Energy and Overheating Strategy prepared by CGP-MEP, reference CG15040-CGP-XX-XX-RP-1001 and dated July 2024. This set out that the scheme has adopted a fabric first approach to design and renewable energy has been, resulting in the

scheme demonstrating a 56.7% betterment, exceeding the building regulation requirements.

- 28.4. The building services has been specified to maximise efficiency therefore reducing energy used to deliver services. Central Air Source Heat Pumps would provide the residential units with both heating and hot water and local heating controls and Mechanical Ventilation and Heat Recovery units would be available in unit.
- 28.5. In terms of renewable energy, Air Source Heat Pumps and Photovoltaic Panels are proposed to serve the residential development.
- 28.6. In terms of the residential building envelope, it is proposed that the thermal performance would represent an improvement over and above the building regulation requirements. The air tightness of the built form would improve upon the building regulation requirements and the use of heavyweight building materials would provide thermal mass that would help regulate the internal temperature and reduce the risk of overheating requirements. In term of solar shading, which can be a highly effective way of controlling overheating and help reduce glare, the design of the proposed built form utilises the benefits of balconies and building geometry to provide solar shading.
- 28.7. The Strategy acknowledges that full natural ventilation is not a viable option at the former SGN gas works site, due to external noise levels. Whilst all windows would be designed as openable for the purpose of overheating, only the façade of Block G facing the railway are designed to be closed for overheating. Notwithstanding this, the whole residential development would be mechanically ventilated. Each individual apartment will be served by an independent MVHR that is able to provide air to the space that benefits from heat recovery and summer bypass technologies. These units are highly efficient due to their heat recovery technology and are small and compact enough to fit within a utility cupboard.
- 28.8. Water efficiency measures are proposed to reduce overall water consumption and a lighting strategy with low energy lamps daylight sensing and absence detection is proposed to ensure that the electrical energy and associated carbon emissions of the building lighting installation are kept to a minimum.
- 28.9. In the event permission is granted, these sustainable design measures would be secured by way of a condition.

29. Accessibility and Equality

- 29.1. 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. Further, Policy DM1 of the draft Local Plan refers to all dwellings needing to meet Building Regulations M4(2) standards, 10% of all market dwellings meeting Building Regulations M4(3) standards and

20% of affordable dwellings meeting Building Regulations M4(3) standards. M4(2) ('Accessible and Adaptable Dwellings') requires new homes to be designed for easier access and adaptation to meet the changing needs of occupants. M4(3) is the standard for new homes to be accessible and adaptable for wheelchair users. These units would be built to fully accessible standards and capable for immediate occupation, rather than adaptable for wheelchair users.

- 29.2. All dwellings would meet M4(2) standards and a total of 21 wheelchair accessible homes (5%) will be provided throughout the site. Seven of 21 (15%) would be delivered as affordable housing. There is level access into the buildings and lift access for each building.
- 29.3. 21 accessible vehicle parking spaces are proposed within the site, which reflects the accessible unit provision but is also the equivalent of 31% of the total parking provision proposed on site. The proposed residential development and open spaces would be accessed at ground level and each residential building would provide two lifts.
- 29.4. The proposed development would provide accessible homes as well as ensuring that the new units are adaptable for future users thereby, promoting inclusion and providing safe, accessible environments people with specific housing needs. Whilst it does not comply with the desired delivery in the draft Local Plan, this is afforded minimal weight at this stage. It does, however, exceed current policy and provides a sufficiently accessible scheme and is acceptable in this respect.
- 29.5. The proposed development would have not result in any adverse impacts on inclusivity or equality. The development would deliver housing for various parts of society and students of the existing Laine Theatre would continue to be catered for.

30. Planning Obligations and Community Infrastructure Levy

- 30.1. 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.
- 30.2. 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.

30.3. Planning Obligations

Financial Obligations

- a) Best endeavours to secure the delivery of the performing arts school
- b) £250,000 towards the Epsom & Ewell Local Cycling and Walking Infrastructure Plan
- c) £272,492 to the NHS Primary Care Contribution
- d) Travel Plan Auditing fee of £6,150

Non-Financial Obligations

- e) Public Transport Improvements comprising:
 - Provision of a signalised crossing at the Hook Road / East Street junction
 - Improvements to bus stops along East Street and outside McDonalds on Epsom High Street
 - To procure the provision of 3 ultra-low emission car club vehicles for a minimum of three years from the first occupation of any dwelling
 - Provision of three year's free membership of the car club and £50 drive time for all new first-time occupiers of each dwelling.
- f) Delivery of Affordable Housing in social rent tenure in the following mix:
 - 14 x 1 bedroom 2 person units
 - 10 x 2-bedroom 3 person units
 - 17 x 2-bedroom 4person units
 - 5 x 3-bedroom 5 person units
- g) Delivery of Biodiversity Net Gain and to manage the habituate for at least 30 years from the date of the completion of the development as follows:
 - The creation of on-site 21.68% for habitats
 - The creation of on-site 195.26% for hedgerow
- h) Open Space Management and Maintenance Strategy and unrestricted public access to be maintained to the Open Space
- i) Play Area Management and Maintenance Strategy and unrestricted public access to be maintained to the Play Areas
- j) Landscape Management and Maintenance Strategy
- k) Car Parking Management and Maintenance Strategy
- l) A clause to prevent possession of a Residents Parking Zone Permit

30.4. CIL Contributions

- 30.5. 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

31. Planning Balance

- 31.1. 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.
- 31.2. 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.
- 31.3. 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.

