

# Public Document Pack

Legal and Democratic Services



## PLANNING COMMITTEE

Thursday 8 October 2020 at 7.30 pm

Place: Remote Meeting

PLEASE NOTE: this will be a 'virtual meeting'.

The link to the meeting is: <https://attendee.gotowebinar.com/register/6645425598220493579>  
Webinar ID: 278-743-947

Telephone (listen-only): 020 3713 5012, Telephone Access code:642-138-243

The members listed below are summoned to attend the Planning Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Clive Woodbridge (Chair)  
Councillor Monica Coleman (Vice-Chair)  
Councillor Alex Coley  
Councillor Neil Dallen  
Councillor David Gulland  
Councillor Previn Jagutpal  
Councillor Colin Keane

Councillor Jan Mason  
Councillor Steven McCormick  
Councillor Lucie McIntyre  
Councillor Debbie Monksfield  
Councillor Peter O'Donovan  
Councillor Clive Smitheram

Yours sincerely

A handwritten signature in black ink that reads 'K. Beldan'.

Chief Executive

For further information, please contact Democratic Services, email:  
[democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk).

## Public information

### Information & Assistance:

#### Please note that this meeting will be a 'virtual meeting'

This meeting will be held online and is open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for the Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at [Democraticservices@epsom-ewell.gov.uk](mailto:Democraticservices@epsom-ewell.gov.uk).

#### Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. Should any such matters arise during the course of discussion of the below items or should the Chairman agree to discuss any other such matters on the grounds of urgency, the Committee will wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

#### Public speaking

Public speaking in support or objection to planning applications is permitted at meetings of our Planning Committee. As this meeting of the Committee will be held online, **you must register in advance if you wish to speak.**

To register to speak at this Planning Committee meeting, please contact Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk), tel: 01372 732000 in advance of the deadline for registration, which is given below.

We will ask you to submit a written statement that can be read out at the meeting in the event of any technical issues during the meeting. The statement must be of no more than 3 minutes in length when read aloud.

If a number of people wish to speak on a particular application, public speaking will normally be allocated in order of registration. If you fail submit your written statement, then your place may be allocated to those on speakers waiting list. Further information is available by contacting Democratic Services, email: [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk), tel: 01372 732000.

### Deadline for public speaking registration: Noon, 5 October

## **Guidance on Predetermination /Predisposition**

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

### **Predisposition**

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

### **Pre-determination / Bias**

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

## **AGENDA**

### **1. DECLARATIONS OF INTEREST**

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

### **2. MINUTES OF THE PREVIOUS MEETING**

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 3 September 2020 (to follow) and Special Meeting of the Planning Committee held on 23 September 2020 (to follow) and authorise the Chairman to sign them.

### **3. ASHLEY HOUSE HOWELL HILL CHEAM ROAD EWELL SM2 7LQ (Pages 5 - 30)**

Demolition of the existing building; erection of a three storey residential development comprising nine flats; provision of ten parking spaces, cycle and refuse storage facilities and new access onto Cheam Road.

### **4. 7 STATION APPROACH STONELEIGH SURREY KT19 0QZ (Pages 31 - 56)**

Demolition of existing buildings on site and erection of a part 5, part 7 storey building providing 20 residential flats with associated cycle and refuse stores. (Amended scheme received 01.05.2020)

### **5. 6 THE GROVE, EPSOM, SURREY, KT17 4DQ (Pages 57 - 74)**

Erection of 7 x two bedrooms flats and 2 x three bedrooms flats and associated external works following demolition of the existing building.

### **6. MONTHLY REPORT ON APPEALS AND HOUSING NUMBERS (Pages 75 - 76)**

The Planning Service has received the following Appeal decisions from 11 August 2020 to 14 September 2020.

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<b>Ward:</b>	<b>Nonsuch</b>
<b>Site:</b>	<b>Ashley House Howell Hill Cheam Road Ewell SM2 7LQ</b>
<b>Application for:</b>	<b>Demolition of the existing building; erection of a three storey residential development comprising nine flats; provision of ten parking spaces, cycle and refuse storage facilities and new access onto Cheam Road</b>
<b>Contact Officer:</b>	<b>John Robinson</b>

## 1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q45O1YGYGY000>

## 2 Summary

- 2.1 **This application was previously due to be determined at the 3 September Planning Committee. However following consideration, the Committee resolved that the application be deferred and brought back to Committee once members had undertaken a site visit. (A site visit had not been undertaken due to Covid19 restrictions).**
- 2.2 The application has been referred to Committee for consideration at the request of the Ward Councillor Christine Howells
- 2.3 This application seeks permission for the demolition of a detached dwelling and the erection of a three storey residential development comprising nine flats; provision of ten parking spaces, cycle and refuse storage facilities and the formation of a new access onto Cheam Road.
- 2.4 The development is considered to make good use of a previously developed site, without appearing cramped or overdeveloped and would not harm the character of the area. .

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- 2.5 No objection has been raised by the County Highway Authority with regards to the level of parking, or in respect of matters of highway safety or operation.
- 2.6 The proposal is not considered to give rise to any adverse amenity impacts for neighbour given the scale/layout of buildings and separation distances to neighbouring properties
- 2.7 The proposal would make good use of a previously developed site and would make a positive contribution towards local housing requirements, by providing an additional 8 dwelling units. The proposal would also generate CIL contributions.
- 2.8 **The application is therefore recommended for conditional permission.**

### **3 Site description**

- 3.1 The application site comprises a rectangular plot of land, located on the north side of Howell Hill. The site has a frontage onto Howell Hill of 29.8m and it is 47m deep. The site has a net area of approximately 0.147ha.
- 3.2 The site is currently occupied by a detached dwelling known as “Ashley House”. Levels change significantly over the site so the dwelling is part two storey and has roof accommodation. The dwelling sits on a plateau above the street level with a levels difference of just under 4m. There is a vehicular access to the east of the plot, which is a shared access with “Skerryvore” the neighbouring dwelling to the east. It lies lower than the application site by approximately 1m.
- 3.3 In addition to a significant levels change from south to north, there is also a significant change from east to west. Levels across the plot frontage change by approximately 3.4m, rising to the west up Howell Hill. Levels keep on rising past No.2 Wotton Way to the west.
- 3.4 No 2 Wotton Way is in a cul-de-sac accessed off Gomshall Road to the north. The property lies at an angle of 45 degrees to Ashley House and its rear elevation faces towards Ashley House and Howell Hill. It stands on ground that is approximately 4m higher than the application site.
- 3.5 Lying to the rear of the site is a bungalow known as The Meads. This backland development is accessed from further along Howell Hill. The land on which this property stands is about 2m higher than the current ground finished floor level of Ashley House.

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- 3.6 The site falls within an area predominately residential in character. The built form is suburban in character, with more open agricultural land on the south side of Howell Hill. Development heights range from single storey bungalows to large two storey dwellings with roof accommodation. Plot sizes are varied, and there is no uniformity in the scale, mass or arrangement of dwellings within the plots.

#### 4 Proposal

- 4.1 This application seeks permission for the demolition of a detached house and the erection of a three storey building (with part roof accommodation) comprising 9 flat units (three 2-bed 3-person flats and six 2-bed 4-person flats) together with a new pedestrian and vehicular access to a parking courtyard .
- 4.2 The footprint of the building would comprise two intersecting rectangles at 90 degrees to each other, measuring 12.54m (w) x 9.57m (d), (Western element) and 10.37m (w) x 16.3m (d) (Eastern element). In response to the site levels, the building would have a “split” floorplate, with the right side part of the building (Western element), set lower than the left side. The main pedestrian entrance (between the two elements) would lead into a circulation space with through access to the rear communal garden.
- 4.3 The building would have crowned hipped roof, with projecting hipped roofed elements, with a varying eaves height of between 7.9m and 6.9m dropping down to 7m (to the east). The building would maintain the established building line.
- 4.4 Each flat would comply with national space standards in regards to overall gross internal area (GIA) and individual habitable rooms. A mix of private (balconies) and communal amenity space for the units would be provided.
- 4.5 The proposed building would be of a traditional “neo Edwardian” design, with part rendered/part brick elevations, under a crowned, hipped pan-tiled roof with varying eaves and ridgelines, articulated by projecting bays and in-set dormer windows. It would step down to meet its lower height along the boundary to the east.
- 4.6 Parking for 10 vehicles would be provided in a paved forecourt served by a new access of Cheam Road. Cycle storage would be located in the rear garden, and a refuse store adjacent to the vehicular entrance to the site

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## 5 Revisions

- 5.1 Improvements have been secured during the course of the application following negotiations between officers and the applicant regarding the scale and massing of the scheme. The scheme has been amended as follows:
- 5.2 The building has been reduced in height by between 2m and 2.7m overall
- 5.3 The architectural language has been revised and refined.
- 5.4 Overall, these amendments are welcomed, as they would materially reduce the actual and perceived mass of the building in views from Cheam Road and neighbouring properties. The “stepped” floorplate and reduced roof profile would allow the proposal to relate more comfortably in relation to the neighbour to the east, “Skerryvore”. The refined architectural style would relate better to that of other buildings in the street as the original scheme was an incoherent mix of post-modernist vernacular/art and crafts elements and it did not follow the mid-twentieth century precedents of the area, nor was of a more innovative or contemporary design.

## 6 Comments from third parties

### Original Application

- 6.1 The original application was advertised by means of letters of notification to 23 neighbouring properties on the 31.01.2020. By the closing date 21.02.2020 13 letters of objection were received, and are summarised as follows:
  - Highway safety
  - Out of character
  - Overshadowing and loss of light
  - Loss of privacy
  - Inadequate parking provision

### Revised Application

- 6.2 Following submission of an amended scheme on 15.04.2020, a second consultation period began on 17.04.2020, and expired on 08.05.2020. 11 letters of objection were received, and are summarised as follows:
  - Two previous refusals for development of flats on Cheam Road, east of the railway bridge. These two previous refusals establish a very strong precedent to refuse the current application which if otherwise approved would lead to other properties being demolished for the sole purpose of building blocks of flats which would irrevocably and significantly change the character of the area.



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- Contravenes Policy DM11-Density and DM13- Building Heights (*Officer comment: Paragraph 123 of the NPPF states “Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.” The aforementioned policies would restrict the optimisation of the use of the site, and therefore do not accord with the Framework. They are accordingly out of date.*)
- Contravenes DM16-Backland Development (*Officer Comment: The proposed development is not backland development as it fronts the highway*)
- Out of character
- Highway safety
- Lack of parking
- Overshadowing
- Loss of privacy

## 7 Consultations

7.1 **Highways:** No objections. Conditions to be imposed on any permission granted

7.2 **Tree Officer:** No objections

7.3 **Design and Conservation Officer:** No objection subject to conditions.

## 8 Relevant planning history

8.1 None relevant upon this site

In proximity to the site:

06/01044/FUL: Erection of 14 No. 2 bedroomed flats with parking: REFUSED

09/01256/FUL: The conversion of part of ground floor of the existing dwelling into two self-contained studio flats: REFUSED

## 9 Planning Policy

National Policy Planning Framework (NPPF) 2019

Chapter 2 Achieving sustainable development  
Paragraphs 8 – 12 and 14

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Chapter 5      Delivering a sufficient supply of homes  
Paragraphs 59- 61, 68

Chapter 11 Making effective use of land  
Paragraphs    118, 122, 123

Chapter 12      Achieving well-designed places  
Paragraphs 127, 130 and 131

Chapter 15      Conserving and enhancing the natural environment  
Paragraphs 170,174, 175, 177, 178, 180, 182 and 183

Chapter16      Conserving and enhancing the historic environment  
Paragraphs 189 - 197

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Core Strategy 2007

Policy CS1	Creating Sustainable Communities
Policy CS3	Biodiversity
Policy CS5	The Built Environment
Policy CS6	Sustainability in New Developments
Policy CS9	Affordable housing and meeting Housing Needs

Development Management Policies Document 2015

Policy DM4	Biodiversity and New Development
Policy DM8	Heritage Assets
Policy DM5	Trees and Landscape
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM11	Housing Density
Policy DM12	Housing Standards
Policy DM13	Building Heights
Policy DM17	Contaminated Land
Policy DM19	Development and Flood Risk
Policy DM22	Housing Mix
Policy DM37	Parking Standards

Supplementary Planning Document 2015

Parking Standards for Residential Development

**10 Planning considerations**

Principle of Development

- 10.1 The site is located within the built up area, and does not affect any assets of particular importance such as SSSI, AONB, European or national ecological designations, green belt or any other given additional weight by The National Planning Policy Framework 2019 (the Framework). When considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.

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- 10.2 The Framework was republished in February 2019. It is a key consideration in relation to this application and is a material consideration. The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. That is a very positive aim.
- 10.3 Paragraphs 7 and 8 of the Framework states there are three dimensions to sustainable development: economic, social and environmental.
- 10.4 The Social role of the planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing.
- 10.5 The Economic objective helping to build a strong, responsive economy and ensuring that the right types of sufficient land are available in the right places, and the Environmental object is making efficient and effective use of land and improve the environment.
- 10.6 Development proposals that accord with an up-to-date Development Plans should be approved and where a planning application conflicts with an up to-date Development Plan, permission should not usually be granted (Framework Paragraph 12).
- 10.7 Paragraph 122 of the Framework states that planning policies and decisions should support development that makes sufficient use of land taking into account: (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change
- 10.8 Development policies that are the most important for determining a specific planning application are regarded as being out of date where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years (Framework para 11d and footnote 7)
- 10.9 Existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework 2018 and its reissue in 2019. Due weight should be given to them according to their degree of consistency with the policies of the Framework (Paragraph 213). The Framework is therefore an important material consideration that may over-ride Development Plan policies which were adopted prior to the publication of the Framework and are not consistent with it.

