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Legal and Democratic Services



PLANNING COMMITTEE

Thursday 18 February 2021 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/6376642287021709067>

Webinar ID: 308-827-651

Telephone (listen-only): 0330 221 9914, Telephone Access code: 269-058-207

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. Beldar'.

Chief Executive

For further information, please contact Democratic Services, email: 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.

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, 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, tel: 01372 732000.

Deadline for public speaking registration: Noon, 15 February.

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 (Pages 5 - 24)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 14 January 2020 (attached) and authorise the Chairman to sign them.

3. LANGLEY BOTTOM FARM LANGLEY VALE ROAD EPSOM SURREY KT18 6AP (Pages 25 - 64)

Demolition of the existing buildings on the site and construction of twenty residential dwellings, of which eight (40%) would be affordable together with associated access, landscaping and parking. (Amended site location plan received 06.08.2020)

4. 36, 38 & 40 ROWDEN ROAD, WEST EWELL, SURREY, KT19 9PW (Pages 65 - 86)

Demolition of Nos 36, 38 & 40 Rowden Road, and garage block at Crane Court; and the erection of 12no new dwellings (including 8no 1 bedroom flats, 2no 2 bedroom flats, and 2no 3 bedroom houses); including associated landscaping, access and parking

5. MONTHLY APPEAL AND HOUSING NUMBER REPORT (Pages 87 - 90)

The Planning Service has received the following Appeal decisions from 19th December 2020 to 20th January 2021.

Minutes of the Meeting of the PLANNING COMMITTEE held on 14 January 2021

PRESENT -

Councillor Clive Woodbridge (Chair); Councillor Monica Coleman (Vice-Chair); Councillors Alex Coley, Nigel Collin, Neil Dallen, David Gulland, Previn Jagutpal, Jan Mason, Steven McCormick, Lucie McIntyre, Debbie Monksfield, Peter O'Donovan and Clive Smitheram

Absent: Councillor Colin Keane

Officers present: Danny Surowiak (Principal Solicitor), Viv Evans (Interim Head of Planning), Tom Bagshaw (Planner), Steven Lewis (Planning Development Manager), John Robinson (Senior Planner), Sarah Keeble (Democratic Services Officer) and Tim Richardson (Committee Administrator)

23 DECLARATIONS OF INTEREST

The following declarations were made in relation to items of business to be discussed at the Meeting:

In the interests of openness and transparency, Councillor Steven McCormick declared that he is a member of the Woodcote Epsom Residents Society and Epsom Civic Society. He stated that he came to the meeting with a clear and open mind.

Majestic Wine Warehouses Ltd, 31 - 37 East Street

In the interests of openness and transparency, Councillor Neil Dallen declared that he shops in Majestic Wine. He also stated that he is a member of Epsom Civic Society, and that he came to the meeting with a clear and open mind.

57 Salisbury Road Worcester Park Surrey KT4 7DE

In the interests of openness and transparency, Councillor Jan Mason declared that she had received an email regarding this Item.

In the interests of openness and transparency, Councillor Lucie McIntyre declared that she had received a number of emails from residents in relation to this Item. She stated that she came to the meeting with a clear and open mind.

In the interests of openness and transparency, Councillor Monica Coleman declared on behalf of all Committee Members that all Members had received a number of emails regarding this Item, and that they came to the meeting without any pre-determination.

24 MINUTES OF THE PREVIOUS MEETING

The Minutes of the previous Meeting of the Planning Committee held on 10 December 2020 were agreed as a true record and the Committee authorised the Chair to sign them,

25 ORDER OF BUSINESS

The Chairman informed the Committee that the order of business would be changed from the published agenda to take the Dorking Road Item prior to the Monthly Appeal and Housing Figure Report.

26 20/01383/CLP, 32 COURTLANDS DRIVE, EWELL

Description

Certificate of Lawfulness for a proposed development comprising of a hip to gable loft conversion, rear dormer and roof lights.

Decision

The Committee noted a presentation from the Planning Officer.

The following point was raised by the Committee:

- a) Reason Item was brought before Committee:** Members noted that the reason this Application had been brought before the Committee was because the property it relates to is owned by a Ward Councillor.

Following consideration, the Committee resolved unanimously that:

The Application be **APPROVED** subject to the following:

Informative(s):

- (1) A Certificate of Lawful Development is granted for the following reason:

The proposed development is Permitted Development under Schedule 2, Part 1 Classes B and C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

- (2) This decision relates to the following drawings:

PL-00 – Location Plan – dated Sep 20

PI-01 – Site Plan – dated Sep 20

PL-02 – Existing Ground & First Plans – dated Sep 20

PL03 – Existing First & Loft Plans – dated Sep 20

PL-04 – Existing Elevations – dated Sep 20

PL-05 – Proposed Ground & First Floor Plan – dated Sep 20

PL-06 – Proposed loft & Roof Plan – dated Sep 20

PL-07 – Proposed Elevations – dated Sep 20

PL-08 – Existing & Proposed Sections – dated Sep 20

(3) Development is permitted by Class B subject to the following conditions —

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) the enlargement must be constructed so that—

(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—

(aa) the eaves of the original roof are maintained or reinstated; and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be —

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above

(4) Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be —

(a) obscure-glazed; and

(b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

- (5) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. If you need any advice regarding Building Regulations please do not hesitate to contact Epsom & Ewell Borough Council Building Control on 01372 732000 or contactus@epsom-ewell.gov.uk.
- (6) You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.