31.4. Social Benefits

- 31.5. The proposal would **remediate** and make efficient use of a heavily contaminated brownfield site for an identified housing need. This attracts **minor** weight on its own.
- 31.6. 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 as far as it seeks to significantly boost the supply of homes. Given the significant need for housing in the Borough and how long the deficit is likely to persist, this benefit is given **significant** weight in the planning balance.
- 31.7. Notwithstanding that the scheme has been independently assessed as being unable to viably provide affordable housing, the applicant intends to deliver **10% affordable housing** on the site, **all to be provided as social rented tenure** through Homes England funding. There is a significant need for social rented affordable housing, as the Council has only delivered 3 social rented units over the past 5 years. Therefore, whilst the affordable housing provision is not policy compliant, this benefit is given **significant** weight in the planning balance.
- 31.8. The proposed development would provide an enhanced shared **pedestrian/cycle link** that would improve connectivity between Epsom Town Centre and The Rainbow Leisure Centre. Given that alternative,

albeit less desirable connections, currently between these two locations, this benefit is given **moderate** weight in the planning balance.

31.9. The proposal would provide new **public realm, children's play areas and landscaping** that would be accessible to both future residents of the development and the general public in an urban area. This would create community cohesion as well as promoting health and well-being. This benefit is given **moderate** weight in the planning balance, tempered somewhat by the fact that it is not fulfilled in its entirety as envisaged by policy.

31.10. The proposed development identifies land for a new performing arts **theatre**, further details of which would be detailed in a future Reserved Matters submissions pursuant to the parameters set by the outline consent. However, the delivery of the performing arts scheme is dependent upon funding arrangements between the Laine Theatre Arts and the Council. For this reason, this benefit is given **limited** weight in the planning balance.

31.11. Economic Benefits

31.12. 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 benefit is given **minor** weight in the planning balance.

31.13. Whilst there is no evidence to suggest that the local economy would be disadvantaged without the expenditure generated from the proposed development, it is not unreasonable to conclude that future occupiers of the development would create additional **expenditure** to the Brough because of the highly sustainable location close to Epsom Town Centre and therefore, this benefit is given **minor** weight in the planning balance.

31.14. Environmental Benefits

31.15. The proposed development would increase the biodiversity value of the site, retaining existing ecological features and creating new biodiversity rich habitats, resulting in a **biodiversity net gain** of 21.68% for area habitats and 195.26% for hedgerow habitats, which represents an excess gain above the mandatory requirement of 10%. This benefit is given **moderate** weight in the planning balance

31.16. Social Adverse Impacts

31.17. The failure to provide a compliant housing density is a **limited** adverse effect in light of the Council's decision to limit the weight to the housing density policy.

31.18. The failure to provide a policy compliance housing mix is a **limited** adverse effect, given the Government's aim to efficiently utilise brownfields sites in sustainable locations.

31.19. Economic Adverse Impacts

31.20. The failure to demonstrate that the loss of the existing office floorspace would not erode a sufficient town centre supply to meet demand would be a **moderate** adverse impact of the scheme.

31.21. Environmental Adverse Impacts

31.22. Whilst the proposal development would result in less than substantial harm to the setting and significance of a small number of designated **heritage assets** surrounding the site, the benefits (as discussed in paragraph of this Agenda Report) would attract substantial weight that would outweigh the less than substantial harm identified. This adverse impact is therefore attributed **limited** weight.

31.23. The **height, massing and design** of the proposed development would not be reflective of the surrounding built form. Notwithstanding this, the NPPF places great emphasis on making the most of development opportunities by optimising the potential of sites, particularly those that remediate derelict, contaminated land in highly sustainable and accessible locations. In addition, the NPPF encourages a step change in design quality of local areas where this is needed and can be achieved through outstanding and innovative approaches. The opportunity to deliver a development of significant scale and quality on the site is therefore clear and aligns with the objectives of the NPPF. This adverse impact is therefore attributed **moderate** weight.

31.24. In the case of the 6 neighbouring properties and 23 student accommodation rooms that would experience moderate adverse impacts and above, the **daylight and sunlight impacts** as a result of the proposed development constitute an adverse impact of the scheme. Given that the moderate adverse impacts would be permanent, this is a **moderate** adverse impact of the scheme.

31.25. Some of the units within the proposed development would also fail to receive adequate **sunlight and daylight**, but this is an inevitable and unavoidable consequence of development of the site. It nonetheless attracts **minor** weight.

31.26. The Council's Trees Officer has objected due to **net tree loss and lack of landscape opportunities** in an overly dense development. Whilst there are various factors at play, the impact still weighs in the planning balance as a **minor** impact.

NPPF Objectives	Benefit	Harm
Social	Remediation and efficient use of heavily contaminated brownfield land (Moderate Weight)	Failure to provide a compliant housing density (Limited Weight)
	Delivery of Housing (Significant Weight)	
	10% affordable housing (Significant Weight)	
	Improved connectivity between Epsom Town Centre and The Rainbow Leisure Centre (Moderate Weight)	Failure to provide a policy compliance housing mix (Limited Weight)
	New public realm, children's play areas and landscaping (Moderate Weight)	
	Replacement performing arts theatre (Limited Weight)	
Economic	Additional expenditure during the construction phase (Limited Weight)	Loss of existing Class E1 Office Space (Moderate Weight)
	Additional expenditure from future residents (Limited Weight)	
Environmental	Biodiversity Net Gain (Moderate Weight)	Less than substantial harm to the setting and significance of designated heritage assets (Limited Weight)
		Height, massing and design (Moderate Weight)
		Daylight and sunlight impacts on Future Residents (Minor Weight)
		Daylight and sunlight impacts on Neighbouring Properties (Moderate Weight)
		Loss of Trees (Minor Weight)

Figure 56: Weight Summary Table

31.27. Conclusion

31.28. The policies of the NPPF that protect areas or assets of particular importance do not provide a strong reason for refusing the development proposed. Therefore, the presumption in favour of sustainable development is engaged.