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- 10.10 Section 5 of the Framework sets out policies aimed at delivering a sufficient supply of houses and maintaining the supply to a minimum of five years' worth (Paragraph 73).
- 10.11 Policy CS7 of the Core Strategy is considered out of date under the terms of the Framework. The housing target of 188 dwellings per annum was taken from the South East Plan. The South East Plan was revoked in 2012, with housing requirements then to be determined by local need.
- 10.12 The Epsom & Ewell Core Strategy pre-dates the Framework and in accordance with para 213 of the Framework, the policies of the core strategy should be given due weight according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). In the case of old housing targets within CS7, no weight should be given to it.
- 10.13 The Government standard method for calculating the Borough's assessed housing need identifies a housing requirement of 579 new homes each year. In the absence of a five-year housing land supply, this has been increased to 695 under the housing delivery test as published on 13 February 2020. The Council is presently falling significantly short of this requirement and cannot presently demonstrate five years Housing Land Supply
- 10.14 Paragraph 11d of the Framework is engaged via footnote 7 in circumstances where local planning authorities cannot demonstrate a 5-year supply. The practical application and consequence of this is that unless the site is located in an area or involves 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 demonstrably outweigh the benefits when assessed against the Framework as a whole.
- 10.15 In March 2008, an application 06/01044/FUL for the erection of 14 two-bedroomed flats at 47-49 Cheam Road (600m to the west of the application site) was dismissed on appeal under reference APP/P3610/A/07/2046209/NWF.
- 10.16 In his decision the Inspector commented that the proposed building would be significantly higher and wider than other dwellings in that part of Cheam Road, and concluded that it would harm the character and appearance of the surrounding area contrary to Policies HSG11, and BE1 of the Epsom and Ewell District Wide Local Plan 2000
- 10.17 In February 2011, an application 09/01256/FUL for the conversion of part of ground floor of the existing dwelling at 57 Cheam Road, into two self-contained studio flats, was dismissed on appeal under reference APP/P3610/A/10/2139301/NWF.

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- 10.18 In his decision, the Inspector concluded that the proposed development would provide unacceptable living conditions for the prospective occupants by way of the level and quality of outlook, daylight, inadequate internal space and general amenity, in conflict with the requirements of Policy DC1 of the Epsom and Ewell District-Wide Local Plan 2000, and Policy CS1 of the Core Strategy 2007.
- 10.19 The previous planning applications and appeal decisions from 2008 and 2011 are a material consideration. However, the weight attached to those appeals is affected by changes to the development plan, guidance, and other material considerations.
- 10.20 Subsequent to the aforementioned appeals there have been significant changes to the development plan, national planning policy and other material considerations:
- The South East Plan was revoked in March 2013,
  - The publication of The National Planning Policy Framework in 2012 and subsequent updates in 2018 and 2019,
  - The publication of the National Planning Practice Guidance (NPPG),
  - The Development Management Plan Document adopted in 2015, and
  - In May 2018, the Licensing Planning Policy Committee took a decision to set aside Policy DM11 (Housing Density) and Policy DM13 (Building Heights). This was based on the policies restricting opportunities for growth in the Borough.
- 10.21 It is clear that Policies HSG11, BE11 and DC1 are not consistent with Policies in the Framework, and limited weight is attached to their relevance in determining the current application
- 10.22 Paragraph 123 of the Framework highlights that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- 10.23 Whilst Policy DM11 (Housing Density) states that in principle, proposals for new housing that make the most efficient use of sites within the boroughs urban area will be supported in principle, limited weight is assigned to this policy with regard to its compliance with para 23 of the Framework

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- 10.24 Given the significant housing need in the borough, it is considered that the proposed redevelopment of this site in a sustainable location for a residential scheme is appropriate in principle, subject to the detailed consideration of the other planning considerations below.

#### Visual Impact

- 10.25 Chapter 12 of the Framework refers to design. Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive and accessible.
- 10.26 Paragraph 130 of the Framework sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 10.27 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.
- 10.28 Policies DM9 and DM10 encourage high quality development and planning permission will be granted for proposals, which make a positive contribution to the borough's visual character and appearance. Policy DM8 states that the Council will resist the loss of our Heritage Assets and every opportunity to conserve and enhance them should be taken by new development
- 10.29 The site lies within an area wholly residential in character. The built form is suburban in character despite the more open agricultural land on the south side of Howell Hill. Development heights range from single storey bungalows to large two storey dwellings with roof accommodation. Plot sizes vary and there is no uniformity in the scale, mass or siting within the individual plots.
- 10.30 Local character derives principally from deep front building lines, mature landscaping in the public domain, space between and around buildings, and development respecting the changing topography.

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- 10.31 The design approach of the proposed building would be “neo Edwardian”, with part brick/part rendered elevations, and articulated in both plan and elevation by features such as projecting bays, recessed balconies, and a distinctive hipped roof profile, with a varied eaves and ridgeline incorporating inset dormers.
- 10.32 It would respond to the site’s topography by the incorporation of a split floorplate, which would enable the building to “step” down the hill and create an appropriate transition between the higher property at No.2 Wotton Way and the lower property (to the east) “Skerryvore”.
- 10.33 The new building would sit comfortably in the plot and there would be sufficient spatial separation maintained between neighbouring houses in order to provide an appropriate setting for the building whilst retaining an appropriate setting for the neighbours.
- 10.34 In summary, it is concluded that the proposal, both in terms of layout, scale and appearance, would achieve a high quality development which would be a positive addition to the streetscene and the character of the wider area. It would therefore accord with the Framework and Policies DM8, DM9 and DM10 of the Local Plan

#### Effects on the amenity of neighbouring properties

- 10.35 Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policy Document 2015 seeks to safeguard residential amenities in terms of privacy, outlook, and sunlight/daylight, avoidance of visual intrusion and noise and disturbances.
- 10.36 The siting of the proposed building has taken into account the positioning of adjacent dwellings, in order to ensure that the proposal would not result in any unacceptable loss of amenity to occupants of adjoining properties due to overlooking or loss of privacy.
- 10.37 No 2 Wotton Way stands on ground that is 4m or so higher, whilst Skerryvore (to the east) sits on land that is lower. The flank elevation of the new building would face the flank elevation of No 2 at a median distance of some 8.78m, and the flank wall of Skerryvore at a distance of 6.2m. The new building would not conflict with a 45 degree outlook angle taken from the nearest rear facing window of Skerryvore. In both cases, the building relationships that would be established would ensure that the development would have no overbearing impact, or lead to unacceptable loss of daylight or sunlight.
- 10.38 Flat No 5 and No 8 on the first and second floors respectively, would have access to rear facing balconies. A safeguarding condition requiring details of privacy screens to be erected along the flank wall of the balconies, is recommended to be imposed which would prevent any material overlooking of the garden of the affected adjoining property at Skerryvore.



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- 10.39 A condition requiring the secondary flank windows serving the living rooms of Flat No 4 and No 7 to be obscurely glazed is also recommended to be imposed.
- 10.40 In relation to The Meads, lying to the rear, a distance of over 23m would separate the respective rear facades. The finished floor level of the proposed development would be lower than the existing floor level of Ashley House, as the building would be dug into the site and the slab split in two at different levels to reflect the changing topography. The finished floor level of The Meads would be approximately 2.8m higher than the proposed scheme. The applicant has offered to plant ten semi-mature trees along the rear boundary to provide additional screening to the neighbour. (The provision of these trees would be secured by Condition 8).
- 10.41 The separation gap is therefore considered adequate to avoid significant loss of privacy/overlooking to the affected property..
- 10.42 In conclusion ,given the juxtaposition of these neighbouring properties and the separation distances involved, the proposal is not considered to give rise to unacceptable impacts on the amenity of these neighbours in terms of overshadowing, overbearing or overlooking
- 10.43 In this respect, the proposal would comply with Policy DM 10.

#### Housing Space Standards

- 10.44 The Nationally Described Space Standards sets clear internal minimum space standards for new dwellings. The space standards are intended to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures. The Standards provide separate standards for bedrooms within new dwellings stating that a single bedroom should be no smaller than 7.5 m<sup>2</sup> and a double bedroom should be no smaller than 11.5 m<sup>2</sup>. All new units should be designed in accordance with the National Space Standards.
- 10.45 The proposed 2 bed (4 person) flats would have a Gross Internal Area of between 70.3m<sup>2</sup> and 85.3m<sup>2</sup>, and the 2 bed (3 person) flats an area between 65.1m<sup>2</sup> and 72.3m<sup>2</sup>.
- 10.46 Each flat would comply with the appropriate Nationally Described Space Standard technical requirements (70m<sup>2</sup>, 61m<sup>2</sup>,respectively) in compliance with Policy DM12.

#### Amenity Space

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- 10.47 Policy DM12 refers to housing standards and requires amenity space to be private, functional, safe and bio-diverse, easily accessible from living areas, oriented to take account of sunlight and shading, of sufficient size to meet the needs of the likely number of occupiers and provide for the needs of families with young children.
- 10.48 The ground floor flats would have access to private amenity space and the other flats would have a balcony. All flats would have access to communal amenity space (360m<sup>2</sup>) to the rear of the building. Overall, this would be adequate in terms of both size and quality to suit the needs of small and larger family accommodation, and would therefore comply with policy DM12's requirement for amenity space for flatted developments.

#### Trees and Landscaping

- 10.49 Chapter 15 of the Framework concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by *inter alia*, recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.
- 10.50 Policy DM5 (Trees and Landscape) of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia):
- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and
  - Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.
- 10.51 The application was accompanied by an arboriculture report, which states that the proposed development would require the removal of six Category C trees and one Category U tree. A mature Beech tree in the front garden would be retained and protected during the construction period.
- 10.52 Indicative proposals for replacement tree and landscape planting have been submitted. The proposed layout makes provision for areas of meaningful landscaping along the frontage with Cheam Road (including some scope for hedge planting along the flank and rear boundaries) and areas of soft landscaping within the site. It is recommended that a landscaping condition to secure details of proposed landscaping and planting be imposed.
- 10.53 The proposal is therefore considered to comply with Policy DM5

#### Car parking and Access

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10.54 Chapter 9 of the Framework relates to the promotion of sustainable transport. Paragraph 108 sets out that in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

10.55 Paragraph 109 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.56 Policy DM37 sets out that developments will have to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions

#### Access

10.57 A new access is proposed to serve the application site onto Cheam Road (A232). The existing access from the site via 'Skerryvore' would be closed off, with the access from Skerryvore to Cheam Road retained to provide access to that property only.

10.58 A Transport Statement accompanies this application. This demonstrates how the access arrangements function and meet the required highways standards. The Statement shows the development will give rise to a nominal increase in traffic on the A232 equating to only one additional vehicle movement every 20 minutes during the peak hours.

10.59 The applicant has carried out calculations to determine the visibility splays that also take into account the gradient of Cheam Road. The required splays of 2.4m by 53.5m to the west and 45.7m to the east have been demonstrated. The Highways Officer has confirmed that these would exceed the minimum visibility splays required for an access onto a 30mph road of 43m in each direction.

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10.60 At the request of the Highways Authority, an independent Stage 1 Road Safety Audit has been carried out. The Highways Officer has commented that points raised by the RSA would need to be addressed at the detailed design stage, prior to technical approval being granted for any Section 278 works, but raises no objection for the purposes of the planning application.

#### Parking

10.61 The Council's adopted Parking Standards requirements for car parking provision within residential developments are a minimum of 1 space for one and two bed flat units.

10.62 Within the site, 10 parking spaces would be provided within the forecourt area. With reference to the SPD standards, the minimum parking provision would be exceeded by one space and complies with local planning policy

10.63 Provision for ten secure cycle storage spaces would be provided in a shelter in the rear garden.

#### Waste Collection

10.64 An adequate refuse and recycle store would be located adjacent to the access and at the closest point to the public highway. Kerbside collection would continue from this refuse point.

10.65 The Council's Transport and Waste Services Manager has raised no objections to the refuse/recycling arrangements.

#### Sustainability of the Site

10.66 The site is sustainably located within acceptable walking distances of both bus and train services. Consequently, it is considered that future residents would not necessarily be reliant on the car for typical daily journey purposes and would have a range of alternative modes of transport, including bus, cycling and walking.

10.67 Measures to encourage sustainable transport are recommended by the Highway Authority and are secured by planning conditions.

#### Sustainability

10.68 Core Strategy policy CS6 requires proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development.

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10.69 An appropriate planning condition is recommended, should the proposal be acceptable, to secure their inclusion.

#### Ecology/Biodiversity

10.70 Chapter 15 of the Framework relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality.

10.71 Policy DM4, seeks to ensure that every opportunity should be taken to secure net benefit to the Borough's biodiversity

10.72 The application is supported by a Preliminary Ecological Appraisal and Bat Survey, which concluded that the proposed development would pose limited risk to a small number of ecological receptors. Further surveys for roosting bats and nesting birds (season dependent) were recommended.

10.73 Subsequently a suite of emergence and activity surveys was undertaken on the 1st May and 19th May 2020. This survey found a small day roost for a low number of common pipistrelle bats within the dormer roof of the dwelling. The Bat Survey report states that an application for a European Protected Species Mitigation Licence (EPSML) will need to be submitted and approved by Natural England, in order for the works to proceed.

10.74 The report states that due to the small number of common species presence, the site is suitable to be registered by an approved consultant, under the "low impact bat mitigation class license system".