27 MAJESTIC WINE WAREHOUSES LTD, 31 - 37 EAST STREET

Description

Application for variation of planning condition 1 of 05/00660/FUL to allow the sale of all types of comparison and convenience goods i.e. open A1 (Retail Use).

Decision

The Committee received a presentation from the Planning Officer.

The Committee were addressed by the Agent to the Applicant.

The following points were raised by the Committee:

- a) **Car-parking and cycle provision:** Members raised concerns regarding the number of proposed car-parking spaces on the development site, as well as a lack of detail regarding the proposed cycle-storage. It was noted that local residents use the entranceway of the site as a short-term parking bay to visit the neighbouring Post Office, and Members raised concerns over safety if this continues. Officer noted that it may be possible to speak with the site owner and see if they may be willing to implement some short-term parking for this purpose, though they cannot insist on such a condition.

- b) **Impact on neighbouring residential properties:** Members raised concerns regarding the neighbouring properties – including residential housing and student accommodation, and the amenity harm which must be considered.
- c) **Highway safety:** Members raised concerns regarding the two-way traffic alongside the building, particularly with regards to large delivery vehicles which would have to manoeuvre along a narrow and potentially busy road. Officers noted that the Applicant has worked with Surrey County Council Highways and that they have no objections to the proposed development.

Councillor Neil Dallen proposed a deferral. This was seconded by Councillor Steven McCormick. The reason for deferral was to allow officers and the Applicant to have further discussions to resolve the matters that the Committee had raised, including concerns regarding:

- Car-parking and cycle provision
- Impact on neighbouring residential properties
- Highway safety

Following consideration, the Committee resolved with 11 Members voting for deferral, 1 Member voting against deferral and the Chair not voting that:

The Application be **DEFERRED** to allow officers and the Applicant to have further discussions to resolve the matters that the Committee had raised.

28 57 SALISBURY ROAD WORCESTER PARK SURREY KT4 7DE

Description

Redevelopment of the site for 17 apartments with carport, car parking, cycle store, bin store and associated external works.

Decision

The Committee received a presentation from the Planning Officer.

The following points were raised by the Committee:

- a) **Housing mix:** Members raised concerns regarding the proposed housing mix. It was noted that the previous approved Application relating to this site allowed the removal of the 3-bedroom property as the housing mix and internal layout was more suited to 2-bedroom properties. It was noted that although the housing mix is not policy-compliant, the additional 2 units make it appropriate.
- b) **Amenity space:** It was noted that a number of the apartments would have private amenity space by means of a private balcony, and others would have access to communal amenity space.

- c) **Optimisation:** Members raised concerns regarding the optimisation of the site. It was noted that Officers deemed it an optimal use of the site, with no impact on neighbouring amenity and 2 additional housing units.

Following consideration, the Committee resolved with 7 Members voting for and 6 Members voting against that:

The Application be **APPROVED** subject to the following:

Part A

22.1 Subject to a legal agreement being completed and signed by the 16th April 2021 to secure the following heads of terms:

Viability Review

- Implementation of a review mechanism for the submission of a revised viability statement
- S106 monitoring fee, to monitor and sign off compliance of the s106 obligation
The Committee authorise the Head of Planning to grant planning permission subject to the conditions detailed below.

Part B

22.2 In the event that the section 106 Agreement referred to in Part A is not completed by 16th April 2021, the Head of Planning be authorised to refuse the application for the following reason:

In the absence of a completed legal obligation under section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy CS9 (Affordable Housing and meeting Housing Needs) in relation to the provision of 6 on site affordable housing units.

Condition(s):

- (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 2005.

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

2019 - P0043 - LP (Site Location Plan) (1:1250)

2019 - P0043 – 200 (Coloured Site Layout) (1:250)

2019 - P0043 - 201 (Proposed Site Information Plan) (1:250)

2019 - P0043 - 202 (Proposed Floor Plans) (1:100)

2019 - P0043 - 203 (Proposed Elevations) (1:100)

2019 - P0043 - 204 (Proposed Street Scene) (1:250)

2019 - P0043 - 205 (Proposed Bin Store) (1:100)

2019 - P0043 - 206 (Proposed Cycle Store) (1:100)

Reason: For the avoidance of doubt and in the interests of proper planning as required by 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 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 landscaping shall incorporate the planting of native species of trees and shrubs. 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.

- (5) 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 visual amenities of the area and 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.

- (6) The first and second floor rear bedroom windows to Flat 7 and 13, of the development hereby permitted shall be glazed with obscure glass of no less than obscuration level 3 and permanently fixed shut unless the parts of

the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall thereafter be permanently retained as such.

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

- (7) No demolition, site clearance or building operations shall commence until an updated site specific Arboricultural Method Statement has been submitted to, and approved in writing by the local planning authority, and until the protective fencing and other protection measures as shown in the approved Arboricultural Method Statement 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) 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.