31.29. Overall, whilst there is one moderate and some limited adverse effects in respect of this application, there are a number of significant benefits. Officers conclude that in applying the titled balance as required in paragraph 11 of the NPPF, the harm would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.

31.30. The application is recommended for approval.

RECOMMENDATION

PART A

GRANT conditional planning permission, subject to the prior completion of a S106 Legal Agreement to secure the following planning obligations

Financial Obligations

- a) £250,000 towards the Epsom & Ewell Local Cycling and Walking Infrastructure Plan
- b) £272,492 to the NHS Primary Care Contribution
- c) Travel Plan Auditing fee of £6,150

Non-Financial Obligations

- d) Best endeavours to secure the delivery of the performing arts school
- e) Public Transport Improvements comprising:
 - Provision of a signalised crossing at the Hook Road / East Street junction
 - Improvements to bus stops along East Street and outside McDonalds on Epsom High Street
 - To procure the provision of 3 ultra-low emission car club vehicles for a minimum of three years from the first occupation of any dwelling.
 - Provision of three year's free membership of the car club and £50 drive time for all new first-time occupiers of each dwelling.
- f) Delivery of Affordable Housing in social rent tenure in the following mix:
 - 14 x 1 bedroom 2 person units
 - 10 x 2-bedroom 3 person units
 - 17 x 2-bedroom 4person units
 - 5 x 3-bedroom 5 person units

- g) Delivery of Biodiversity Net Gain and to manage the habituate for at least 30 years from the date of the completion of the development as follows:
 - the creation of on-site 21.68% for habitats
 - the creation of on-site 195.26% for hedgerow
- h) Open Space Management and Maintenance Strategy and unrestricted public access to be maintained to the Open Space
- i) Play Area Management and Maintenance Strategy and unrestricted public access to be maintained to the Play Areas
- j) Landscape Management and Maintenance Strategy
- k) Car Parking Management and Maintenance Strategy
- l) A clause to prevent possession of a Residents Parking Zone Permit

and the following conditions and informatives

PART B

If the Section 106 Agreement referred to in Part A is not completed by 24 October 2025, the Head of Place Development is authorised to refuse the application for the following reason:

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

CONDITIONS

Delivery Conditions

1. Timescale (Residential Scheme)

The residential scheme (in full) hereby permitted shall be begun 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. Timescale (Performing Arts School)

The performing arts school scheme (in outline) hereby permitted as identified in blue on approved drawing number 6972-D1000-P00 - Site Location Plan - August 2024 shall be begun either before the expiration of three years from the date of this permission, or before expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51(2) of the Planning and Compulsory Purchase Act 2004.

3. Reserved Matters (Performing Arts School)

No part of the performing art school scheme hereby permitted shall be begun until details of the layout, scale, appearance of the development and the landscaping of the site (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority for that part of the development. The development shall be carried out as approved.

Reason: To allow such details to be reserved for subsequent consideration and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. Approved details

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

6972-D1000-P00 - Site Location Plan - August 2024
6972-D1100-P00 - Site Plan – Ground Floor Existing - August 2024
6972-D1101-P00 - Site Plan - Ground Floor Existing - August 2024
6972-D1500-P00 - Site Sections BB & CC Existing - August 2024
6972-D1501-P00 - Site Sections G-G Existing - August 2024
6972-D1700-P00 - Site Elevations D-D Existing - August 2024
6972-D1701-P00 - Site Elevations E-E & F-F Existing - August 2024
6972-D2000-P00 - Ground Floor Plan Proposed - August 2024
6972-D2001-P00 - L01, 03, 05 & 07 Floor Plan Proposed - August 2024
6972-D2002-P00 - L02, 04 & 06 Floor Plan Proposed – August 2024
6972-D2008-P00 - L08 Floor Plan Proposed - August 2024
6972-D2009-P00 - L09 & L10 Floor Plan Proposed - August 2024
6972-D2011-P00 - L11 Floor Plan Proposed - August 2024
6972-D2012-P00 - Roof Access Level Plan Proposed - August 2024
6972-D2013-P00 - Roof Plan Proposed - August 2024
6972-D2100-C-P00 - Block C Ground Floor Plan Proposed - August 2024
6972-D2101-C-P00 - Block C Typical Floor Plan Level 01, 03, 05 & 07 Proposed - August 2024
6972-D2102-C-P00 - Block C Typical Floor Plan Level 02, 04 & 06 Proposed - August 2024
6972-D2109-C-P00 - Block C Roof Plan Proposed - August 2024
6972-D2100-D-P00 - Block D Ground Floor Plan Proposed - August 2024
6972-D2101-D-P00 - Block D Typical Floor Plan Proposed - August 2024
6972-D2111-D-P00 - Block D 10th Floor Plan (Roof Terrace) Proposed - August 2024
6972-D2112-D-P00 - Block D Roof Plan Proposed - August 2024
6972-D2100-E-P00 - Block E Ground Floor Plan Proposed - August 2024
6972-D2101-E-P00 - Block E Typical Floor Plan Proposed - August 2024
6972-D2109-E-P00 - Block E Roof Plan Proposed - August 2024
6972-D2100-F-P00 - Block F Ground Floor Plan Proposed - August 2024
6972-D2101-F-P00 - Block F Typical Floor Plan Proposed - August 2024