10.75 Overall, these findings are agreed and a condition will be imposed to secure the recommendations for construction practice and mitigation set out in the main survey.

10.76 Subject to the appropriate conditions, it is considered that the proposed scheme would comply with Policy DM4

#### Community Infrastructure Levy

10.77 The scheme would be CIL liable

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## 11 Planning Balance and Conclusion

- 11.1 The tilted balance in paragraph 11 of the Framework 2019 is engaged because the Council cannot demonstrate a five-year supply of deliverable housing sites and has failed to deliver sufficient housing in recent years. Furthermore some of the policies (DM11 and DM13) that are important for the determination of this application, are not consistent with the expectations outlined in the Framework.
- 11.2 The provision of 9 units (a net gain of 8 residential units) would provide a significant public benefit which weighs in favour of the scheme. The proposal is held to be a sustainable development, which will contribute positively. Paragraph 59 of the Framework 2019 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The provision of additional housing comprises a substantial social benefit.
- 11.3 Limited weight is given to previous Appeal Decisions on schemes in proximity to the application site, due to the policies (HSG11, BE1 and DC1) used for determining these appeals, having a limited degree of consistency with the Framework.
- 11.4 In addition, other benefits must also be identified, these being economic from the construction project and CIL and others secured by planning conditions such as biodiversity enhancement and sustainability improvements.
- 11.5 Taking all of these matters into account, including all other material considerations, it is found that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the NPPF 2019 as a whole and that the proposal represents sustainable development.

## 12 Recommendation

- 12.1 Approval, subject to the conditions detailed below:

### **Condition(s):**

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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

- (2) **The development hereby permitted shall be carried out in accordance with the following approved plans:**

**AH P2 L PROPOSED SITE PLAN**

**AH P3 D PROPOSED PLANS**

**AH P4 C PROPOSED ELEVATIONS**

**ITB15503-GA-001 B PROPOSED SITE ACCESS ARRANGEMENT**

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

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

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

- (4) **No development shall take place until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and any other means of enclosure have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the development first being occupied and shall thereafter be retained.**

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

- (5) **Prior to commencement of works section drawings through parapets, reveals, soffits, lintel and cills at a scale of 1:5 shall be submitted to the local planning authority. No works shall commence until these specifications are approved and shall carried out in accordance with the approved specifications.**

**Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with**

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**Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.**

- (6) **Notwithstanding the approved drawings and prior to the commencement of the development, a drawing to a scale of 1:20 showing the proposed privacy screen along the flank edge of the balconies to Flat 5 and 8, shall be submitted to, and approved in writing by the Local Planning Authority. It is expected that the privacy screen compromise either a wing wall, frosted glazing, perforated metal, or combination of the three, at a height of at least 1.8m and frosted to a minimum of level 3 of the Pilkington Scale. The screen shall be implemented prior to the first use of the balcony, and shall be built in accordance with the approved details and thereafter maintained in situ.**

**Reason: To protect the amenities and privacy of the occupiers of the adjoining residential properties in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.**

- (7) **No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.**

**Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.**

- (8) **No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.**

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

- (9) **No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as**



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shown on Drawing Number TPP 01 in the Arboricultural Method Statement dated December 2019 have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

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

- (10) No part of the development shall be first occupied unless and until the proposed vehicular access to Cheam Road has been constructed and provided with a means within the private land of preventing private water from entering the highway, and visibility zones in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority (in general accordance with plan ITB15503-GA-00 Rev B) and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

**Reason:** in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007

- (11) No part of the development shall be first occupied unless and until the highway works, to include the provision of a right turn lane on Cheam Road, have been constructed, generally in accordance with plan ITB15503-GA-00 Rev B.

**Reason:** in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007

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

**Reason:** in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007

- (13) No development shall commence until a Construction Transport Management Plan, to includedetails of:

(a) parking for vehicles of site personnel, operatives and visitors

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**(b) loading and unloading of plant and materials**

**(c) storage of plant and materials**

**(d) HGV deliveries and hours of operation**

**(e) measures to prevent the deposit of materials on the highway**

**(f) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.**

**Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy CS16 of the Core Strategy 2007**

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

**Reason: In recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy Framework 2019 and Policy DM36 of the Development Management Policies Document 2015**

- (15) The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of bicycles within the development site have been provided in accordance with the approved plans and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.**

**Reason: In recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy Framework 2019 and Policy DM36 of the Development Management Policies Document 2015**

- (16) No development shall take place until a scheme to enhance the biodiversity interest of the site (including details of bird, bat and insect boxes and swift bricks) has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved and thereafter maintained.**

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

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- (17) Prior to the commencement of the development, details of sustainability measures shall be submitted to and approved in writing by the local planning authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials including means of providing the energy requirements of the development from renewable technologies. The development shall be carried out in strict accordance with the approved details prior to the first occupation of the building, shall be maintained as such thereafter and no change shall take place without the prior written consent of the local planning authority.

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

- (18) Before any occupation of the development hereby permitted, the upper floors, western flank windows shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing of a patterned type only, which shall thereafter be retained as such. Obscure glazed windows should be obscured to minimum of level 3 of the Pilkington Scale. The use of any type of film or material affixed to clear glass is not acceptable for the purposes of this Condition.

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

**Informative(s):**

- (1) The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 38 of the National Planning Policy Framework 2019.
- (2) 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 100 square metres or more of gross internal floorspace or involve the creation of a new dwelling, even when this is below 100 square metres. The levy is a standardised, non-negotiable charge expressed as pounds per square metre, and are charged on the net additional floorspace generated by a development. You will receive more information regarding the CIL in due course. More information and the charging schedule are available online:

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<http://www.epsom-ewell.gov.uk/NR/exeres/74864EB7-F2ED-4928AF5A-72188CBA0E14,frameless.htm?NRMODE=Published>

- (3) No construction work shall be carried out in such a manner as to be audible at the site boundary before 07:30 hours or after 18:30 hour Monday to Friday; no construction work shall be audible at the site boundary before 8:00 or after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank/Public Holidays
- (4) The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see

<http://www.surreycc.gov.uk/roads-and-transport/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/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice).

- (5) The developer 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
- .
- (6) 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

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- (7) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
- (8) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to:

<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types

- (9) The applicant should note that under the terms of The Conservation of Habitats and Species Regulations 2010, Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats which are also European Protected Species.

You should note that the work hereby granted consent does not override the statutory protection afforded to these and other protected species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. Please note that a European Protected Species Licence will be required to allow the proposed development to proceed lawfully. Further details can be found at:

<https://www.gov.uk/environmental-management/wildlife-habitat-conservation>

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<b>Ward:</b>	<b>Auriol Ward;</b>
<b>Site:</b>	<b>7 Station Approach Stoneleigh Surrey KT19 0QZ</b>
<b>Application For:</b>	<b>Demolition of existing buildings on site and erection of a part 5, part 7 storey building providing 20 residential flats with associated cycle and refuse stores.</b>  <b>(Amended scheme received 01.05.2020)</b>
<b>Contact Officer:</b>	<b>John Robinson</b>

## 1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PSDJ41GYN0900>

## 2 Summary

- 2.1 This application is referred to the Planning Committee, as the proposal is a major development.
- 2.2 This application seeks permission for the demolition of existing buildings on site and the erection of a part 5, part 7-storey building providing 20 residential flats with associated cycle and refuse stores.
- 2.3 The development appraisal shows that the scheme is not viable to provide a policy compliant 8 affordable units.
- 2.4 No on-site car parking spaces would be provided. The Local Planning Authority's car parking standard require 20 car parking spaces for the development.

- 2.5 The new residential building would substantially increase the height of the existing development upon the site. The design of the proposed building, whilst positive in some respects is , not considered acceptable due to its inappropriate height which would have a harmful impact upon the character of the area and wider town/landscape
- 2.6 When employing the presumption in favour of sustainable development, the adverse impacts of this development are held to significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework.
- 2.7 The recommendation is to refuse Planning Permission.

### **3 Site description**

- 3.1 The application site is located on the corner of Station Approach and Stoneleigh Park Road. It is occupied by a three-storey end of terrace property, which forms part of a shopping parade. The property comprises a commercial unit at the ground floor with residential accommodation above. To the side and rear of the site, accessed from Stoneleigh Park Road, is a deep, single storey rear extension with a flat roof and an area of hardstanding, which is used for parking.
- 3.2 The western part of the local centre, in which the site lies, comprises the shopping parade to the north side of Station Approach and St John's Church to the south, with an area of landscaping between the two and a green triangular open space to the west. The shopping parade has steeped pitched roofs with gabled feature elements. The elevations are a mix of brickwork and pebbledash. The parade generally comprises commercial units at ground floor and residential floorspace above. There are a number of vacant commercial units and those that remain include dry cleaners, a door and window shop and a takeaway.
- 3.3 The wider surrounding area is primarily residential, characterised by a uniform pattern of two storey detached and semi-detached properties in a variety of building styles. In contrast to the rhythm of residential buildings along Stoneleigh Park Road, the pattern of buildings around the application site and Station Approach is different; defined by taller buildings, set on larger plots, with less domestic character. The application site marks the start of the commercial centre of Stoneleigh, which continues to the east of the site, and is bisected by the railway line.
- 3.4 The site is not located within a conservation area and there are no locally or statutory listed buildings on, or within the immediate vicinity of the site. The closest heritage asset is The Station Public House (Grade II listed), around 100m to the south east of the site.



#### 4 Background- Revisions

- 4.1 **Improvements secured at the pre-application stage:** Formal pre-application advice was sought on this application; and advice was given on design improvements, and optimising the use of the site, prior to submission of the application.
- 4.2 An application was submitted on the site for the demolition of the existing building and erection of a part 6, part 7-storey building to provide 23 residential units. During the consultation period, the application received objections from local residents and a public consultation event was arranged by the applicants to allow local residents to express their concerns about the scheme. Changes have subsequently been secured during the course of the application following negotiations between officers and the applicant, regarding the scale and massing of the scheme. The scheme has been amended as follows:
- Reductions to the overall height and massing, in particular the stepping of the height. This has reduced the number of apartments by 3 units;
  - The massing has been broken up through various measures including angles and setbacks to the façade on the Stoneleigh Park Road frontage;
  - The removal of the roof terrace and repositioning of windows to reduce overlooking to neighbouring properties;
  - Two commercial units have been introduced to the scheme at ground floor level.
- 4.3 Overall, these amendments are welcomed, as they would reduce the actual and perceived mass of the building in views from Station Approach, Stoneleigh Park Road and Newbury Gardens. The building would step down at the rear, to allow a softer transition to the residential area of Stoneleigh Park Road. At the Station Approach front side, the building would step again to acquire the scale of the existing buildings on both sides so that it would tie more cohesively to the surrounding heights.
- 4.4 The stepped reduction in the building heights on the longer (return) elevation would break the mass further and create the appearance of individual residential blocks more suitable in scale for the area.

#### 5 Proposal

- 5.1 The application seeks permission for the demolition of the existing buildings on site and the erection of a part 5, part 7-storey building providing 20 residential flats (11 x 1 bedroom flats and 9 x 2 bed flats) with associated cycle and refuse stores.

- 5.2 The building would be orientated to front both Station Approach and Stoneleigh Park Road, and would step down in height to the north and west to reflect the transition in building heights with the neighbouring properties to the north and south.
- 5.3 The main residential entrance would be on Stoneleigh Park Road, which would provide access to the entrance lobby and central core. Two commercial units fronting Station Approach would be provided on the ground floor
- 5.4 The building would have a broadly rectangular footprint, measuring 27m (l) x 11m (w), with an overall height 22m .It would have a stepped floorplate along the Stoneleigh Park Road frontage, which would incorporate planting beds.
- 5.5 Each flat would comply with national space standards in regards to overall gross internal area (GIA) and individual habitable rooms. All flats would have access to private amenity space in the form of private terraces.
- 5.6 The proposed building would be of a contemporary design, with brick elevations, a flat roof behind an asymmetrical raking parapet, articulated by stepped bays on the Stoneleigh Park Road elevation, fenestration arranged in an offset pattern, and various brick detailing elements.
- 5.7 The development would be car-free. It is proposed that a car-club vehicle be secured within a parking bay in front of the site on Station Approach. A bike store would be located at ground floor level, accessed via the main residential entrance. Adjacent to the bike store would be a refuse store, with a separate entrance to the rear to enable convenient access for refuse collections.

