

**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> <b>(approximate sqm)</b>	<b>Bed 2</b> <b>(approximate sqm)</b>	<b>Bed 3</b> <b>(approximate sqm)</b>
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.