6972-D2112-F-P00 - Block F 12th Floor Plan (Roof Terrace) Proposed - August 2024
6972-D2113-F-P00 - Block F Roof Plan Proposed - August 2024
6972-D2100-G-P00 - Block G Ground Floor Plan Proposed - August 2024
6972-D2101-G-P00 - Block G Typical Floor Plan Level 01, 03, 05 & 07 Proposed - August 2024
6972-D2102-G-P00 - Block G Typical Floor Plan Level 02, 04, 06 & 08 Proposed - August 2024
6972-D2110-G-P00 - Block G Roof Plan Proposed - August 2024
6972-D2200-P00 - Building Parameter Plan Outline Proposed - August 2024
6972-D2500-P00 - Site Sections B-B & C-C Proposed - August 2024
6972-D2700-P00 - Site Elevations D-D Proposed - August 2024
6972-D2701-P00 - Site Elevations E-E & F-F Proposed - August 2024
6972-D2501-P00 - Site Sections G-G Proposed - August 2024
6972-D2700-C-P00 - Block C Elevation 1 Proposed - August 2024
6972-D2701-C-P00 - Block C Elevation 2 Proposed - August 2024
6972-D2702-C-P00 - Block C Elevation 3 & 4 Proposed - August 2024
6972-D2700-D-P00 - Block D Elevation 1 Proposed - August 2024
6972-D2701-D-P00 - Block D Elevation 2 Proposed - August 2024
6972-D2702-D-P00 - Block D Elevation 3 Proposed - August 2024
6972-D2703-D-P00 - Block D Elevation 4 Proposed - August 2024
6972-D2700-E-P00 - Block E Elevation 1 Proposed - August 2024
6972-D2701-E-P00 - Block E Elevation 2 Proposed - August 2024
6972-D2702-E-P00 - Block E Elevations 3 & 4 Proposed - August 2024
6972-D2700-F-P00 - Block F Elevation 1 Proposed - August 2024
6972-D2701-F-P00 - Block F Elevation 2 Proposed - August 2024
6972-D2702-F-P00 - Block F Elevation 3 Proposed - August 2024
6972-D2703-F-P00 - Block F Elevation 4 Proposed - August 2024
6972-D2700-G-P00 - Block G Elevation 1 Proposed - August 2024
6972-D2701-G-P00 - Block G Elevation 2 Proposed - August 2024
6972-D2702-G-P00 - Block G Elevation 3 & 4 Proposed - August 2024
2374-EXA-00-GR-DR-L-00100-P01 - General Arrangement Plan - Phase 1 - August 2024
2374-EXA-00-GR-DR-L-00100A_P01 – In the Round Plan – April 2025
2374-EXA-00-RF-DR-L-00101-P01 - General Arrangement Plan - Roof Terrace - Phase 1 - August 2024

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

5. Phasing Plan

No development shall commence unless and until a plan showing the full demolition and construction phasing for the development must be submitted and approved in writing by the Local Planning Authority. The development must be carried out in full accordance with the approved phasing plans unless otherwise approved in writing by the Local Planning Authority.

Reason: To identify how the site is to be phased to assist with the determination of any subsequent reserved matters application and in order to ensure that infrastructure and open space provision provided in time to cater for the needs and impacts arising out of the development.

6. Materials

No development of the residential scheme 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 full 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.

7. Construction Transport Management Plan

For each respective scheme, no development shall commence unless and until a Construction Transport Management Plan, to include details of:

- a) parking for vehicles of site personnel, operatives, and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials
- d) provision of boundary hoarding behind any visibility zones
- e) measures to prevent the deposit of materials on the highway
- f) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- g) no HGV movements to or from the site shall take place between the hours of 7.30 and 9.30 am and 4.00 and 6.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Hook Road (B284) or East Street (A24) during these times
- h) on-site turning for construction vehicles (or measures for traffic management)

has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in full accordance with the approved details at all times.

Reason: For the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2024, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

8. Construction Environmental Management Plan

For each respective scheme, no development shall commence unless and until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, site specific measures to control and monitor impact arising in

relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology, and ground water. It shall also set out arrangements by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be constructed full accordance with the approved details at all times.

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.

9. Construction Traffic Dust and Emissions

For each respective scheme, no development shall commence on site unless and until a report detailing the traffic flow associated with the construction phase of the proposed development, along with appropriate mitigation both for emissions and dust where applicable in line with IAQM guidance, shall be submitted to and approved in writing by the Local Planning. The development shall be carried out in full accordance with the approved details at all times.

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

10. Updated Remediation Implementation and Construction Logistics Plan

For each respective scheme, no development shall commence on site unless and until an updated Remediation Implementation and Construction Logistics Plan with an emphasis to avoid and reduce emissions at source, rather than to mitigate at the boundary, and to include the following

- a) a suitably detailed air quality and odour monitoring plan, covering all relevant elements including individual VOCs, and dust and odour
- b) site-specific trigger levels that are protective of both public health and amenity be defined

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details and prior to the first occupation of the respective scheme.

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.

11. Controlled Waters Contamination Remediation Strategy

For each respective scheme, no development shall commence unless and until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

- 1) A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall be carried out in full accordance with the approved details and prior to the first occupation of the respective scheme

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site, as required by Policy DM10 of the Development Management Policies Document 2015 and Section 15 of the NPPF 2024.

12. Source Protection Strategy

For each respective scheme, no development shall commence unless and until a Source Protection Strategy detailing, how the developer intends to ensure the water abstraction source is not detrimentally affected by the proposed development both during and after its construction has been submitted to, and approved by, the local planning authority in consultation with the water undertaker. Thames Water consider a suitable Source protection strategy to consist of the following (where applicable): CEMP; foundation/piling risk assessment; drainage management plan; groundwater monitoring strategy; communication plan and emergency procedures documentation. The development shall be constructed in line with the recommendations of the strategy prior to the first occupation of the respective scheme.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site, as required by Policy DM10 of the Development Management Policies Document 2015 and Section 15 of the NPPF 2024.

13. Surface Water Drainage Scheme

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

- a) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 7.1 l/s.
- b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The development shall be carried out in full accordance with the approved details prior to the first occupation of the respective scheme.

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.