## 6 Comments from third parties

### Original Application

- 6.1 The original application was advertised by means of a site notice, press advert, and letters of notification to 656 neighbouring properties on the 12.06.2019. By the closing date 03.07.2019 651 letters of objection were received, and are summarised as follows:
  - Out of keeping
  - Loss of privacy
  - Loss of daylight/overshadowing
  - Lack of parking
  - Highway safety

- Height
- Bulk/massing
- Appearance
- Materials
- Overbearing
- Housing mix
- No affordable housing
- Contrary to local plan policies

#### Amended Scheme

6.2 Following submission of an amended scheme on 01.05.2020, a second consultation period began on 01.05.2020, and expired on 22.05.2020. To date 06.08.2020 , 519 letters of objection have been received, and are summarised as follows :

- Out of keeping
- Loss of privacy
- Loss of daylight/overshadowing
- Lack of parking
- Highway safety
- Height
- Bulk/massing
- Appearance
- Materials
- Overbearing
- Housing mix
- No affordable housing
- Contrary to local plan policies

## 7 Consultations

- 7.1 EEBC Design and Conservation Officer: The general principle of the scheme is a good one provided the scale and bulk can be justified by the sustainability of the development.
- 7.2 EEBC Tree Officer: No objections
- 7.3 SCC Highways Officer: No objections. The County Highway Authority having assessed the application based on safety, capacity and policy grounds have no objection and recommend conditions are imposed on any consent, as well as a legal agreement to secure:
- Provision of one car club vehicle for a minimum of two years
  - Provision of £50 worth of free travel for car club vehicles for each apartment
  - Provision of one-year free membership of the car club for all initial occupants of the residential units
- 7.4 Surrey County Council Sustainable Drainage and Consenting Team: Conditions to be imposed on any permission granted
- 7.5 EEBC Environmental Health Officer (Contaminated Land): In view of the scale of this development, its proximity to the railway line, the presence of an electricity substation on part of the site and the potential for asbestos to be in buildings that will be demolished, ground contamination conditions should be imposed on any permission granted
- 7.6 Surrey County Council Heritage and Conservation Team (Archaeology): The proposed development is not within an Area of High Archaeological Potential and falls below the 0.4ha threshold above which archaeological assessment is required under Local Plan policy DM8. As such, I have no archaeological concerns.

## 8 Relevant planning history

- 8.1 None relevant

## 9 Planning Policy

### National Policy Planning Framework (NPPF) 2019

Chapter 2 Achieving sustainable development  
Paragraphs 8 – 12 and 14

Chapter 5 Delivering a sufficient supply of homes  
Paragraphs 59- 61, 68

Chapter 11 Making effective use of land  
Paragraphs 118, 122, 123

Chapter 12 Achieving well-designed places  
Paragraphs 127, 130 and 131

Chapter 15 Conserving and enhancing the natural environment  
Paragraphs 170,174, 175, 177, 178, 180, 182 and 183

Chapter16 Conserving and enhancing the historic environment  
Paragraphs 189 - 197

Core Strategy 2007

Policy CS1	Creating Sustainable Communities
Policy CS3	Biodiversity
Policy CS5	The Built Environment
Policy CS6	Sustainability in New Developments
Policy CS9	Affordable housing and meeting Housing Needs

Development Management Policies Document 2015

Policy DM4	Biodiversity and New Development
Policy DM5	Trees and Landscape
Policy DM8	Heritage Assets
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy 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 DM36	Sustainable Transport for New Development
Policy DM37	Parking Standards

Supplementary Planning Document 2015

Parking Standards for Residential Development

## 10 Planning considerations

The main considerations material to the determination of this application are:

- Principle of Development
- Impact on Heritage Asset
- Visual Impact
- Residential Amenity
- Quality of Accommodation
- Private and Communal Amenity Space
- Highways and Parking
- Trees and Landscaping
- Affordable Housing
- Sustainability
- CIL
- Other Material Considerations

### Principle of Development

10.1 The National Planning Policy Framework (the “Framework”) at Paragraphs 7 and 8 states there are three objectives to achieve sustainable development: economic, social and environmental.

- The social objective of the planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the communities’ needs and support its health, social and cultural wellbeing.
- An economic objective helping to build a strong, responsive economy and ensuring that the right types of sufficient land are available in the right places, and
- An environmental objective making efficient and effective use of land to improve the environment.

- 10.2 Development policies that are the most important for determining a specific planning application are regarded as being out of date where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years (Framework Paragraph 11d and Footnote 7).
- 10.3 Existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework 2018 and its reissue in 2019. Due weight should be given to them according to their degree of consistency with the policies of the Framework (Paragraph 213). The Framework is therefore an important material consideration that may over-ride Development Plan policies which were adopted prior to the publication of the Framework and are not consistent with it.
- 10.4 Section 5 of the Framework sets out policies aimed at delivering a sufficient supply of houses and maintaining the supply to a minimum of five years' worth (Paragraph 73).
- 10.5 Policy CS7 of the Core Strategy is considered out of date under the terms of the Framework. The housing target of 188 dwellings per annum is out of date. The South East Plan was revoked in 2012, with housing requirements then to be determined by local need.
- 10.6 Epsom & Ewell Core Strategy pre-dates the Framework and in accordance with para 213 of the Framework, the policies of the core strategy should be given due weight according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). In the case of old housing targets within CS7, no weight should be given to it.
- 10.7 The Framework, at paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 10.8 Paragraph 68 of the Framework encourages the promotion of small and medium sized sites – "giving great weight to the benefits of using suitable sites within existing settlements for homes".
- 10.9 Paragraph 122 of the Framework states that planning policies and decisions should support development that makes sufficient use of land taking into account: (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change.

- 10.10 The Government's standard method for calculating the objectively assessed housing need identifies a housing requirement for the Borough of 579 new homes each year. In the absence of a five-year housing land supply this has been increased to 695 through the imposition of a 20% buffer since the Council did not pass the latest housing delivery test as published on 20th February 2019.
- 10.11 Meeting any increase in the annual housing building target will be challenging. With the Borough being mostly comprised of existing built up areas, strategic open spaces or Green Belt, the supply of available development sites is now extremely limited. It is therefore important that available sites are optimised for housing delivery.
- 10.12 Paragraph 11d of the National Planning Policy framework is engaged via footnote 7 in circumstances where Local Planning Authorities cannot demonstrate a 5-year supply. The practical application and consequence of this is that unless the site is located in an area or involves 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 demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 10.13 Given the significant housing need in the borough, it is considered that the proposed redevelopment of this site in a sustainable location for a residential scheme is appropriate in principle, subject to the detailed consideration of the other planning considerations below.

#### Impact on a Heritage Asset

- 10.14 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990, states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or Secretary of State, as relevant, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses.
- 10.15 Paragraph 190 of the Framework states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.



- 10.16 Paragraph 193 of the framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It emphasises that the weight given to an asset's conservation should be proportionate to its significance, and notes that this great weight should be given irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.17 Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.18 Policy DM8 Heritage Assets, set outs the Council's intention to resist the loss of our Heritage Assets and take every opportunity to conserve and enhance them. It states that development proposals that involve, or have an effect upon Heritage Assets must establish the individual significance of the Asset as part of the application or consent process. As part of the assessment process the significance of the Asset will be taken into account (namely whether it is a designated Heritage Asset or a non-designated Heritage Asset) when determining whether the impact of any proposed development is acceptable.
- 10.19 The site is not located within a conservation area and there are no locally or statutory listed buildings on, or within the immediate vicinity of the site. The closest heritage asset is The Station Public House (Grade II listed), around 100m to the south east of the site.
- 10.20 A Heritage Statement has been prepared and submitted by the applicant in support of this application.
- 10.21 The report has undertaken a full assessment of the site and the surrounding area's townscape characteristics, and an assessment of the significance of nearby heritage assets and their settings. The report also considered the appropriateness of the design of the proposed development in its context and its potential effects on the significance of heritage assets in the local area.
- 10.22 The report states that

*The setting of the Grade II listed Station Public House is presently defined by the hardscaping of the out-door seating area immediately to the east as well as the car park which surrounds the station beyond. The site present makes a neutral contribution to the setting and significance of the building, only partially glimpsed in oblique views, which are further filtered by existing vegetation as well as the platforms of the station. The wider surroundings of the pub include a wide variety of architecture in terms of scale, massing, materials and overall aesthetic. This includes examples of contemporary architecture to Rosedale Road, as well as the late twentieth century block immediately to the east of the station on the northern side of the Broadway. The proposals are therefore considered an appropriate addition within this context. Therefore, while the proposals will be partially visible from the station, these views are considered to have an overall neutral impact to the significance and setting of the listed building.*

10.23 The report concludes :

*Whilst an additional height within the site will be introduced, this has been shown to not impact upon any views of importance from the identified heritage asset or appreciably change the overriding character of its setting. The resultant impact of the proposals to the significance and setting of this grade II listed building areas is therefore considered to be neutral.*

10.24 Officers agree that the amended scheme would therefore not lead to any harm to the setting of the nearby listed building by view of its context.

10.25 The proposal would therefore comply with the NPPF and Policy DM8.

#### Design and Visual Impact

10.26 Chapter 12 of the Framework refers to design. Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive and accessible.

10.27 Paragraph 130 of the Framework sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

- 10.28 Paragraph 3.7.5 of the Core Strategy states that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 goes on to state that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.
- 10.29 Policies DM9 and DM10 encourage high quality development and planning permission will be granted for proposals, which make a positive contribution to the borough's visual character and appearance. Policy DM8 states that the Council will resist the loss of our Heritage Assets and every opportunity to conserve and enhance them should be taken by new development
- 10.30 The design approach of the new building would be contemporary, with brick elevations, a flat roof behind an asymmetrical raking parapet, articulated by stepped bays on the Stoneleigh Park Road elevation, fenestration arranged in an offset pattern, and various brick detailing elements.
- 10.31 The applicants submit that the various steps to the height and setbacks to the facades would break up the mass of the building, to ensure that the building would integrate with the neighbouring properties. A Heritage and Townscape Assessment (HTA) submitted in support of the application states that the proposed development would be respectful of the existing hierarchies and character identified within the streetscape, whilst acknowledging the corner location of the site.
- 10.32 The HTA also states that *while the consistent roof height in the area enables inter-visibility between the site and surrounding character area, the (application) site itself is appreciably distinct from the lengthy residential terraces. Unlike the surroundings, the site is one part of a commercial shopping parade, and is closely related to the station. As noted within the townscape assessment section, the site presently falls within the character area defined by the commercial centre of Stoneleigh. This area has a variety of architectural styles, massing and materials, which contrasts to the uniform residential surroundings. Buildings within this character area typically taller, set within larger plots and contain public uses. While the proposed scheme utilises a contemporary design aesthetic, it is noted that a mix of architectural styles is presently seen within the commercial centre of Stoneleigh.*
- 10.33 Officers do not agree that the character and appearance of the "commercial centre" of Stoneleigh should be taken as a point of departure for the design approach to the application site. The railway line to the east (and the pedestrian bridge) forms both a physical and visual barrier between the application site and Stoneleigh Broadway. Accordingly it is felt that the application site should be considered in the context of the surrounding area, which is defined in the HTA as Character Area A –Mid Twentieth Century Residential, particularly as the site is not adjacent to the railway line.
- 10.34 The HTA describes this character area as follows:

*This character area reflects the dominant streetscape within the surroundings, enveloping the (application) site from the west, north and south. The character of the buildings in the surrounding area have a consistency of scale and grain, although there is variety in fenestration patterns, materials and massing. The houses are predominantly semi-detached, with several constructed in the distinctive 'Stoneleigh Chalet' house type. These structures use a distinctive pitched hipped roof, timber framing within the gable, hanging tile at first floor, pebbledash to the ground floor and a horizontal emphasis to fenestration and brick detailing to corners. Grass verges and the frequency of planting all contribute to a green suburban feel, despite the dominant appearance of the roads, which is emphasised by on-street parking. Overall, the area has a recognisable residential character, defined by the relative uniformity of the building typology in the area.*

- 10.35 Whilst the considered attention to detail, the care taken to address the corner elevation and the contemporary design approach are noted and welcomed, they are not sufficient to mitigate the current 7-storey scheme from appearing as a contextually inappropriate, unduly dominant and incongruous element in the streetscene. The contrast in height between the current scheme and the adjacent shopping parade, as well the two-storey residential dwellings to the rear and opposite the site, is simply too great, and as a result the building would not sit comfortably in the context of its immediate residential surroundings. The blank, east facing elevation would be prominent in views from Stoneleigh Broadway, and would be a bland and weak element in the building's design compared with the articulated front, western flank and rear elevations. Whilst it is acknowledged that the blank façade facilitates the applicant's submission that the scheme would act as a catalyst for the future redevelopment of neighbouring buildings, in the absence of a timeline, this is granted limited weight in the planning balance.
- 10.36 It is acknowledged that during the pre-application dialogue the Council requested the applicant to explore greater densities upon the site in order to optimise the number of housing units and make best use of available land in accordance with NPPF guidance. These discussions gave rise to the quantum of development being sought upon the site and the subsequent amendments that form the current scheme. Nonetheless, it is a requirement to examine the impacts of the proposal in relation to all relevant planning considerations, including the design and visual impact, and then to consider this in the planning balance this in relation to benefits of the scheme.
- 10.37 In summary, it is concluded that the proposal, in terms of scale and height would appear as an incongruous and dominant element in the streetscene, and would be contrary to the character and appearance of the wider area.. It would therefore be contrary to the Framework and Policies DM9 and DM10 of the Local Plan. On this basis this harmful impact and is weighted significantly negatively in the planning balance

Residential Amenity

- 10.38 Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policy Document 2015 seeks to safeguard residential amenities in terms of privacy, outlook, and sunlight/daylight, avoidance of visual intrusion and noise and disturbances.
- 10.39 The siting of the proposed building has taken into account the positioning of nearby dwellings to ensure that the proposal would not result in any unacceptable loss of amenity to occupants of adjoining properties due to overlooking or loss of privacy.
- 10.40 The properties surrounding the site include 6 Station Approach, 98 Stoneleigh Park Road, 73 Stoneleigh Park Road and 2 Newbury Gardens.
- 10.41 The applicants have commissioned XCO2 as daylight/sunlight consultant to assess the impact of the proposal on daylight and sunlight to the neighbouring buildings. They have based their analysis on the BRE report 1991 in respect of daylighting and Sunlighting. The BRE report contains guidance on a number of tests including the Vertical Sky Component (VSC), and the Average Daylight Factor (ADF), each of which is recognised by the Council.
- 10.42 The report found that the daylighting levels of each of the 17 affected windows of surrounding properties was acceptable. In terms of sunlight, 14 windows from surrounding buildings were assessed for sunlight access. This found that all 14 windows satisfied the BRE criteria for annual probable sunlight hours and winter probable sunlight hours. In terms of overshadowing, a solar access analysis was undertaken for the single amenity space within close proximity of the site. This found that the amenity space is predicted to have a minimum of 2 hours of sunlight over at least 50% of the assessed amenity space, in accordance with the BRE requirements.
- 10.43 Officers are satisfied with the results of the Daylight, Sunlight and Overshadowing Report and conclude that there would not be a significant impact on surrounding properties arising from the proposed development.
- 10.44 The new building would face the flank elevation of No 98 Stoneleigh Park Road at a distance of between 9m and 11.8m at ground floor level, stepping back at fourth floor level to 11.8m, and to 16.4m at the fifth floor and sixth floor levels. Due to the fenestration arrangement in the rear elevation, there would be no direct overlooking of the affected neighbour.
- 10.45 The closest rear facing terrace on the fourth floor, would face the affected properties rear garden at an oblique distance of around 12.5m which is acceptable.
- 10.46 The new building would project 19 m beyond the rear elevation of the existing shopping parade, which would clearly have a detrimental impact on the outlook from the adjacent upper floor residential accommodation at No 6 Station Approach.