- (9) The demolition works hereby permitted shall not be carried out before a contract for the carrying out of the works of redevelopment has been made and evidence of the construction contract has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that premature demolition does not take place before development works start in order to safeguard the visual amenities of the area Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

- (10) The development hereby permitted shall not commence until details of hard surfaced areas have been submitted to and approved in writing by the local planning authority. Such details shall show that the hard surface will be porous or permeable, or shall direct surface water to a porous or permeable surface within the site. The development shall be carried out fully in accordance with the approved details and so maintained.

Reason: To reduce surface water run-off from the site in line with Policy CS6 of the Core Strategy (July 2007) and Policy DM10 of the Development Management Policies 2015.

- (11) Notwithstanding the submitted plans, no part of the development shall be first occupied unless and until a vehicular bell-mouth access, with tactile paving and dropped kerbs at the pedestrian crossing point, has been constructed in accordance with a revised scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter all shall be permanently retained.

Reason: The above condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and DM 35 Transport and New Development of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (12) The means of access to the development shall be from Salisbury Road only. The development hereby approved shall not be first occupied unless and until the existing access from the site to Cromwell Road has been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of policy CS16 of the Core Strategy 2007.

- (13) Notwithstanding the proposed Construction Transport Management Plan, no development shall commence until a Construction Transport Management Plan, to include details of:
- a) parking for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials
 - d) programme of works (including measures for traffic management)
 - e) provision of boundary hoarding behind any visibility zones
 - f) measures to prevent the deposit of materials on the highway

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.

- (14) No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for a maximum of 17 cars and a minimum of 17 cycles to be parked, and for vehicles to turn so

that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with the provisions of policy CS16 of the Core Strategy 2007.

- (15) No part of the development shall be first occupied unless and until the proposed vehicular access to Salisbury Road has been constructed and provided with visibility zones in general accordance with the approved plans 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 and to accord with the provisions of policy CS16 of the Core Strategy 2007.

- (16) 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).

- (17) The development shall not be occupied until the bat and bird boxes and wildlife log pile have been installed in accordance with the Biodiversity Enhancement Measures contained in the Bat Survey and Biodiversity Report - September 2020.

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.

- (18) 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 national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.

- b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 1.0 l/s.
- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
- d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site, in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (19) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS, in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (20) Ground contamination and ground gas assessment

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: 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 offsite.

The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and 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.

(21) Remediation

Prior to any occupation of the site, the approved remediation scheme prepared under Condition 19 must be carried out in accordance with its terms. 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.

(22) Unexpected contamination

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.

- (23) The development hereby approved shall not be first occupied unless and until four parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector -230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and Policy DM 36 Sustainable Transport for New Development, of the Epsom & Ewell Borough Council Development Management Policies Document September 2015.

- (24) The development shall not be occupied until a Car Parking Management Plan setting out provisions for the management and use of the proposed parking has been submitted to and agreed in writing by the Local Planning Authority. These details shall be submitted for approval by the Local Planning Authority and only the approved details shall be implemented and retained as approved unless otherwise agreed.

Reason: To ensure the efficient and functional use of the car parking area, to safeguard the amenity of future occupiers of the approved development and to ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users in compliance with Policy DM10, DM37 of the Development Management Policies Document 2015 and Policy CS16 of the Core Strategy 2007.

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 2018.
- (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:
<http://www.epsom-ewell.gov.uk/NR/exeres/74864EB7-F2ED-4928-AF5A-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 hours 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 on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see: <http://www.surreycc.gov.uk/roads-and-transport/road-permits-andlicences/the-traffic-management-permit-scheme>
- (5) 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-planningandcommunity-safety/flooding advice](http://www.surreycc.gov.uk/people-and-community/emergency-planningandcommunity-safety/flooding-advice)

29 MAPLINS, 42 HIGH STREET, EPSOM, SURREY, KT19 8AH

Description

The conversion of first second and third floor of the building to eleven residential apartments.

Decision

The Committee received an introduction from the Planning Officer.

The Committee was addressed by the Developer to the Applicant.

The following amendment was proposed by the Planning Development Manager to the following:

Recommendation

11.1 Recommendation A) Approved subject to the below conditions upon the signing of an S106 agreement with the below heads of terms before three months from today's date (14.01.2021):

To read:

11.1 Recommendation A) Approved subject to the below conditions upon the signing of an S106 agreement with the below heads of terms before 14/04/2021:

The following points were raised by the Committee:

- a) **Affordable housing:** Members noted the number of proposed units that are to be offered as affordable rental units. Officers spoke about the possibility of requesting it be added to the legal agreement that those units remain as affordable rental units in perpetuity.

Following consideration, the Committee resolved unanimously that:

The Application be **APPROVED** subject to the following:

Heads of Terms:

- Agreement restricting the future owners/occupiers from applying for parking permits
- The provision of units 10 and 11 as affordable rented units
- The provision of a commuted sum of £19,527.00

Condition(s):

General Conditions:

- (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(1) 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:

19.3166.120 Rev.P1 - Proposed Floor Plans

19.3166.121 Rev.P1 - Proposed Floor Plans

19.3166.122 Rev.P1 - Elevations

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 the 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) The rooflight window(s) hereby approved shall be of a 'conservation style' and shall not project beyond the plane of the roof.