14. Land Contamination Reports

For each respective scheme, no development shall commence unless and until a scheme to deal with any ground contamination related risks has been submitted to and approved, in writing, by the local planning authority. Technical reports shall be prepared by competent persons that can demonstrate recognised relevant qualifications, sufficient experience in dealing with the type(s) of pollution and membership of relevant professional organisations and shall be in accordance with current best practice guidance, include all gasworks related contaminants, asbestos, chlorinated solvents, PCBs and PFAS) and ground gas related risks (including volatile hydrocarbons) and comprise the following components:

- a) Quantitative Risk Assessment (including intrusive site investigation, sampling, laboratory analysis, selection of assessment criteria and monitoring of site conditions) to collect information on the presence and extent of contaminants, pathways and receptors that may form pollutant linkages or cause land instability, update the Conceptual Site Model and determine whether unacceptable risks remain.
- b) Foundation Works Risk Assessment (FWRA) in accordance with Environment Agency requirement to evaluate risks to controlled waters from piling and foundation works. The FWRA should evaluate whether

foundations and structures may have an adverse impact on the identified contaminant linkages and in particular the quality of groundwater in the Chalk Principal Aquifer. The FWRA should also include a baseline groundwater assessment, long term monitoring plan adopted during, and post piling works and a borehole management plan. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated via the FWRA that there is no resultant unacceptable risk to groundwater and that Environment Agency approval has been obtained for such work. The development shall be carried out in accordance with the approved details.

- c) Options appraisal and remediation strategy to identify and evaluate feasible remedial options to reduce the identified risks to acceptable levels and develop a remediation scheme that addresses the relevant pollutant linkages. The strategy should include a plan to deal with the aspects of the design, preparation, implementation (including environmental monitoring during the works to minimise trans-boundary impacts), verification, and long-term monitoring and maintenance of the remediation. This plan should reflect the complexity of the work.

The development shall be carried out in full accordance with the approved details and prior to the first occupation of the respective scheme.

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

15. Tree Protection Plan

No development associated with the residential scheme shall commence unless and until a detailed Tree Protection Plan and Arboricultural Method Statement have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to the commencement of the residential development on site and thereafter maintained for the duration of construction works.

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

16. Felling of Trees

No development associated with the residential scheme shall commence unless and until a precautionary working method statement for the felling of Sycamore Tree (T1) identified as having suitability to support roosting bats has been submitted to and approved in writing by the Local Planning Authority in writing. The felling of the tree shall be carried out in full accordance with the approved details under the supervision of a licenced bat ecologist.

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

17. Programme of Archaeological Work

For each respective scheme, no development shall commence unless and until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority. The development thereafter shall be carried out in full accordance with the approved details.

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

18. Compliance with Great Crested Newt District Licence

No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR146, or a 'Further Licence') and with the proposals detailed on plan "Land And Buildings At Former Gas Holder Station: Impact plan for great crested newt District Licensing (Version 1)", dated 19th February 2025.

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

19. Great Crested Newt District Licence Completion Certificate

No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR146, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

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.

20. Compliance with Great Crested Newt Mitigation Principles

No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR146, or a 'Further Licence') and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

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-Above Ground Conditions

21. Soft Landscaping Treatment

No development above ground level associated with the residential scheme shall take place unless and until a scheme of soft landscaping at ground level (and to roofs), including details of proposed plant numbers, tree planting, species, location and size of trees and tree pits, and details of the management and maintenance of the landscaping for a period of five years has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme. Any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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 Document 2015.

22. Hard Landscaping

No development above ground level associated with the residential scheme shall take place unless and until detailed design proposals for hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The hard landscaping shall be carried out in accordance with the approved details prior to first occupation of the development hereby permitted.

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 Document 2015.

23. Boundary Treatment

No development above ground level associated with the residential scheme shall take place unless and until details of boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be implemented in accordance with the approved details prior to first occupation of the development hereby permitted.

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 Document 2015.

During Development Conditions

24. Controlled Waters Contamination Remediation Strategy

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved prior to the first occupation of the respective schemes.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site, as required by Policy DM10 of the Development Management Policies Document 2015 and Section 15 of the NPPF 2024.

25. Surface Water Drainage

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details prior to the first occupation of the respective schemes.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site, as required by Policy DM10 of the Development Management Policies Document 2015 and Section 15 of the NPPF 2024.

26. Unexpected Land Contamination

If during development contamination not previously identified and requiring a different remediation approach to the agreed strategy is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority. An investigation, risk assessment and remediation strategy must be undertaken subject to the same procedures defined in the pre-commencement contamination reports condition and each stage is subject to the approval in writing of the Local Planning Authority. The remediation strategy shall be implemented in accordance

with condition 29 and approved, verified and reported to the satisfaction of the Local Planning Authority.

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

27. Piling

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site, as required by Policy DM10 of the Development Management Policies Document 2015 and Section 15 of the NPPF 2024

Pre-Occupation Conditions

28. Controlled Waters Contamination Verification Report

For each respective scheme, no development hereby permitted shall not be first occupied unless and until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site, as required by Policy DM10 of the Development Management Policies Document 2015 and Section 15 of the NPPF 2024.

29. Land Remediation Scheme Works

For each respective scheme, no development hereby permitted shall not be first occupied unless and until the approved remediation scheme prepared under the pre-commencement contamination condition must be carried out in accordance

with its terms. The Local Planning Authority must be given three weeks' written notification of commencement of the respective schemes remediation works.

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

30. Land Contamination Verification Report

For each respective scheme, no development hereby permitted shall not be first occupied unless and until a verification report demonstrating completion of the works set out in the approved remediation strategy, compliance with relevant legislation and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

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

31. Drainage Verification Report

For each respective scheme, no development hereby permitted shall not be first occupied unless and until a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

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

32. Foul Water Drainage

The development associated with the residential scheme hereby permitted shall not be first occupied unless and until confirmation has been provided that either:

- a) Foul water capacity exists off site to serve the development; or

- b) A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan; or
- c) All foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason: To ensure adequate utility connections are incorporated into the development in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007 and Policy DM19 of the Development Management Policies Document 2015.