- 10.47 The proposed development would result in an increase from one to 20 new dwelling units, which is a significant increase, given the Council's need for housing and the lack of provision in the borough. In addition the scheme would optimise the use of the site in accordance with para 122 of the Framework.
- 10.48 In accordance with the tests set out in paragraph 196 of the Framework 2019, Officers conclude that the public benefits of the proposal would outweigh the harm to the amenity of the affected neighbour. The negative impact is not considered by Officers to be a sufficient reason to refuse permission in its own right, but should be considered a minor negative in the final planning balance.
- 10.49 In conclusion ,given the juxtaposition of these neighbouring properties and the separation distances involved, the proposal is not considered to give rise to unacceptable impacts on the amenity of these neighbours in terms of overshadowing, overbearing or overlooking that would justify refusal in their own right.

#### Quality of Accommodation

- 10.50 The Nationally Described Space Standards sets clear internal minimum space standards for new dwellings. The space standards are intended to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures. The Standards provide separate standards for bedrooms within new dwellings stating that a single bedroom should be no smaller than 7.5 m<sup>2</sup> and a double bedroom should be no smaller than 11.5 m<sup>2</sup>. All new units should be designed in accordance with the National Space Standards.
- 10.51 The scheme would comprise 11 x 1 bedroom flats and 9 x 2 bed flats. The proposed 1 bed (2 person) flats would have a Gross Internal Area of between 50m<sup>2</sup> and 58.5m<sup>2</sup>,the 2 bed (3 person) flats an area between 61.1m<sup>2</sup> and 61.9m<sup>2</sup>, and the 2 bed (4 person) flats an area between 70m<sup>2</sup> and 77.1m<sup>2</sup>
- 10.52 Each flat would therefore accord with the appropriate Nationally Described Space Standard technical requirements (50m<sup>2</sup>, 61m<sup>2</sup> and 70m<sup>2</sup>, respectively) in compliance with Policy DM12

#### Private and Communal Amenity Space

- 10.53 Policy DM12 refers to housing standards and requires amenity space to be private, functional, safe and bio-diverse, easily accessible from living areas, oriented to take account of sunlight and shading, of sufficient size to meet the needs of the likely number of occupiers and provide for the needs of families with young children.

10.54 Each flat would have access to private amenity space in the form of a terrace. The majority of these would meet or exceed the standards, with a number of flats benefiting from much larger or multiple terraces. However, 4 terraces would fall short of the requirement by 1m<sup>2</sup>. On balance, the quality of amenity space provided by these terraces is not considered to justify refusal in their own right and is acceptable, given the site and building constraints, and the need to optimize the use of the site

The shortfall in meeting the size requirement is therefore weighted minor negative in the planning balance.

#### Highways

10.55 Chapter 9 of the Framework relates to the promotion of sustainable transport. Paragraph 108 sets out that in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

10.56 Paragraph 109 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.57 Policy DM37 sets out that developments will have to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions

#### Waste Collection

10.58 A refuse and recycle store would be located within the building with access from Stoneleigh Park Road

10.59 The Council's Transport and Waste Services Manager has raised no objections to the refuse/recycling arrangements.

Sustainability of the Site

- 10.60 The site is in a highly sustainable location, next to Stoneleigh Station, and located within walking distances of shops and bus services. Consequently, it is considered that residents would not necessarily be reliant on the use of a car for typical daily journey purposes and would have a range of alternative modes of transport, including bus, cycling and walking.
- 10.61 The applicant's consultants have prepared a Travel Plan, to support the car free scheme and are proposing the provision of a car club vehicle to be parked in Station Approach. Measures to encourage sustainable transport are recommended by the Highway Authority and would be secured by a legal agreement and planning conditions

Parking

- 10.62 The Council's adopted Parking Standards requirements for car parking provision within residential developments are a minimum of 1 space for one and two bed flat units. The scheme would be required to provide 20 spaces
- 10.63 Policy DM36 seeks to prioritise the needs of cyclists and pedestrians and requires new development to provide on-site facilities for cyclists as appropriate. Surrey County Council's 'Vehicle and Cycle Parking Guidance' suggests 1 cycle space per unit for 1 and 2 bed flats. A secure, covered bike store for 20 bicycles would be located at ground floor level, accessed via the main residential lobby.
- 10.64 The proposed development would be car free. The application is supported by a Transport Assessment which sets out that as the site is located close to a good network of public transport links and is integrated into the local pedestrian and cycling infrastructure, the proposed development would be well located to encourage people to travel to the application site by means other than a private car.
- 10.65 The Transport Assessment utilised the latest data obtained from the 2011 Census, to establish the potential demand for car parking, car and van availability for existing flats within the local area. Applying the car ownership data to the proposed mix of flat units, it demonstrates that there would be an anticipated parking demand of 20 cars for the overall development.
- 10.66 As the census is undertaken every 10 years, Officers are in agreement that this is the latest data available, and this has been confirmed by the Highway Authority. As the data is specific to the location, type and tenure of development, it is considered to provide an accurate representation of the likely unrestrained level of car ownership for the proposed scheme.



- 10.67 The Transport Statement is supported by a Parking Survey which found that parking on the surrounding road network is largely controlled for the majority of the week. Surveys were undertaken overnight on 20th and 21st November 2018, which identified that the existing night-time on-street parking occupancy is in the range of 5.3-6.6% capacity, indicating that very few residents park on-street overnight. A Saturday survey was commissioned, and took place on Saturday 14th March 2020 at 12:00 hours. The Saturday survey showed a lower parking demand on all roads, with an average 34.2% level of parking stress. The applicants submit that this suggests that irrespective of local conditions, demand for parking to the west of the railway station is low on a weekend.
- 10.68 The applicants submit there is significant spare capacity on the surrounding road network to accommodate any parking demand arising from the proposals and almost all demand can be met on Station Approach overnight, and that the report finds that the proposals would not adversely affect the local area in terms of availability of on-street parking and road safety.
- 10.69 The Highway Authority will only raise objections regarding parking if there is a shortfall, or in this case, the potential on-street parking of 20 vehicles, that would lead to danger on the adjoining highway. On street parking restrictions within the vicinity of the application site will prevent any on-street car parking associated with the proposed development from occurring in a location likely to cause a highways safety problem. Having reviewed the application and supporting information submitted it is not considered by the Highway Authority that the car free scheme would cause a highway safety issue in this case.
- 10.70 Furthermore, the Highways Officer has stated that the provision of a car club vehicle would further reduce the need for residents of the proposed development to own their own vehicle, and would offer a benefit to existing local residents who would also be able to use this facility.
- 10.71 Numerous residents have commented that Stoneleigh Park Way and the surrounding roads suffer from a lack of on-street parking provision due to existing parking restrictions, and that parking from the proposal would add to parking stress.
- 10.72 The site does not fall within a Controlled Parking Zone, and it is considered that due to parking restrictions within the surrounding area, any on-street car parking associated with the proposed development would be prevented from occurring in a location likely to cause a highways safety and/or amenity problem.
- 10.73 Any potential impact on amenity arising from the lack of on-site parking is therefore a matter for the Council to consider in this instance in light of its own parking policy and the level of perceived impact

10.74 In this case, the amenity impact of a potential twenty displaced vehicles in the surrounding highway network, is identified by Officers as adverse to the amenities of nearby residents. It should be considered together with the need to optimise the site, the evidence of likely car ownership provided by the applicant, the sustainable location of the site, with access to a range of non-car modes of transport and measures, which are to be put in place to encourage sustainable modes. The negative impact is not considered by Officers to be a sufficient reason to refuse permission in its own right and should be weighed against the proposal in the final planning balance.

10.75 It is concluded that the proposal would strike an acceptable balance between the lack of parking on site and sustainable modes of transport. It would therefore be acceptable in respect of its parking proposals and impact on the highway and therefore complies with policies DM10 and DM37 of the Development Management Policies Document 2015

#### Trees and Landscaping

10.76 Chapter 15 of the Framework concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by *inter alia*, recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.

10.77 Policy DM5 (Trees and Landscape) of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia):

- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and
- Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.

10.78 There is no existing trees or vegetation on the site, and due to the new building's layout, there would be limited opportunity for landscaping. The submitted drawings show planting beds along the Stoneleigh Park Road frontage. It is recommended that a landscaping condition to secure details of proposed landscaping and planting be imposed.

10.79 The proposal is therefore considered to comply with Policy DM5

#### Housing

##### Affordable Housing

10.80 Paragraph 62 of the Framework states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) the agreed approach contributes to the objective of creating mixed and balanced communities.

10.81 Paragraph 64 of the Framework states that

*“Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:*

- a) provides solely Build to Rent homes;*
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);*
- c) is proposed to be developed by people who wish to build or commission their own homes; or*
- d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.”*

10.82 Policy CS9 deals with affordable housing requirements. The policy seeks 40% affordable housing on sites of 15 dwellings and above. The Council will seek to ensure that the affordable housing remains affordable to successive as well as initial occupiers through the use of planning conditions or a planning obligation.

10.83 In this regard, the proposal would be required to provide 8 affordable units.

10.84 Paragraph 3.12.11 goes on to state that where there are specific and overriding site constraints or where development specific issues inhibit the provision of affordable housing, off site provision or financial contributions may be acceptable.

10.85 The applicant submitted a Viability Report which stated that there is insufficient value in the proposal to support an affordable housing contribution

10.86 This evidence has been scrutinised by the Council’s independent valuer who is in agreement that the scheme is unable to support a fully policy compliant affordable housing provision.

10.87 Notwithstanding the above conclusion by the Council’s viability consultant, no justification for not providing 10% affordable housing, as required by paragraph 64 of the NPPF has been received from the applicant.

- 10.88 The provision of affordable housing in developments is afforded significant weight in the planning balance, but in the absence of on-site provision or a commuted sum in lieu thereof, no weight can be attributed in favour of the proposal.
- 10.89 The proposal would therefore be contrary to Policy CS9 and para 64 of the NPPF.

#### Housing Mix

- 10.90 Policy DM22 Housing Mix states that the Council considers that schemes must provide a minimum of 25% 3 bedroom units however, exceptions will be accepted dependent on location and viability. A scheme of 20 units would be expected to provide 5 x 3 bedroom units.
- 10.91 The scheme proposes 11 x 1 bedroom flats and 9 x 2 bed flats.
- 10.92 The mix whilst not policy compliant, must also be considered against the high demand for smaller units and the requirement to make effective and efficient use of land and the site. The potential occupants of the units are likely to be single/couples commuters who would take advantage of the scheme's close proximity to Stoneleigh Station. Larger families have a general preference for 3 bedroom houses with gardens over flatted accommodation. Given that the majority of the residential properties on this side of the Stoneleigh Station are 3 bedroom or larger dwelling houses, the proposed development of smaller residential units would make a positive contribution to ensuring that the local area has an appropriate mix of housing to meet existing and future household needs.
- 10.93 On this basis, it is considered that the proposed housing mix reflects the optimum use of the site and provides for an identified housing need and therefore the lack of three bedroom units is given minor weight in the planning balance.

#### Ecology/Biodiversity

- 10.94 Chapter 15 of the Framework relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality.
- 10.95 Policy DM4, seeks to ensure that every opportunity should be taken to secure net benefit to the Borough's biodiversity

10.96 The application is supported by an Ecological Assessment, which sets out the details of the Phase 1 habitat survey that was undertaken in February 2019. This sets out that there are no statutory designations of nature conservation value within or immediately adjacent to the site. The site contains no habitats of intrinsic ecological value and there was found to be no evidence of any roosting bats, badgers, hedgehogs, birds, reptiles, amphibians or invertebrates. A bat emergence survey was undertaken in July 2019, which recorded no evidence of roosting bats. Overall, the report finds that the site does not possess significant ecological interest, being comprised almost entirely of buildings and hardstanding.