Reason: To safeguard the special architectural and historic interest of the listed building / In the interest of the character and appearance of the conservation area in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

- (5) The development shall not be occupied until details of all boundary treatment on the eastern side of the terrace to apartment 9 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.

- (6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no windows or other openings (other than those hereby approved) shall be formed in the side walls of the extensions hereby approved without the prior written consent of the Local Planning Authority.

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

- (7) Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

(or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses or buildings shall be erected within the curtilage.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Policy DM10 (Design Requirements for New Developments including House Extensions) of the LDF Development Management Policies Document Adopted October 2015.

- (8) The residential unit hereby approved shall not be occupied until they have achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with Policy DM12 of the Development Management Policies (2015).

- (9) 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 16 cycles to be parked, in a secure and covered location. Thereafter the cycle parking areas shall be retained and maintained for their designated purposes.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and DM 37 Parking Standards of the Epsom & Ewell Borough Council Development Management Policies Document September 2015.

Informative(s):

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full preapplication advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
- (2) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

(3) When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.

(4) The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

Carry out work to an existing party wall; build on the boundary with a neighbouring property;

In some circumstances, carry out groundwork's within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "The Party Walls etc. Act 1996 - Explanatory Booklet".

(5) 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).

(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.

30 22-24 DORKING ROAD EPSOM SURREY KT18 7LX

Description

The Committee received an urgent item requesting consideration of how issues around heritage impact should be expressed in the Council's case for appeal with regard to 22-24 Dorking Road Epsom Surrey KT18 7LX. Planning

permission was refused for the Application by the Committee at its meeting on 3 December 2020, and the Council was preparing to defend an appeal against that decision. In preparing the appeal statement on behalf of the Council, which would be submitted shortly, the Committee's support was sought to add an additional ground into the process.

The Committee noted that an update to the report had been published in advance of the meeting. This update clarified the recommendation for the Committee's consideration.

Decision

The Committee received a presentation from the Head of Planning.

The Head of Planning informed the Committee that the report was not seeking to amend the decision notice or to add a reason for refusal for the application. During the appeal process the Inspector was obliged under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act to have special regard to the desirability of preserving the setting of nearby heritage assets.

The following points were raised by the Committee:

- a) **Inclusion of ground into appeal process:** Following a question from a Member, the Head of Planning informed the Committee that this was a recognised mechanism within the Appeal process.

Following consideration, the Committee **AGREED** unanimously that:

The additional issues around heritage impact be added to the Council's case for this appeal and expressed as follows:

- (3) The proposed development by reason of its impact on the settings of nearby heritage assets, particularly those opposite the site including the grade II* Hylands, results in harm to the significance of those designated heritage assets which is not considered to be outweighed by the public benefits of the scheme. The proposal is contrary to paragraphs 193 and 196 of the NPPF, policy CS5 of the Core Strategy 2007 and policy DM8 of the Development Management Policies Document 2015.

31 MONTHLY APPEAL AND HOUSING FIGURE REPORTS

The Committee noted the appeal decisions from 19th November 2020 to 18th December 2020.

The meeting began at 7.30 pm and ended at 10.11 pm

COUNCILLOR CLIVE WOODBRIDGE (CHAIR)

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Langley Bottom Farm Langley Vale Road Epsom Surrey KT18 6AP

Ward:	Woodcote Ward
Site:	Langley Bottom Farm Langley Vale Road Epsom Surrey KT18 6AP
Application for:	Demolition of the existing buildings on the site and construction of twenty residential dwellings, of which eight (40%) would be affordable together with associated access, landscaping and parking. (Amended site location plan received 06.08.2020)
Contact Officer:	John Robinson

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=Q711Y3GYHH300>

2 Summary

- 2.1 This is a major planning application and in accordance with Epsom and Ewell Borough Council's Scheme of Delegation, the application has been referred to the planning committee.
- 2.2 The application seeks permission for the demolition of the existing buildings on the site and the construction of twenty residential dwellings, together with associated access, landscaping and parking.
- 2.3 The scheme would provide a policy compliant eight affordable housing units. (Two 3-bed homes and six two-bed homes). Tenure split would be 1 x 3 bed and 1 x 2 bed intermediate affordable; 1 x 3 bed and 5 x 2 bed affordable rental)

- 2.4 The proposed development would constitute inappropriate development in the Green Belt and therefore by definition would be harmful to the Green Belt. The proposal would conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment as set out in para 134(c) of the NPPF and Core Strategy Policy CS2
- 2.5 The proposal represents inappropriate development in Green Belt and 'very special circumstances' have not been demonstrated to outweigh the harm caused to the Green Belt. Seen as a whole, and despite attributing significant weight to the housing benefits, the totality of the harm is not clearly outweighed by the other considerations. Consequently the very special circumstances necessary to justify the development do not exist and the proposed development would be contrary to the NPPF and Policy CS2 of the Core Strategy 2007
- 2.6 **The Application is recommended for REFUSAL**