33. Water Network Upgrades

The development associated with the residential scheme hereby permitted shall not be first occupied unless and until confirmation has been provided that either:

- a) All water network upgrades required to accommodate the additional demand to serve the development have been completed; or
- b) A development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: To ensure adequate utility connections are incorporated into the development in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007 and Policy DM19 of the Development Management Policies Document 2015.

34. Vehicular Access (Residential Scheme)

The development associated with the residential scheme hereby permitted shall not be first occupied unless and until the proposed vehicular access east of the site, to form an internal junction with existing access onto East Street, has been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: For the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with Section 9 of the NPPF 2004 and to satisfy policies DM35 and DM36 of the Development Management Policies Document 2015 and Policy CS16 of the Core Strategy 2007.

35. Vehicular Access (Performing Arts School)

The development associated with the performing arts school building scheme hereby permitted shall not be first occupied unless and until the

vehicular access serving the performing arts school scheme has been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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 204 and to satisfy policies DM35 and DM36 of the Development Management Policies Document 2015 and Policy CS16 of the Core Strategy 2007.

36. Foot and Cycle Path

The development associated with the residential scheme hereby permitted shall not be first occupied unless and until a shared foot and cycle path (measuring a minimum width of 4m) has been provided within the site, to also serve as a secondary access for emergency vehicles, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: For the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with Section 9 of the NPPF 204 and to satisfy policies DM35 and DM36 of the Development Management Policies Document 2015 and Policy CS16 of the Core Strategy 2007.

37. Pedestrian Access

Neither of the schemes hereby permitted shall be first occupied unless and until the proposed shared (pedestrian, cyclist and vehicle) access, to form a publicly accessible secondary access towards the south-east of the site for emergency vehicles from/to Hook Road, has been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: For the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with Section 9 of the NPPF 204 and to satisfy policies DM35 and DM36 of the Development Management Policies Document 2015 and Policy CS16 of the Core Strategy 2007.

38. Pedestrian Inter-Visibility Splay

Neither of the developments hereby permitted shall be first occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the proposed accesses, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

Reason: For the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with Section 9 of the NPPF 204 and to satisfy policies DM35 and DM36 of the Development Management Policies Document 2015 and Policy CS16 of the Core Strategy 2007.

39. Parking and Turning Areas

The development associated with the residential scheme hereby permitted 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: For the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with Section 9 of the NPPF 2024 and to satisfy policies DM35 and DM36 of the Development Management Policies Document 2015 and Policy CS16 of the Core Strategy 2007.

40. Car Park Management Plan

The development associated with the residential development hereby permitted shall not be first occupied unless and until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following measures:

- Details of the 'right to park' management system for the prospective
- residents and employees of the site,
Details of the management and enforcement measures to prevent misuse/indiscriminate parking, including measures to ensure that parking permits are used appropriately

The measures shall be implemented in full prior to first occupation and retained as such thereafter.

Reason: For the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2024, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

41. Cycle Parking

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

Reason: In recognition of Section 9 of the NPPF 2024 and in meeting its objectives as well as and to satisfy policies DM35 and DM36 of the Development Management Policies Document 2015.

42. Electric Vehicle Charging Points

The development associated with the residential scheme hereby approved shall not be first occupied unless and until at least 15 available parking spaces are provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) and all remaining spaces are provided with cable routes for the future provision of charging points, to be installed prior to first occupation of the residential scheme and 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 of the NPPF 2024 and in meeting its objectives as well as and to satisfy policies DM35 and DM36 of the Development Management Policies Document 2015.

43. Travel Plan

The development associated with the residential scheme hereby permitted shall not be first occupied unless and until a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the 'Travel Plan' document (13th November 2024). The approved Travel Plan shall be implemented upon first occupation and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 of the NPPF 2024 and in meeting its objectives as well as and to satisfy policies DM35 and DM36 of the Development Management Policies Document 2015.

44. Children's Play Areas and Equipment

Prior to the first occupation of the development associated with the residential scheme hereby granted, details of the proposed children's play area, including play equipment, furniture, ground treatments and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. All children's play equipment will be installed in accordance with the approved details prior to first occupation of the residential scheme and retained and maintained in accordance with the Play Area Management and Maintenance Strategy in perpetuity.

Reason: In order to ensure adequate and appropriate children's play area and equipment is provided in accordance with Policy DM12 of the Development Management Policies Document 2015.

45. Maintenance Management Plan

The development associated with the residential development hereby permitted shall not be first occupied unless and until a Maintenance Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall also include provision for the management of the refuse and recycle storage as well as the maintenance schedule for the glazing.

Reason: To ensure good levels of amenity for future occupants in accordance with Policy DM12 of the Development Management Policies 2015

46. Lighting Scheme

Prior to installation of any lighting on the site associated with the residential scheme, full lighting details shall be submitted to and approved in writing by the Local Planning Authority. Details shall include measures to ensure the external lighting would not result in unacceptable loss of amenity by way of glare and/or light spill to future residents and neighbouring properties. The lighting shall be carried out in accordance with the approved details prior to first occupancy and maintained thereafter in accordance with the approved details.

Reason: To protect future occupants of the development and nearby residential properties from glare and/or light spill in accordance with Policy DM10 of the Development Management Policies Document 2015.

47. Noise Attenuation

The development associated with the residential scheme hereby permitted shall not be first occupied unless and until details of the noise attenuation proposed to the glazing and building envelope of the proposed residential development has been submitted to and approved in writing by the Local Planning Authority. The approved noise attenuation measures shall be installed prior to first occupation.