10.97 Subject to the appropriate conditions, it is considered that the proposed scheme would comply with Policy DM4

#### Sustainability

10.98 Core Strategy policy CS6 requires proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development.

10.99 An appropriate planning condition is recommended, should the proposal be acceptable, to secure their inclusion.

#### Community Infrastructure Levy

10.100 The proposed scheme would be CIL liable.

### **11 Planning Balance and Conclusion**

11.1 The tilted balance in paragraph 11 of the Framework 2019 is engaged because the Council cannot demonstrate a five-year supply of deliverable housing sites. Footnote 7 to Paragraph 11 of the Framework makes this clear. As such, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole

11.2 Housing need is a matter that attracts significant weight in the overall planning balance. The provision of 20 units (a net gain of 19 residential units) would provide a significant public benefit, which weighs in favour of the scheme. The proposal is held to be a sustainable development, which will contribute positively. Paragraph 59 of the Framework 2019 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The provision of additional housing comprises a substantial social benefit and weighs positively in favour of the proposal.

- 11.3 The provision of affordable housing in developments is afforded significant weight in the planning balance, but in the absence of on-site provision or a commuted sum in lieu thereof, no weight can be attributed in favour of the proposal in this respect.
- 11.4 In addition, other benefits are also identified, these being economic from the construction project and CIL and others secured by planning conditions such as biodiversity enhancement and sustainability improvements.
- 11.5 The conflict with Policy DM11 in terms of maintaining a density of 40 dwellings per hectare is given limited weight as this policy is considered to be inconsistent with the expectations reflected in para 123(a)(b) of the Framework
- 11.6 The conflict with Policy DM22 –Housing Mix, is given minor weight as it is considered that the proposed housing mix reflects the optimum use of the site and provides for an identified housing need.
- 11.7 The scale and height of the proposal is significant. It would be contextually inappropriate in an area, which predominantly comprises inter-war period two-storey dwellings, and would appear as a dominant and incongruous element in the streetscene. The harm would be long term and therefore limited weight is given to applicant's assertion that the proposal is likely to act as a catalyst for redevelopment of the remaining parts of the parade. By their own admission, the comprehensive redevelopment of the whole parade is not currently feasible given the number of freeholders and leaseholders with interests in the numerous properties in the parade.
- 11.8 In Officers judgement, harm to the character and appearance of the immediate and wider area would outweigh the public benefits arising from housing need. The harm would be long term and would outweigh the benefit of a net gain of 19 additional housing units to meet the Council's overall housing shortage. The proposal would be contrary to relevant development plan policies relating to townscape character and design requirements (DM9 and DM10)
- 11.9 The amenity impact of the overspill parking, due to the proposed car free scheme, is given limited weight against the scheme, due to the highly sustainable location of the site, with access to a range of non-car modes of transport and measures which are to be put in place to encourage sustainable modes. The provision of on-site parking would reduce the optimisation of the site for residential use, an important objective in view of housing need.
- 11.10 Taking all of these matters into account, including all other material considerations, the harm to the streetscene and to the character and appearance of the area would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the NPPF 2019 as a whole, and that the proposal would not represent sustainable development.

## 12 Recommendation

12.1 Planning permission is REFUSED on the following grounds:

- (1) **The design of the development due to its scale and height would appear as a dominant and incongruous element in the streetscene and would harm the character and appearance of the surrounding area, contrary to Policy DM9 and DM10 of the Development Management Policies Document 2015**
- (2) **The adverse impacts of the scheme would significantly and demonstrably outweigh the benefits of the development including additional housing units when assessed against the policies in the National Planning Policy Framework taken as a whole. The proposal is contrary to the NPPF 2019, and Policies DM9, and DM10 of the Development Management Policies Document 2015**
- (3) **In absence of a completed legal obligation under section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy CS9 (Affordable Housing and meeting Housing Needs) and para 64 of the NPPF 2019 in relation to the provision of two affordable on-site units.**

### Informative(s):

- (1) **In dealing with the application, the Council has implemented the requirement of the National Planning Policy Framework (NPPF) to work with the applicant in a positive and proactive way. We have assessed the proposal against all material considerations, including planning policies and any representations that may have been received and whilst planning permission has been refused regard has been had to the presumption to approve sustainable development where possible, as set out within the NPPF.**

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**6 The Grove, Epsom, Surrey, KT17 4DQ**

<b>Ward:</b>	<b>Town Ward</b>
<b>Site:</b>	<b>6 The Grove, Epsom, Surrey, KT17 4DQ</b>
<b>Application for:</b>	<b>Erection of 7 x two bedrooms flats and 2 x three bedrooms flats and associated external works following demolition of the existing building</b>
<b>Contact Officer:</b>	<b>Ginny Johnson</b>

**1 Plans and Representations**

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q68ZM3GYH9W00>

**2 Summary**

- 2.1 This application is a minor application, but has been called-in by Councillor Dallen, as the Site comprises a potential badger sett and bats and is in proximity to a listed building and within the Church Street Conservation Area. Accordingly, this application is presented to Planning Committee.
- 2.2 An applicant can appeal if a Local Planning Authority does not issue a decision within eight weeks (known as non-determination), unless the applicant has agreed in writing to an extension of that period. If an Applicant appeals, the application is out of the Local Planning Authority's hands. In this case, the Applicant agreed an Extension of Time, but this did not extend to the point consultation responses had been finalised, the application presented to Planning Committee and a decision issued. The Applicant has in this case appealed this application on non-determination and the Planning Committee is asked how it would decide the application in the event it was reported for a decision.
- 2.3 This Committee Report and Minutes of the Committee meeting will form part of the Local Planning Authority's submission to the Planning Inspectorate, once the appeal 'start date' has been received. Officers have updated the Planning Inspectorate to inform it that this application is presented to Planning Committee in October 2020.
- 2.4 The Planning Inspectorate confirmed that the appeal is valid and as above, the Local Planning Authority is awaiting an appeal 'start date'. This Committee Report provides an Officer's assessment of the proposal, for Planning Committee to decide whether it would have approved or refused the application. The final decision will be made by the Planning Inspectorate on behalf of the Secretary of State.

- 2.5 During the course of this application, the Applicant responded to consultation response requirements, including, for example, preparing an additional bat report. The Local Planning Authority issued Design and Conservation consultation responses that regrettably contained errors, which the Applicant queried. In good faith, Officers offered a meeting with the Applicant team to clarify the Design and Conservation comments. This took place on 13.07.2020.
- 2.6 The principle of residential development at this Site is considered appropriate. But, the proposal is considered excessive in its scale and massing and comprises poor design.
- 2.7 The proposal overprovides on car parking, through the provision of a basement car park. The Site is in a sustainable location and is considered capable of supporting a reduced level of car parking. Increasing the level of reliance on private use over other sustainable modes of transport is at odds with the primary overarching aims and objectives of the NPPF, which actively promotes sustainable modes of transport.
- 2.8 As a result of the access to the basement car park, teamed with the proposal's excessive footprint, the proposal is left with little space for considered landscaping at the front of the Site. This is detrimental to the street scene and the integrity of the Church Street Conservation Area.
- 2.9 The proposal is considered to adversely impact the neighbouring amenity at 7 The Grove in terms of overbearing and loss of privacy, due to the proposed building's height, mass, bulk and positioning within the Site. The proposal is also considered to fall short of complying with Nationally Described Space Standards.
- 2.10 Officer's recommend this application for refusal. Planning Committee is asked to confirm whether it would have approved or refused this application. As above, the final decision will be made by the Planning Inspectorate on behalf of the Secretary of State.

### **3 Site description**

- 3.1 6 The Grove ('Site') comprises a two-storey detached dwelling house, set within a sizeable plot, measuring approximately 0.47 acres. The property is in disrepair and bound by vegetation.
- 3.2 The Site is located to the north of The Grove, which is a private road, located off Grove Road. The Grove typically comprises detached dwelling houses and larger properties, converted to residential flats. There are two modern blocks of flats, referred to as Badgers Court and Badgers Lodge, to the north-west of the Site.
- 3.3 The Site is accessed via The Grove. It is in close proximity to Epsom town centre and approximately 1 kilometre from Epsom train station (approximate 16 minute walk). There are a number of bus stops located on Church Road, approximately 0.3 kilometres from the Site (approximate 4 minute walk). Bus services typically run to Epsom, Lower Kingswood and Banstead.
- 3.4 The Site is not listed, but it is designated within the Church Street Conservation Area. The Site in close proximity to Grove House, which is a Grade II listed building. The Site is also designated as a 'Built up Area'.
- 3.5 The Site is subject to Tree Preservation Orders (TPO).
- 3.6 The Site is within Flood Zone 1 (low probability of flooding).

#### 4 Proposal

- 4.1 The proposal seeks to demolish the existing building and redevelop the Site to provide a two-storey building, with habitable roof space, to provide a total of 9 residential flats. This comprises:
- 7 x two bedroom flats; and
  - 2 x three bedroom flats.
- 4.2 The proposed building is of a traditional form. The bulk of the building is stepped back into the rear of the Site. The siting of the building marries up with the existing building line of 7 The Grove, the adjacent residential property.
- 4.3 The internal floor space of each flat ranges from 78sqm to 118sqm. Each flat benefits from private amenity space in the form of either private terraces or private balconies. Communal amenity space is also proposed.
- 4.4 The proposal seeks a basement car park, providing 10 car parking spaces and cycle storage. This is accessed by a ramp, leading from the existing turning head within The Grove. A further car parking space is proposed to the front of the proposed building.

#### 5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 78 neighbouring properties. 76 letters of objection have been received regarding:
- Back land development
  - Design
  - Height, bulk and massing of proposed building
  - Amenity space
  - Impact on Conservation Area
  - Traffic/parking implications (proposed basement)
  - Impact on neighbour amenities (overbearing/loss of privacy)
  - Noise and disturbance
  - Ecology/wildlife
  - Trees and landscaping
  - Sustainability

A response from Epsom Civic Society was received. The application is considered unacceptable for the following reasons: inappropriate back land development, Conservation Area distraction, adverse impact on neighbouring amenity, inappropriate housing mix and loss of trees.

A response from Epsom Town Residents Associated was received. The representation raises concerns regarding trees and landscaping, ecology, the adverse impact on neighbouring amenity, impact on the Conservation Area and heritage assets, inappropriate housing mix and drainage/flooding.

- 5.2 A site notice was displayed and the application advertised in the local paper.

#### 6 Consultations

- SCC Highways: no material impact on the safety and operation of the adjoining public highway. Recommend informatives.
- SCC Archaeology: no archaeological concerns
- Environment Agency: recommend conditions
- SCC LLFA: recommend condition
- EEBC design and conservation: objection

- EEBC ecology: recommend conditions
- EEBC trees: no response received
- EEBC contaminated land: recommend conditions
- EEBC Environmental Health: no objections
- EEBC planning policy: no objection.

**7 Relevant planning history**

Application number	Decision date	Application detail	Decision
18/00647/FUL	20.12.2018	Proposed two storey rear extension, 1st floor side extension, and conversion of existing dwelling to provide 4 No. 2 bed flats and 1 No. 1 bed flat, including parking and landscaping	Granted
16/00331/FLH	22.07.2016	Conversion of garage into a habitable room. Part two-storey/part single-storey rear extension	Granted

**8 Planning Policy**

National Policy Planning Framework (NPPF) 2019

Core Strategy 2007

Development Management Policies Document November 2015

Chapter 2	Achieving sustainable development
Chapter 5	Delivering a sufficient supply of homes
Chapter 9	Promoting sustainable transport
Chapter 12	Achieving well-designed places
Chapter 15	Conserving and enhancing the natural environment
CS3	Biodiversity and designated nature conservation areas
CS5	The built environment
CS6	Sustainable in new developments
CS8	Broad location of housing development
CS9	Affordable housing and meeting housing needs
CS16	Managing transport and travel
DM4	Biodiversity and new development
DM5	Trees and landscape
DM8	Heritage assets
DM9	Townscape character and local distinctiveness
DM10	Design requirements for new development including house extensions)
DM12	Housing standards
DM19	Development & flood risk
DM36	Sustainable transport for new development
DM37	Parking standards

## **9 Planning considerations**

### Housing need

- 9.1 The Site is located within the 'Built up Area' of Epsom, within the setting of a Grade II listed building and with Church Street Conservation Area. This does not disengage the presumption in favour of sustainable development (footnote 6 of paragraph 11, NPPF). But, it does require the decision maker to balance any harm to these assets against the public benefits of the scheme.
- 9.2 In accordance with paragraph 12 of the NPPF, development proposals that accord with an up to date Development Plan should be approved and where a planning application conflicts with an up to date Development Plan, planning permission should not usually be granted.

- 9.3 Development policies are regarded as being out of date where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites or where the housing delivery test indicates that the delivery of housing was substantially below the housing requirement over the previous three years (paragraph 11d and footnote 7, NPPF). Existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the 2018 NPPF or its reissue in 2019. Due weight should be given to existing policies according to their degree of consistency with NPPF policies (paragraph 213, NPPF).
- 9.4 Policy CS7 of the Core Strategy is considered out of date under the terms of the NPPF. The housing target of 188 dwellings per annum was taken from the South East Plan, which was revoked in 2012, with housing requirements then to be determined by local need. The Core Strategy pre-dates the NPPF and in accordance with paragraph 213, the policies of the Core Strategy should be given due weight according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). In the case of old housing targets within Policy CS7, no weight should be given.
- 9.5 The Government's standard method for calculating the Borough's assessed housing need identifies a housing requirement of 579 new homes each year. In the absence of a five-year housing land supply, this increases to 695 under the housing delivery test. The Local Planning Authority is presently falling significantly short of this requirement and cannot presently demonstrate a five-year housing land supply.
- 9.6 Paragraph 11d of the NPPF is engaged via footnote 7 in circumstances where Local Planning Authorities cannot demonstrate a five-year housing land supply. The practical application and consequence of this is that unless a site is located in an area or involves an asset of particular importance that provides a clear reason for refusal, then planning permission must be granted, unless it can be demonstrated that any adverse impacts demonstrable outweigh the benefits, when assessed against the NPPF as a whole.
- 9.7 In this case, the adverse effects of the development demonstrably outweigh the benefits, which in this case comprises 9 residential flats (housing provision). The proposal is considered excessive in its scale and massing and comprises poor design, which would harm the Church Street Conservation Area. Due to its excessive footprint, the proposal results in insufficient space for considered landscaping at the front of the Site, which harms the street scene. The proposal is also considered to adversely impact the neighbouring amenity at 7 The Grove in terms of overbearing and loss of privacy, due to the proposed building's height, mass, bulk and positioning within the Site. It also fails to comply with Nationally Described Space Standards.