3 Site description

- 3.1 The site, which is in open countryside and in the Green Belt, is located to the South of Langley Vale Road within a dipped area forming the base of a shallow valley. The site is bounded by fields, areas of newly planted woodland and the training course associated with the nearby Epsom Downs Racecourse. Close to the north is Langley Vale, a large area of residential development.
- 3.2 The site is accessed via a single-track road from Langley Vale Road, which also forms part of a bridleway. Currently the width of the track does not permit any passing opportunities for vehicles.
- 3.3 In terms of topography, the site sits close to the bottom of a 'valley', with the land either side rising towards the residential area of Langley Vale and to the west of the current farmyard. A bridleway follows the alignment of the Site's access road from Langley Vale Road and travels the length of the Site, to the south eastern boundary and beyond, along the lane which connects with Nohome Farm. A public footpath adjoins the lane which connects with Nohome Farm, and a public footpath adjoins the Site's north western boundary and crosses the field adjoining the northwest of the Site and connecting with the bridleway which runs along Langley Vale Road.
- 3.4 Views of the Site from Langley Vale Road, in close proximity to the Site's entrance are open. Views from the road corridors within Langley Vale are truncated due to intervening built form and vegetation.

- 3.5 There are open views of the Site from the bridleway to the south of the Site and from the Public Right of Way to the west.
- 3.6 Views of the Site from residential receptors are wholly truncated due to intervening built form, topography and vegetation.
- 3.7 There are partial views of the Site from the bridleways to the west, south and southeast of the Site. From these locations, the built form is apparent, due its height and large scale.
- 3.8 Views of the Site from the wider study (highways) area, are wholly truncated due to intervening vegetation, topography and built form.
- 3.9 The site was historically a working farm and the applicant submits that this use ceased in 2014. The site is currently occupied by cluster of buildings that include a residential building, car workshop building with associated break down recovery hard standing area, and a Danish Barn used as an auction room. Planning permission for the Danish Barn for a change of use to an auction room has been granted and certificate of lawfulness for the parking of breakdown vehicles (both granted in 1999) whilst a number of other commercial uses have existed at the site in excess of 10 years. There are also a number of redundant agricultural structures including a number of silos. Many of the buildings have been extended or altered over the years to accommodate changes in farming practices and needs.
- 3.10 The site is located within Flood Zones 1 (low probability of flooding), however the site is located within Flood Zones 2 and 3 (high risk of flooding) in relation to surface water runoff.
- 3.11 The site is designated as an Area of Great Landscape Value. The site is not listed, nor does it fall within a Conservation Area.

4 Proposal

- 4.1 Permission is sought for the demolition of the existing buildings on the site and construction of twenty (20) residential dwellings, of which eight (40%) would be affordable together with associated access, landscaping and parking.
- 4.2 The mix of units would comprise ten 2-bedroom homes, six 3-bedroom homes and four 4-bedroom homes. The eight homes allocated as affordable comprise two 3-bed homes and six two-bed units.

- 4.3 The layout would comprise the central access road, with dwellings units either facing the road or turned to face outwards, with single storey “cart-barn” structures that would house cycle storage and car parking spaces.
- 4.4 The proposed units would comprise three elements: firstly, the houses on either side of the road at the entrance to the site would be designed to represent agricultural workers cottages; secondly, the middle houses have been designed as barn style structures and finally, the units nearest the existing farmhouse are shown to represent “grain store” type buildings. The new units have a variety of eaves and ridge heights
- 4.5 A traditional palette of facing materials and details would be utilised, including brick, stone and horizontal boarding; all sat under either small format tiles or slate roofs.
- 4.6 The proposal would include the provision of 34 parking spaces and 32 cycle spaces.
- 4.7 The access to the site for both vehicles and pedestrians would be via the existing track, which would have a shared surface road finish as a response to the Bridleway Public Right of Way that runs alongside the current driveway.

5 Consultations

- 5.1 The applicants Planning Statement sets out the engagement with local residents as follows:

Ahead of the submission of the application, in January 2020, 350 leaflets providing details of the development proposals for the site were circulated to the houses surrounding the site in Langley Vale. The applicant also met with two ward councillors to explain the proposals for the site.

Comments from third parties

- 5.2 The application was advertised by means of letters of notification to 56 neighbouring properties, a site and press advert. 4 letters of support and 171 letters of objection were received and are summarised as follows:
 - Highway safety
 - Impact on environment
 - Traffic impact
 - Highway safety
 - Low water pressure
 - Impact on Green Belt

- Flooding
- Loss of farm
- Lack of infrastructure
- Out of character

Epsom Civic Society: ECS strongly object to this scheme due to the required release of this valuable Green Belt parcel of land and the precedent it would set for similar Epsom Green Belt locations.

Woodcote Residents Society: it is considered in the overall planning balance that the development would cause substantial harm to the openness of the Green Belt, to the character and appearance of the site and surrounding rural area, to access and road safety and that it would be in an unsustainable location with respect to travel, all contrary to adopted development plan policies which are consistent with the NPPF. The application should therefore be refused.