Reason: To protect the occupants of future development from noise disturbance in accordance with Policy DM10 of the Development Management Policies 2015

48. Obscure Glazing

The development hereby permitted shall not be first occupied unless and until a scheme detailing the windows in Block G to be installed in obscure glass of no less than obscurity level 3 and shall thereafter be permanently retained as such.

Reason: To safeguard the privacy of the occupants of adjoining properties in accordance with Policy DM10 of the Development Management Policies 2015.

The development hereby permitted shall not be first occupied unless and until written evidence, such as Secure by Design certification has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the

scheme has incorporated crime prevention measures. The development shall be implemented in accordance with the approved details prior to first occupation.

Reason: In the interests of crime prevention in accordance with Policy DM10 of the Development Management Policies Document 2015

49. Secure By Design

The development associated with the residential scheme hereby permitted shall not be first occupied unless and until a written evidence, such as Secure By Design certification has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the scheme has incorporated crime prevention measures. The development shall be implemented in accordance with the approved details prior to first occupation.

Reason: In the interests of crime prevention in accordance with Policy DM10 of the Development Management Policies Document 2015

Compliance Conditions

50. Compliance with Contamination Long Term Monitoring and Maintenance

Any long-term monitoring and maintenance deemed necessary from the other contamination conditions to monitor and maintain the long-term effectiveness of the remediation must be carried out. Following completion of the measures 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 for approval.

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

51. Compliance with Noise Levels

The rating level of noise emitted cumulatively by all fixed plant, when operating normally within the development hereby permitted shall not exceed 43 dB Lar,1hour at the windows of the nearest noise sensitive receptors between 07:00 and 23:00 and 37 dB Lar,15minute between 23:00 and 07:00. The measurement and assessment shall be made according to BS 4142:2014+A1:2019.

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

52. Compliance with Noise 'In The Round'

Within the external area designated 'In The Round', (identified on approved drawing 2374-EXA-00-GR-DR-L-00100A_P01) no music (amplified or otherwise) shall occur outside the hours of 10:00 – 18:00 Monday to Saturday and at no time on Sunday; unless otherwise licenced.

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

53. Compliance with Sustainable Design Measures

The development associated with the residential scheme shall be carried out in accordance with the sustainable design measures contained in the Energy and Overheating Strategy prepared by CGP-MEP, reference CG15040-CGP-XX-XX-RP-1001 and dated July 2024. All measures shall be implemented prior to first occupation of the development hereby permitted and thereafter maintained.

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

54. Compliance with Ecological Survey

The development associated with the residential scheme hereby approved shall be carried out in strict accordance with the biodiversity enhancement measures set out in the Preliminary Ecology Appraisal, prepared by Ecological Assessment, prepared by Greenspace Ecological Solutions, dated December 2024. All biodiversity enhancement measures shall be implemented prior to first occupation of the development hereby permitted and thereafter maintained.

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

INFORMATIVES

1. Positive and Proactive Discussion

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. Building Control

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 <https://ebcsltd.co.uk/> 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. Pre-Commencement Conditions

The applicant is reminded that this approval is granted subject to conditions which must be complied with prior to the development starting on site. Commencement of the development without complying with the pre-commencement requirements may be outside the terms of this permission and liable to enforcement action. The information required should be formally submitted to the Council for consideration with the relevant fee. Once the details have been approved in writing the development should be carried out only in accordance with those details. If this is not clear please contact the case officer to discuss.

4. Protected Species

The applicant is reminded that it is an offence to disturb protected species under the Wildlife and Countryside Act 1981. Should a protected species be found during the works, the applicant should stop work and contact Natural England for further advice on 0845 600 3078.

This includes bats and Great Crested Newts, which are a protected species under the Conservation of Habitats and Species Regulations 2017 (as amended). Should any bats or evidence of bats be found prior to or during the development, all works must stop immediately and an ecological consultant contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

5. Biodiversity Net Gain

The applicant is reminded of their obligations to deliver mandatory biodiversity net gain on-site in accordance with Schedule 7A of the Town and Country Planning Act 1990, including (a) submitting a Biodiversity Gain Plan that accords with the National Planning Practice Guidance and the approved BNG Assessment and Metric Tool; and (b) not operating prior to a completion report being agreed by the local planning authority.

6. Demolition Notice

The applicant is reminded that a Demolition Notice may be required to be served on the Council in accordance with current Building Regulations and it is recommended that the Building Control Section be contacted for further advice.

7. Changes to the Approved Plans

Should there be any change from the approved drawings during the build of the development, this may require a fresh planning application if the changes differ materially from the approved details. Non-material changes may be formalised by way of an application under s.96A Town and Country Planning Act 1990.

8. Naming and Numbering

The applicant is advised to contact Epsom and Ewell Borough Council at an early stage to discuss naming and numbering of the development. Refer to 01372 732000 or <https://www.epsom-ewell.gov.uk/street-naming-and-numbering> for further information.

9. CIL Liable Development

This form of development is considered liable for the Community Infrastructure Levy (CIL). CIL is a non-negotiable charge on new developments which involve the creation of 100m² or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100m². The levy is charged at £125/m², index linked and is charged on the net additional floorspace generated by a development.

The Liability Notice issued by Epsom and Ewell Borough Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner.

A Commencement Notice must be submitted to the local planning authority prior to the commencement of development in order to ensure compliance with the Community Infrastructure Levy Regulations.

10. Works to the Highway

The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course.

The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works.

proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice

The developer's attention is drawn to the fact that this permission does not authorise the physical construction of the proposed off-site highway works and site access connections to the public highway. A separate legal agreement made with the Council under s.278 of the Highways Act 1980 is required. No work within or affecting the public highway shall commence until the agreement has been completed and the Council, as local highway authority, has approved all construction and installation details together with a programme of works.