#### **Principle of development**

- 9.8 Policy CS8 directs new housing development within the defined built up area of Epsom and Ewell.
- 9.9 Concerns have been raised by neighbours regarding the principle of residential development at this Site. Representation from neighbours makes reference to inappropriate back land development. Back land development is a term used for land that may not be visible from roadways, for example, land behind a row of houses. In this case, the proposal seeks to demolish an existing dwelling house and replace it with a building comprising 9 flats. The proposal is not strictly considered to constitute back land development.
- 9.10 In considering the Site's suitability for residential development, Offices consider the Site's existing use, spatial context, policy designations and planning history.

- 9.11 The Site comprises a two-storey detached dwelling house that is in disrepair. It is surrounded by residential uses, including detached dwelling houses and blocks comprising residential flats. It is designated within a 'Built up Area', where residential development is directed, in accordance with Policy CS8.
- 9.12 In assessing the Site's planning history, it is noted that planning permission was granted at the Site on 20 December 2018, under reference 18/00647/FUL. The planning permission is for a two-storey extension, first floor side extension and the conversion of the existing dwelling house to provide 5 flats.
- 9.13 In conformity with the above, the principle of residential development at this Site is accepted. This is subject to other material considerations.
- 9.14 The proposal is considered to accord with Policy CS8 of the Core Strategy.

Affordable housing

- 9.15 Chapter 12 of the NPPF relates to achieving well-designed places. Paragraph 127 of the NPPF sets out that planning decisions should (inter alia) optimise the potential of the Site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.
- 9.16 Chapter 5 of the NPPF encourages the delivery and supply of homes. Paragraph 63 of the NPPF sets out that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).
- 9.17 Policy CS9 (Affordable Housing and meeting Housing Needs) sets out that the Council has a target that overall, 35% of new dwellings should be affordable. New housing developments should include a mix of dwelling types, sizes and tenures which help meet identified local housing needs and contribute to the development of mixed and sustainable communities. Residential developments of between five and fourteen dwellings gross (or on sites between 0.15ha and 0.49ha - irrespective of the number of dwellings proposed) should include at least 20% of dwellings as affordable.
- 9.18 The proposal is not subject to the provision of affordable housing as it is not classified as a major planning application. It is approximately 0.47 acres in size and proposes 9 residential flats, falling below the threshold of affordable housing provision.

Design and heritage

- 9.19 Policy CS5 sets out that the Borough's heritage assets and their setting will be protected and enhanced. Policy DM8 seeks to resist the loss of heritage assets and every opportunity to conserve and enhance these should be taken by new development. Policies DM8 and DM9 require high quality design, encouraging proposals that make a positive contribution to the Borough's visual character and appearance.
- 9.20 Concerns have been raised by neighbours, regarding the height, mass, bulk and design of the proposed building. Concerns also relate to the proposals impact on the Church Street Conservation Area.
- 9.21 A Heritage Statement accompanies this application. It identifies relevant heritage assets, assesses the heritage significance of the Site and its surroundings and appraises the impact of the proposal upon designated heritage assets.

- 9.22 The Heritage Assessment sets out that the prevailing character of The Grove is mixed. Grove House itself is the most architecturally sophisticated building and the most historic. It sits within a compact townscape of other buildings from differing periods, which does diminish its character and significance.
- 9.23 The Applicant's heritage advisors set out that the Site may be considered to be within the setting of Grove House, the Grade II listed building, due to its historic and functional connection to wider land holdings, before its grounds were sold, constructed and subdivided for new houses. But, this is not readily accepted on site today and the connection between the two is very limited. The contribution the Site makes to the setting and therefore significance of the listed building is considered neutral.
- 9.24 The Heritage Assessment sets out that the large flatted building at the end of The Grove, Badgers Court, is a bland and undistinguished building. Its large squat gables are an alien building form. The building straddles the end of the cul-de-sac and appears as a very prominent feature in the street scene. The impact of the building on the character and appearance of the Church Street Conservation Area is negative. The Heritage Assessment sets out that it is therefore possible that the immediate setting to the Site is of a mixed character and not a cohesive historic townscape.
- 9.25 The Heritage Assessment considers that the form, scale and architectural treatment of the proposed new building is compatible with the prevailing character of The Grove and the wider Church Street Conservation Area. It considers that the proposal would result in no harm to the character and appearance of the Conservation Area.
- 9.26 A Design and Access Statement accompanies this application. This sets out the rationale behind the design, siting and mass of the proposed building. The proposed staggered footprint is considered to make an efficient use of the Site, whilst avoiding disturbance to mature trees in the rear garden. From within The Grove, on the west elevation, the building would be 'read' as a traditionally designed and detailed new building, incorporating traditional forms and proportions.
- 9.27 The Local Planning Authority's (LPA) Design and Conservation Officer formally commented on this application. The latest response, dated 20 June 2020, sets out that although the Site is not listed, it is of significance, given that it forms part of the suburban character of houses within The Grove, which typically comprise inter-war, detached dwellings. For the avoidance of doubt, the comments were sent to the Applicant.
- 9.28 The detailing of the proposed development's design is considered reflective of C20 detached suburban houses and would have a superficially Arts and Crafts appearance. But, the building's scale would result in a building that is not characteristic of an Arts and Crafts style, as it is so much bigger than the houses in the street. Moreover, the modern building detailing is unlikely to reflect the build quality and materials of inter-war houses. The proposal is considered to have more in common with Badgers Court, located just outside of Church Street Conservation Area.
- 9.29 The extent of the proposed development is too great. It is beyond the limits of what is acceptable on this site and it encroaches into the landscape in front of the building, towards the street. The footprint of the building is larger than that previously approved (ref: 18/00647/FUL) and is closer to the street boundary, which increases its impact. The height and scale of the building should better reflect the scale of the streetscape within the Church Street Conservation Area, which mainly consists of two-storey detached houses and not flatted development, such as Badgers Court.



- 9.30 There may be less hard landscaping than previously approved (ref: 18/00647/FUL but the proposal seeks a scheme comprising a three-storey building, with a larger footprint, occupying more land to the front of the Site. It is also considered that there is less green landscaping within this proposal, in comparison to that previously approved (ref: 18/00647/FUL).
- 9.31 The proposed building is considered out of character with Grove House, the Grade II listed building, though less out of scale. It is acknowledged that 7 The Grove (the intervening property) and heavy tree growth between the listed building and the Application Site would significantly diminish the impact of the development on the listed building's setting. As such, the principle harm caused by the development is on the historic significance of the Church Street Conservation Area and not the listed building.
- 9.32 In conclusion, the LPA's Design and Conservation Officer considers that due to the bland quality of building design, the excessive scale of building and poor landscaping quality to the front of the Site, the application should be refused on grounds of poor design quality, poor landscaping and harm to the character of the Church Street Conservation Area. A more innovative, contemporary design, may be more responsive to the opportunities of this Site, with reference to existing local materiality, scale and massing, but without resorting to a more pastiche approach to design.
- 9.33 In considering the above, Officers stress that each application is determined on its own merits. Whilst it is important to reference previous planning permissions, this application is not a comparison to planning permission ref: 18/00647/FUL.
- 9.34 It has been established that the principle of residential development at this Site is considered acceptable and in conformity with the NPPF, sites should be optimised. The public benefits of this scheme are considered, which in this case comprises 9 residential flats. The NPPF makes clear however at paragraph 193 that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to heritage conservation.
- 9.35 Officers are in agreement with the LPA's Design and Conservation Officer comments, that the proposed building is excessive in scale and massing, comprising poor design and poor landscaping, which in turn would unbalance the street scene and harm the Church Street Conservation Area. Additionally, Officers consider that this impact would be exacerbated by the proposed access road and ramp to the basement car park. This is considered out of character with the residential nature of the surrounding area, which has more domestic scale parking arrangements. In this case, the adverse impacts of the development is considered to outweigh the benefits.
- 9.36 The proposal fails to comply with Policies CS5 of the Core Strategy, DM8, DM9 and DM10 of the Development Management Policies Document (2015).

Quality of accommodation

- 9.37 Policy DM12 refers to housing standards and states that all housing developments are required to comply with external and internal space standards.
- 9.38 The Nationally Described Space Standards, introduced by DCLG in March 2015, sets out internal minimum space standards for bedrooms within new dwellings. The standard requires that in order to provide two bed spaces, a double bedroom should have a floor area of at least 11.5m<sup>2</sup>. A single bedroom should have a floor area of at least 7.5 m<sup>2</sup>.
- 9.39 Paragraph 3.36 of the Development Management policies document (2015) sets out that for flats, a minimum of 5m<sup>2</sup> of private outdoor space for 1-2 person dwellings should be provided and an extra 1m<sup>2</sup> should be provided for each additional occupant.

9.40 The accompanying Planning Statement sets out that all of the units proposed exceed the standards identified within the Nationally Described Space Standards. All proposed units also benefit from private amenity space in the form of either private terraces (at ground floor level) or private balconies (to the upper floor units). The proposed development will also be set within spacious, landscaped ground, providing extensive additional communal amenity space.

9.41 The proposed drawings do not specify the bedroom sizes. Officers have measured these, with the proposal seeking:

			<b>Bed 1</b> (approximate sqm)	<b>Bed 2</b> (approximate sqm)	<b>Bed 3</b> (approximate sqm)
Flat 1	2 bed, 4 person	83sqm	13.7	<b>10</b>	
Flat 2	3 bed, 6 person	118sqm	15.7	12.8	11.4
Flat 3	3 bed, 6 person	117sqm	14.5	12.5	12.2
Flat 4	2 bed, 4 person	83sqm	13.7	<b>10</b>	
Flat 5	2 bed, 4 person	91sqm	19.7	12	
Flat 6	2 bed, 4 person	109sqm	12.5	12.3	
Flat 7	2 bed, 4 person	78sqm	12.2	<b>10</b>	
Flat 8	2 bed, 4 person	91sqm	19.7	12	
Flat 9	2 bed, 4 person	91sqm	12.5	<b>9.8</b>	

9.42 The proposal is not considered to accord with Nationally Described Space Standards, as bedrooms within flats fail to accord with these standards. Each flat would benefit from private amenity space, in the form of either private terraces or private balconies. The proposal also seeks communal amenity space.

9.43 The proposal fails to accords with DM12.

Neighbouring amenity

9.44 Paragraph 127 of the NPPF outlines that decisions should create places with a high standard of amenity for existing and future users.

- 9.45 Policy DM9 sets out that planning permission will be granted for proposals which make a positive contribution to the Borough's visual character and appearance. Policy DM10 sets out that development proposals should have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.
- 9.46 Policy DM22 sets out that the Council requires all residential development proposals for four or more units to comprise a minimum of 25% three bedrooms, or more, units.
- 9.47 The accompanying Planning Statement sets out that 22.2% of the units comprise 3 bedrooms, both located at ground floor level. Given how the frontage of the Site is the narrowest part and the need to provide vehicular access into the Site, the Applicant sets out that it is not possible to provide a further 3 bedroom unit at ground floor level. The upper floors were not considered appropriate for family units, given the absence of direct access to a garden.
- 9.48 The accompanying Planning Statement sets out that the layout of the proposed building has been designed to ensure that there is no overlooking, loss of privacy or unacceptable loss to light to either any of the proposed flats or the nearest existing neighbouring property (7 The Grove), with this partly demonstrated by way of the right to light diagram (drawing: P121).
- 9.49 Officers acknowledge that the scheme is not policy compliant in terms of housing mix. But, it does seek a mix of two and three bedroom flats, which is considered acceptable. The shortfall in meeting Nationally Described Space Standards however is not acceptable, as detailed within the above section of this Committee Report.
- 9.50 The proposed building measures approximately 9.68 metres in height and approximately 28 metres in length, excluding rear balconies. The proposal seeks flats over three floors and is located approximately 1.4 to 2.7 metres from the southern side boundary with 7 The Grove. The proposed building is located approximately 25.6 metres from the rear boundary, 2.5 metres from the western boundary and approximately 7.3 metres from the front entrance point of the Site. It is approximately 14.6 metres from Badgers Lodge and approximately 22.5 metres from Badger's Court.
- 9.51 The proposed south elevation of the development would face 7 The Grove. The accompanying Design and Access Statement sets out that the building has a staggered design and does not intersect a 45 degree line from the nearest first floor window at 7 The Grove. Permitted works to 7 The Grove include a 3 metre boundary wall, which would screen the development from ground windows. Furthermore, any windows on the upper floor in the south flank elevation of the proposed building would be obscured glazed and have restricted opening to avoid overlooking onto 7 The Grove.
- 9.52 Officers consider that the proposed development would adversely impact the neighbouring amenity at 7 The Grove in terms of overbearing and loss of privacy, due to the proposed building's height, mass, bulk and positioning within the Site. Furthermore, the balconies and windows on the rear elevation could afford views onto 7 The Grove and its rear garden. For the avoidance of doubt, a boundary wall, which could be reduced in height or removed at any point, is not considered a longstanding method of ensuring privacy between dwellings.
- 9.53 It is approximately 14.6 metres from Badgers Lodge and approximately 22.5 metres from Badger's Court. There are proposed balconies and side facing windows on the north and east elevations, which serve habitable rooms, but the separation distance from both Courts are considered sufficient to avoid significant issues of overbearing or loss of privacy.