Revised Application

5.3 During the application's determination, the applicant amended the "red line" boundary of the site to incorporate improvements to the site access. Officers reconsulted on the scheme for a further 21 days. (12.08.2020 – 02.09.2020) 11 letters of objection were received and are summarised as follows:

- Loss of access to footpaths.
- Insufficient parking
- Building in the Green Belt
- Impact on character
- Design
- Unsustainable location
- Loss of existing uses
- Impact on the racehorses that need access though the farm to the gallops
- Highway safety
- Contrary to Policy DM3, and that, in particular, it would significantly impact the openness of the area, an essential feature of Green Belt designation.

- Agricultural buildings are not included within the National Planning Policy Framework's definition of sites where redevelopment for non-farming purposes is allowed within the Green Belt.
- The proposals would affect the openness of this Green Belt location. The rural nature of the existing site would be totally changed by the construction of a housing estate with its accompanying noise, traffic and visual and lighting intrusion

Statutory consultations

- 5.4 EEBC Design and Conservation Officer: I have no objections on conservation grounds and the design of the building is of acceptable quality. However, the layout of the development is rather disappointing. (The arrangement of the houses does not appear as sympathetic to each other as they might be. If developed around elevations rather than focal areas the development would be improved by having more of each elevation given over to house rather than parking bays)
- 5.5 EEBC Tree Officer: No objections. Recommends conditions.
- 5.6 EEBC Contaminated Land Officer: This site is known to have had a refuse tip and also an infilled pond. I recommend that appropriate condition be included on any consent granted.
- 5.7 EEBC Ecology Officer: No objections. Recommends conditions
- 5.8 SCC Highways: No objections. Recommends obligations , conditions and informatives
- 5.9 SCC SuDS Officer: No objection. Conditions to be imposed should planning permission be granted
- 5.10 Environment Agency: We have assessed the proposed development as having a low environmental risk. We therefore have no comments to make.
- 5.11 SCC Archaeology Officer: Given the generally low archaeological potential of the site and the degree of modern disturbance, it is unlikely that any Heritage Assets of archaeological significance will remain in situ. As such, I recommend that there is no requirement for any further archaeological consideration in respect of this application.
- 5.12 Natural England: No objections
- 5.13 Mole Valley District Council: No objections

5.14 Reigate and Banstead Borough Council: No comments

6 Relevant planning history

Application number	Decision date	Application detail	Decision
03/00294/FUL	06.08.2003	Change of use from danish barn to auction room	GRANTED
90/00128/FUL	21.05.1990	Erection of barn for hay storage.	GRANTED
94/00732/FUL	18.08.1995	Erection of farm managers house following demolition of existing farm building.	GRANTED

7 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 9 Promoting sustainable transport
Paragraphs 105-106, 108-111

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

Chapter 13 Protecting Green Belt Land
Paragraphs 143 - 146

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

Core Strategy 2007

Policy CS1	Creating Sustainable Communities
Policy CS2	Green Belt
Policy CS3	Biodiversity
Policy CS5	The Built Environment
Policy CS6	Sustainability in New Developments
Policy CS8	Broad Location of Housing Development
Policy CS9	Affordable housing and meeting Housing Needs
Policy CS16	Managing transport and travel

Development Management Policies Document November 2015

Policy DM4	Biodiversity and New Development
Policy DM3	Replacement and extensions of buildings in the Green Belt
Policy DM5	Trees and Landscape
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM11	Housing Density
Policy DM13	Building Heights
Policy DM12	Housing Standards
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

Epsom and Ewell Green Belt Study: Stage 1 2017

Epsom and Ewell Green Belt Study: Stage 2 2018

8 Planning considerations

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

- Loss of Existing Uses
- Presumption in favour of sustainable development
- Principle of Residential Development
- Green Belt
- Impact on Openness
- Purposes of the Green Belt
- Very Special Circumstances

- Affordable Housing
- Housing Mix
- Design Layout and Appearance
- Quality of Accommodation
- Impact on Neighbours' Residential Amenity
- Highways and Parking
- Sustainable Design
- Landscaping
- Ecology/Biodiversity
- Flood risk and Drainage
- Planning obligations
- Planning Balance and Conclusion

9 Loss of Existing Uses

9.1 Paragraph 121 of the NPPF states that local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. For example, the use of retail and employment land for homes in areas of high housing demand.

9.2 Policy DM24 relates to 'Employment Uses Outside of Existing Employment Policy Areas' and states that outside of the existing identified employment locations, proposals resulting in the loss of employment floorspace will not be granted planning permission unless it can be demonstrated that:

(i) The existing use has a significant adverse effect on residential amenity and there is no reasonable prospect that this effect can be alleviated while retaining the use; or

(ii) There is genuine evidence, including that the site has been marketed without success*, that the site, as it stands, is no longer suitable for its existing or other employment uses.

*The Council will require that the site has been marketed for a minimum period of 18 months at an appropriate rate for its location and condition

9.3 Concerns have been raised by residents regarding the loss of the farm. This has been taken into consideration by Officers in the assessment of this application.