11. Section 38 Adoption

The Highway Authority has no objection to the proposed development, subject to the above conditions but, if it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980. Further details about the post-planning adoption of roads may be obtained from the Transportation Development Planning Division of Surrey County Council.

12. No Apparatus on Highway

Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.

13. Wheel Washing

Adequate precautions shall be taken during the construction period to prevent the deposit of mud and similar debris on adjacent highways. 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 (Sections 131, 148 and 149 of the Highways Act 1980).

14. Damage to Highway

Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess

repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.

15. Safe Operation of Construction Traffic

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.

16. Detailed Design of Highway Works

The applicant is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street-lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

17. EV Electricity Supply

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 2023. 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.

18. E-Bike Provision

It is the responsibility of the developer to provide e-bike charging points with socket timers to prevent them constantly drawing a current over night or for longer than required. Signage should be considered regarding damaged or shock impacted batteries, indicating that these should not be used/charged. The design of communal bike areas should consider fire spread and there should be detection in areas where charging takes place.

With regard to an e-bike socket in [a domestic dwelling, the residence should have detection, and an official e-bike charger should be used. Guidance on detection can be found in BS 5839-6 for fire detection and fire alarm systems in

both new and existing domestic premises / in non-domestic buildings the premises should have detection, and an official e-bike charger should be used. Guidance on detection can be found in BS 5839-1 of the code of practice for designing, installing, commissioning, and maintaining fire detection and alarm systems in non-domestic buildings.

19. Piling

Piling With respect to any proposals for piling through made ground, we would refer you to the EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected By Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. A Piling Risk Assessment (PRA) is required to demonstrate that the chosen piling method does not result in deformation of the ground that may lead to an increase in the risk of near-surface pollutants migrating to underlying aquifers. The risk assessment must investigate whether the water environment source-pathway-receptor linkages exist. Further guidance is available on the.gov web site.

Joint discussions have been held with Thames water to discuss the risks posed to nearby abstraction during piling works. Please ensure that good communication is upheld with the Environment Agency and Thames Water during this phase. Groundwater monitoring of both the shallow and deeper aquifer within the Chalk should be undertaken before during and after piling to ensure that no deterioration of groundwater quality has occurred. Risks of turbidity should also be included as part of a submitted piling risk assessment.

20. Drainage

There must be no discharge into land impacted by contamination or land previously identified as being contaminated. There must be no direct discharge to groundwater, a controlled water. There must be no discharge to made ground.

21. Thames Water Surface Water Connection

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should the applicant require further information please refer to our website:

<https://www.thameswater.co.uk/help/home-improvements/how-to-connect-to-a-sewer/sewer-connection-design>

22. Thames Water Public Sewers

There are public sewers crossing or close to the development. If the applicant is planning significant work near our sewers, it's important that they minimize the risk of damage. Thames Water need to check that the development doesn't limit repair or maintenance activities, or inhibit the services they provide in any other way. The applicant is advised to read Thames Water guide working near or diverting our pipes: <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Framework.

23. Thames Water Underground Assets

The proposed development is located within 15metres of Thames Water underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure workings are in line with the necessary processes you need to follow if the applicant is considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Should further information be required please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800009 3921 (Monday to Friday, 8am to 5pm). Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

24. Thames Water Water Mains

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If significant works are planned near our mains (within 3m) Thames Water need to check that the development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way.

25. Sub Ground Structures

Sub ground structures should be designed so they do not have an adverse effect on groundwater.

26. Secured By Design

The boundary adjacent to the railway tracks should be 2.4m high, certified to LPS1175 Issue 8:2018 Security Rating 3+ or similar standard. This would assist with potential safeguarding at this location.

27. Fire Risk Assessment

Compliance with the compliance with Building Regulations 2010 will normally ensure the Fire Safety Order in respect of means of warning and escape in case of fire. However, the responsible person is advised to carry out a fire risk assessment of the proposals at this stage, to identify any risks that might require remedial measures when the premises is occupied, as a result of the nature of the occupancy and/or processes carried on there. Any such measures that are identified should be incorporated into the current design. Your attention is drawn to the series of publications produced by the Department for Communities and Local Government (CLG), which provides information for the responsible person about the Fire Safety Order. These publications are available from Government Services and Information website at: <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents>.

Responsibility for ensuring that a building is provided with appropriate fire safety arrangements rests with the responsible person, once the building is occupied. The responsible person should, therefore, ensure that the fire safety arrangements in place are adequate and comply fully with the requirements of the Fire Safety Order.

28. Fire Safety Information

Fire safety information in accordance with Regulation 38 of the Building Regulations 2010 should be provided to the responsible person at the completion of the project or when the building or extension is first occupied. This information should take the form of a fire safety manual and form part of the information package that contributes to the fire risk assessment that will need to be carried out under the Regulatory Reform (Fire Safety) Order 2005.

29. Passive Fire Protection Measures

Passive fire protection measures, particularly fire stopping, fire barriers and fire resisting compartmentation, restricts the spread of smoke and fire through a building through hidden areas such as voids. We recommend that careful attention is given to this detail during construction. Certification of this work can be beneficial to confirm the suitability of the structure to meet its performance requirement lay out in this design application.

30. Automatic Water Suppression Systems (AW SS) and Automatic Fire Suppression Systems (AFSS)

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

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

The use of AW SS/AFSS can add significant benefit to the structural protection of buildings in the event of a fire. Other benefits include supporting business recovery and continuity if a fire happens. SFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises.

31. Section 106 Agreement

This permission should be read in conjunction with the legal agreement under section 106 of the Town and Country Planning Act, the obligations in which relate to this development.