9.54 The proposal fails to comply with policy DM10.

Highways and car parking

- 9.55 Chapter 9 of the NPPF promotes sustainable travel. Paragraphs 102 and 103 sets out that developments should promote sustainable modes of transport.
- 9.56 Policy CS16 encourages development proposals that foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals will be required to (inter alia) be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.
- 9.57 Policy DM36 (Sustainable Transport for New Development) sets out that to secure sustainable transport patterns across the Borough, the Council will (inter alia) prioritise the access needs of pedestrians and cyclists in the design of new developments and require new development to provide on-site facilities for cyclists as appropriate, including showers, lockers and secure, convenient cycle parking, in accordance with standards.
- 9.58 Policy DM37 sets out that developments will have to demonstrate that the new scheme provides an appropriate level of off street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.
- 9.59 The Site is accessed via The Grove. It is in close proximity to Epsom town centre and approximately 1 kilometre from Epsom train station (approximate 16 minute walk). There are a number of bus stops located on Church Road, approximately 0.3 kilometres from the Site (approximate 4 minute walk). Bus services typically run to Epsom, Lower Kingswood and Banstead.
- 9.60 In accordance with the Parking Standards for Residential Development Supplementary Planning Document (2015), the proposal is required to provide 10 car parking spaces, but this scheme seeks 11 spaces. Given the Site's sustainable location, it is considered capable of supporting a reduced level of car parking. Increasing the level of reliance on private use over other sustainable modes of transport is at odds with the primary overarching aims and objectives of the NPPF, which actively promotes sustainable modes of transport. The proposal does however seek cycle storage, which is considered positively.
- 9.61 SCC Highways formally commented on this application. Its response sets out that it is accessed via The Grove, which is a private road and does not form part of the public highway, therefore it falls outside The County Highway Authority's jurisdiction. The County Highway Authority has considered the wider impact of the proposed development and considers that it would not have a material impact on the safety and operation of the adjoining public highway.
- 9.62 In considering the above, the proposal is considered to overprovide car parking provision, which fails to accord with the NPPF's primary aims and objectives. This weighs negatively in the planning balance.

Ecology

- 9.63 Policy CS3 sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures that meet the objectives of National and Local biodiversity action plans in terms of species and habitat. Development that would harm Grade 3 Sites of Nature Conservation Interests (SNCIs) will not be permitted unless suitable measures are put in place and it has been demonstrated that the benefits of a development would outweigh the harm caused.
- 9.64 Policy DM4 (Biodiversity and New development) seeks to ensure that new development takes every opportunity to enhance the nature conservation potential of a Site and secure a net benefit to biodiversity. It sets out that development affecting existing or proposed nature conservation sites and habitats of international, national or local importance will only be permitted if:
- The development would enhance the nature conservation potential of the site or is proven to be necessary for the conservation management of the site; or
  - There is no alternative location for the development and there would be no harm to the nature conservation potential of the site; or
  - There are imperative reasons of overriding public interest for the development.
- 9.65 A Preliminary Ecological Appraisal and Preliminary Roost Assessment accompanies this application. It considers that Site is be of likely low wildlife at a local level. The predominant value comes from the presence of a potential badger sett and badger foraging signs. It sets out avoidance measures, which if implanted, would enable the development to proceed with minimal risk to the impact of protected or Section 41 species, Section 41 habitats or local biodiversity. There is also considered scope to enhance the Site to the benefit of local wildlife.
- 9.66 The LPA's Ecologist commented, setting out that the report did not recommend any further bat surveying. This was on the basis that the building was of a very low potential, which contradicts previous reports and emergence surveys. An additional survey was required to be carried out.
- 9.67 The Applicant prepared a Nocturnal Bat Survey, which concludes that it is highly unlikely that the dwelling house on Site was used as a large or regular bat roost. There was considered to be a very low risk of impact to individual bats that may on occasion use the building during works on Site. It recommends impact avoidance measures.
- 9.68 The LPA's ecologist commented, with no objection to the reports, which give recommendations for mitigation and enhancement. Should planning permission be granted, this should be conditioned.
- 9.69 The proposal is considered to comply with policy CS3 and DM4.

Tree and landscaping

- 9.70 Policy DM5 (Trees and Landscape) of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features shall be protected and enhanced.
- 9.71 Policy DM5 further states that where trees, hedgerows or other landscape features are removed, appropriate replacement planting will normally be required. Consideration should be given to the use of native species as well as the adaptability to the likely effects of climate change.

*Trees*

- 9.72 A Tree report accompanies this application. This sets out that there are high to moderate quality trees on Site, worthy of retention. The main being T23, which is a large Turkey oak, subject to a Tree Preservation Order.
- 9.73 The Tree report sets out that whilst Root Protection Areas (RTA) are capped at a radius of 15 metres, an extra 3 metres has been applied. Furthermore, the proposed basement would be excavated by vibrating in sheet piles outside of the 18 metre RPA.
- 9.74 The Tree report sets out that the trees on the Site's rear boundary are retained, not because they are of value, but for privacy reasons. Trees at the front of the Site are proposed to be removed, including a row of Lawsons Cypress trees, which were likely to have originally been planted as a hedge, but which have become overgrown. Due to this, they cannot be maintained in a reasonable manner, with the only option to remove them and replant with a more suitable species. The suggestion is a Hawthorn or Beech, both of which are native.
- 9.75 The Tree report sets out that the proposal is achievable, the net arboricultural impact being acceptable, as long as the Arboricultural Method Statement is complied with in full.
- 9.76 The Local Planning Authority's Tree Officer has not formally commented on this application. As such, Officers have used their judgement in considering this proposal. There are no trees that are subject to Tree preservation Orders that are proposed to be removed as part of this application. But, it is acknowledged that trees at the front of the Site are proposed to be removed, which have moderate value. The proposal does however seek additional tree planting and the protection of RPAs.

*Landscaping*

- 9.77 Officers do acknowledge that there is less hardstanding proposed as part of this scheme in comparison to the previously approved scheme (ref: 18/00647/FUL). This application is however assessed on its own merits.
- 9.78 Officers consider that due to the proposed building's large footprint and the access into the basement, which occupies a sizeable area of land at the front of the Site, there leaves inadequate space for quality landscaping.
- 9.79 The proposal seeks a landscape plan (drawing: P102). Whilst landscaping is proposed to the front of the Site, this is squeezed in-between a car parking space, bin storage and hardstanding. This results in an unconsidered landscape scheme, which fails to enhance the front of this Site, adversely impacting the street scene.
- 9.80 This Committee Report has considered that the proposed access road and ramp to the basement car park is out of keeping with the more domestic scale parking arrangements of The Grove. It also considers that this Site is capable of supporting a reduced level of car parking, to accord with the primary objectives of the NPPF, in promoting sustainable travel. It is acknowledged that basement car parking reduces surface level car parking that could impact the integrity of the Conservation Area, but, this scheme lacks considered landscaping.
- 9.81 The proposal fails to comply with policy DM5.

Flood risk

- 9.82 Policy DM19 sets out that development at risk from sources of flooding should demonstrate through a Flood Risk Assessment that the proposal would, where practical, reduce risk both to and from the development or at least be risk neutral.

- 9.83 The Site is within Flood Zone 1 (low probability of flooding). It is also located within an Area of Critical Drainage.
- 9.84 SCC LLFA formally commented on this application, setting out that the applicant had not considered the surface water flood risk to and from the Site and had not suggested appropriate mitigation measures. As the applicant had not provided sufficient mitigation, a Condition is recommended, should planning permission be granted.
- 9.85 The proposal complies with policy DM19.

## 10 Conclusion

- 10.1 The principle of residential development at this Site is accepted. The Site seeks 9 residential flats, which is considered positively in the planning balance.
- 10.2 The proposal does have wide-ranging adverse effects. It is considered excessive in its scale and massing and comprises poor design, which would harm the Conservation Area.
- 10.3 The proposal overprovides on car parking, through the provision of a basement car park. The Site is in a sustainable location and is considered capable of supporting a reduced level of car parking. Increasing the level of reliance of private use over other sustainable modes of transport is at odds with the primary overarching aims and objectives of the NPPF, which actively promotes sustainable modes of transport. This weighs negatively in the planning balance.
- 10.4 As a result of the access to the basement car park, teamed with the proposal's excessive footprint, the proposal is left with little space for considered landscaping at the front of the Site. This is a detriment to the street scene and harms the Conservation Area.
- 10.5 The proposal is considered to adversely impact the neighbouring amenity at 7 The Grove in terms of overbearing and loss of privacy, due to the proposed building's height, mass, bulk and positioning within the Site. The proposal also fails to comply with Nationally Described Space Standards.
- 10.6 In considering the presumption of sustainable development, the harm caused by this proposal is considered to outweigh the public benefits of the scheme. Officers would therefore recommend refusal.

## 11 Recommendation

**Officer's recommend this application for refusal. Planning Committee is asked to confirm whether it would have approved or refused this application. The final decision will be made by the Planning Inspectorate on behalf of the Secretary of State.**

- (1) The proposal would result in harm to the Church Street Conservation Area as a result of the building's excessive scale, massing and poor design. The proposal also seeks insufficient and poor quality landscaping at the front of the Application Site, as a result of the building's excessive footprint and the proposed access road to the basement car park. This adversely impacts the street scene and integrity of the Conservation Area. The proposal fails to comply with policies CS5 of the Core Strategy (2007), DM5, DM8, DM9 and DM10 of the Development Management Policies Document (2015).
- (2) The proposal adversely impacts the neighbouring amenity enjoyed at 7 The Grove, in terms of overbearing and loss of privacy, due to the proposed building's height, mass,

bulk and positioning within the Application Site. The proposal fails to comply with policy DM10 of the Development Management Policies Document (2015).

- (3) The proposal fails to provide quality living space, failing to meet technical housing standards, set out within Nationally Described Space Standards (2015).

**Suggested conditions and informatives, should planning permission be granted:**

- 11.1 If the appeal is allowed and planning permission is granted, Officers would recommend the following conditions and informatives:

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

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

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

E01 – Existing Plans – dated Jan 2020  
E02 – Existing Elevations – dated Jan 2020  
P100 – Location Plan and Block Plan – dated Feb 2020  
P102 – Proposed Landscape Plan – dated Jan 2020  
P103 – Proposed Basement Floor Plan – dated Jan 2020  
P104 – Proposed Ground Floor Plan - dated Jan 2020  
P105 – Proposed First Floor Plan – dated Jan 2020  
P106 – Proposed Second Floor Plan – dated Jan 2020  
P107 – Proposed Roof Plan – dated Jan 2020  
P110 - Proposed West Elevation – dated Jan 2020  
P111 – Proposed North Elevation - dated Jan 2020  
P112 – Proposed East Elevation – dated Jan 2020  
P113 – Proposed South Elevation – dated Jan 2020  
P114 – Proposed Street Scene – dated Feb 2020  
P120 – Proposed Bin Store Details - dated Jan 2020  
P121 – Right to light diagram – dated Feb 2020

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

3. No development shall take place until details of existing and proposed finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015.

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

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

5. No development shall take place until full details, of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, have been submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

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



6. No development shall take place until details of all boundary treatment have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the local planning authority. The approved scheme shall thereafter be retained.

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

7. No demolition, site clearance or building operations shall commence on site until the protective fencing and other protection measures as shown on the Arboricultural Assessment Report and its drawings have been installed. At all times until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris.

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

8. Prior to commencement of development, a plan outlining the details of implementing the recommendations of mitigation and enhancements, contained within the Preliminary Ecological Appraisal and Preliminary Roost Assessment of Land and the Nocturnal Bat Survey shall be submitted to and approved by the Local Planning Authority.

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

9. Prior to occupation of the development, a report outlining the implementation of the plan, detailed in Condition 8, shall be submitted to and approved by the Local planning Authority. The development shall be carried out in accordance with the approved details.

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.

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

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

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

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

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

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

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

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

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

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

14. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the NPPF and the accompanying PPG.

Reason: To ensure the development does not increase flood risk on or off site.

#### **Suggested informatives**

- 1) 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
- 2) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
- 3) If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.
- 4) If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

## Monthly Report on Planning Appeals Decisions

<b>Ward</b>	<b>(All Wards);</b>
<b>Contact officer</b>	<b>Steven Lewis</b>

Report by Steven Lewis, Planning Development Manager/Viv Evans Head of Planning

The Planning Service has received the following Appeal decisions from 11<sup>th</sup> August 2020 to 14<sup>th</sup> September 2020.

<b>Site Address</b>	<b>Planning reference</b>	<b>Description of development</b>	<b>Decision and Costs</b>
<b>None received</b>			

### Summary of Appeal Decisions:

None received

### **Net No. of dwellings for which planning permission has been granted**

<b>Month</b>	<b>Committee</b>	<b>Delegated</b>	<b>Appeal</b>
April	0	2	1
May	55	2	0
June	0	3	0
July	14	7	0
August	0	18	0
<b>Total</b>	<b>102</b>		

### **Annual target 695 dwellings**

It should be noted that the above table and figures only count decisions which have been formally issued and also exclude decisions where there is an extant planning permission to avoid double counting.

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