9.4 The Planning Statement submitted in support of this application sets out the following:

The Woodland Trust acquired a large part of land associated with the farm in 2014 at which point it ceased to be a working farm. To this end, many of the former agricultural buildings on the site, including a number of silos, are now vacant or redundant. Even before this, uses at the site began to diversify as illustrated by the consent for the Danish Barn and certificate of lawfulness for the parking of breakdown vehicles (both granted in 1999) whilst a number of other commercial uses have existed at the site in excess of 10 years. As such, a number of buildings on the site are now home to commercial uses, including:

FG Marshall – Crematorium Books (Use Class B1 & B8), 6 employees on-site; Langley Vale Recovery – Storage (Use Class B8), No employees on-site; Prosser – Workshop for VW Camper Vans (Use Class B2), Two employees on-site; K Pearce – Storage (Use Class B8), No employees on-site; and Colin Davies – Storage (Use Class B8) No employees on-site.

The site is therefore no longer in agricultural use and is predominantly occupied by small-scale commercial uses (Use Class 'B').

9.5 The applicants submit that the nature of these uses, whilst they provide an employment function, generally provide few job opportunities, are small in scale and occupy buildings that are considered to be of poor quality. Furthermore, they state that as the tenants are on short-term leases at low rental rates, the contribution they make to the local economy is limited.

9.6 The application is supported by a Marketing Report, which sets out that the site has been marketed for 24 months, and over this period, an estimated 10% were specific enquiries, but for various reasons the site/location was not suitable. These reasons include:

- The rural location and problems in finding staff prepared to travel and work out of town.
- The buildings were not secure enough for the quality of goods that were to be stored.
- Security issues again with location away from the main road and public access out of sight with the public bridleway and footpath that runs through the site.

- Lack of services such as offices and WC's.

9.7 Whilst the site, as it currently stands, is suitable for its existing use, in light of the conclusions of the marketing assessment and limited contribution the existing uses make towards the local economy, Officers consider that their loss can be justified and that in line with guidance set out within paragraph 121 of the NPPF, alternative uses, such as new residential, should be considered at the site.

10 Presumption in favour of sustainable development

10.1 The site falls within the Green Belt and therefore Paragraph 11d (i) of the NPPF is engaged via footnote 6. This report will consider whether or not the Green Belt Policies in the NPPF provide a clear reason for refusal of the proposed development, and whether in terms of Para 11d (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

10.2 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 has been increased to 695 under the housing delivery test, as published on 13 February 2020. The Local Planning Authority is presently falling significantly short of this requirement and cannot presently demonstrate five years housing land supply.

10.3 Paragraph 11d of the NPPF would be engaged via footnote 7 as the Local Planning Authority cannot demonstrate a five-year housing land supply. However the site is located in the Green Belt (an asset of particular importance confirmed via footnote 6) which provides a clear reason for refusal, and therefore the presumption in favour set out in para 11d is disapplied.

11 Principle of Residential Development

11.1 Chapter 5 of the NPPF relates to delivering a sufficient supply of homes. Paragraph 59 sets out 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.

11.2 Chapter 11 of the NPPF relates to the effective use of land. Paragraph 117 of the NPPF sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

- 11.3 Policy CS8 sets out that new housing development will be located within the defined built up area of Epsom and Ewell. Within these areas, the emphasis will be on the re-use or conversion of existing buildings for housing. In principle, higher density development is directed to central locations, such as Epsom town centre and other local centres, close to existing services and facilities and accessible by public transport, walking and cycling. This enables relatively lower densities to be applied to other parts of the built up area to help retain their character and local distinctiveness.
- 11.4 The site is not located within a Built Up Area, and is therefore contrary to Policy CS8. It is accorded significant negative weight in the planning balance.

12 Green Belt

- 12.1 The site is located within the Green Belt where new development is strictly controlled and is generally classed as inappropriate except in certain circumstances, which are set out within Paragraph 145 of the NPPF.
- 12.2 Chapter 13 of the National Planning Policy Framework 2019 sets out the Government's policy in relation to the Green Belt. Paragraph 133 establishes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts is their openness and their permanence. Para 134 states that the Green Belt serves five purposes:
- a) To check the unrestricted sprawl of large built-up areas;
 - b) To assist in safeguarding the countryside from encroachment;
 - c) To prevent neighbouring towns merging into one another;
 - d) to preserve the setting and special character of historic towns
 - e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land'

- 12.3 Paragraph 145 of the Framework regards the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include: limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: –
- not have a greater impact on the openness of the Green Belt than the existing development, or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need.
- 12.4 Policy CS2 of Core Strategy 2007 provides for the protection of the Green Belt, so that it shall serve its key functions, its existing general extent be maintained and, within its boundaries, strict control continue to be exercised over inappropriate development as defined by Government policy.
- 12.5 Concerns have been raised by residents regarding “Previously Developed Land”. This has been taken into consideration by Officers in the assessment of this application.
- 12.6 The applicants have sought to justify the proposed development on the grounds that the application site is “previously developed land” (PDL) and that by including an affordable housing element within the scheme, the acceptability in principle of the scheme within the Green Belt should be assessed in terms of the lower test set out in the second clause of Paragraph 145(g), that it “would not cause substantial harm to the openness of the Green” Belt.
- 12.7 The Glossary to the NPPF excludes from the definition of PDL, land that is, or was last occupied by agricultural or forestry buildings
- 12.8 Officers consider that the main farm buildings, and barns including the silos are still being used for farming purposes ie fodder storage, hay bale storage, farm machinery.
- 12.9 On that basis, despite the assertions by the applicant, the site as a whole is not to be regarded as PDL and NPPF paragraph 145(g) is not engaged for the purposes of this application. Accordingly, the proposed development would be inappropriate in the Green Belt, requiring very special circumstances to justify it.

13 Impact on Openness

- 13.1 Concerns have been raised by residents regarding the impact on the openness on the Green Belt. This has been taken into consideration by Officers in the assessment of this application.

13.2 The measure of openness is not confined to the consideration of spatial dimensions; the visual effects of height, site layout and the use of the spaces around the buildings also have a bearing on openness. The applicant has provided a Landscape Visual Impact Assessment and supporting Planning Statement to assist with the calculation of footprint, volume and potential harm on the Green Belt. The visual assessment element includes a photographic survey of the application Site taken from a series of representative key views, chosen to represent a range of locations including both public and private views, distances and directions around the site.

13.3 In terms of a volumetric approach to the question of openness, the applicants have provided comparative footprint and volume estimates of the proposal against the existing development.

	Coverage	Volume
All Existing buildings	2,950m ²	14,097m ³
All Proposed buildings:	1212m ²	7474m ³
Percentage Difference	-58.9%	-46.8%

All existing hardstanding:	2319m ²
All proposed hardstanding:	1202m ²
Percentage difference:	-48.1%

	Floor space	Volume
Existing PDL* Buildings:	1194m ²	5210m ³
All Proposed Buildings:	1212m ²	7474m ³

Percentage difference:	+1.5%	+43.5%
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Existing PDL Hardstanding:	1689m ²
Proposed Hardstanding:	1202m ²
Percentage difference:	-28.8%

**Previously Developed Land*

- 13.4 The proposals would result in a reduction in built form at the site, through a 24% reduction in footprint and a 42% reduction in volume. However these figures do not account for hardstanding or the spread of the development.
- 13.5 In purely superficial and volumetric terms therefore, the proposal would have a lesser effect on openness than the existing development.
- 13.6 In visual or perceived terms, the openness of the Green Belt derives from an absence of built development. The site itself is nestled within the valley bottom, surrounded by arable and pastoral fields.
- 13.7 The site is bounded by agricultural land to the west and east. To the north, Langley Vale Road corridor forms the defining boundary; whilst to the south, the Site is adjoined by a farmhouse, with access driveway, storage buildings and gardens. Agricultural fields lined with hedgerows and trees are situated beyond this to the south. A bridleway follows the alignment of the site's access road from Langley Vale Road and travels the length of the site, to the south eastern boundary and beyond, along the lane which connects with Nohome Farm.
- 13.8 Additionally, a public footpath adjoins the site's north western boundary and crosses the field adjoining the northwest of the Site and connecting with the bridleway which runs along Langley Vale Road. The site itself consists of a farm access road, lined with timber fencing, leading southeast from Langley Vale Road to the farmyard, which consists of large-scale barns and silos used for agricultural storage. In addition to this, cabins and industrial units have been constructed for office space and commercial / industrial premises, with areas of hard standing used for vehicle storage and parking. The site additionally includes part of the arable and pastoral field parcel to the north of the farmyard.

- 13.9 Mature trees and scrub planting along the northern boundary, together with the sloping topography of the adjacent landform, enclose the farmyard within the site. As such, due to the combination of topography and vegetation, views of the site, as indicated on Figure 4.1 and 4.2 of the submitted Landscape and Visual Impact Assessment and Landscape Design Strategy, are limited to the immediate environs of the site.
- 13.10 In most cases, the existing buildings would be replaced by dwellings of reduced height. The existing built form within the site ranges from single storey to four storey. The proposed dwellings would be two storeys, with single storey garage blocks.
- 13.11 The farmyard on the site is not open in character and instead forms a pocket of built form. The proposal would also introduce increased permeability across the site in an east- west direction, by the removal of the existing buildings and replacing them with buildings with significantly less footprints, separated by garden areas. (as indicated on Drawing No 1828/PL.42 Rev A

Character and Appearance of site, visual amenity

- 13.12 The proposed development would materially change the overall character of the application site. The proposed residential buildings, and ancillary development would identify it as residential site in contrast to its existing status as agricultural, commercial and industrial.
- 13.13 Parked vehicles, lighting and domestic development and paraphernalia could also have some effect on openness. However, irrespective of changes to siting, extent and landscaping, the proposed development's topographic location would limit impacts on openness caused by parked vehicles. Conditions to control boundary treatments, external facilities and to remove permitted development rights would avoid any further reductions in openness caused by the erection of ancillary development or paraphernalia associated with the residential use.
- 13.14 The lighting effects of the proposal would be different but no more harmful in openness terms than that caused by the existing use. Nor would the change of use of the site to a residential use itself have a tangible visual effect in openness terms
- 13.15 Existing built form of a low quality, large scale, mass and height would be demolished, and replaced with low scale and low density terraced housing 1½ - 2 storeys in height. The design approach to the form and massing indicates development that one would expect to find in a rural context including materials appropriate to the context and function of the development. The chosen materials compliment and blend into the natural surroundings, suggestive of barn/grain store conversions.

- 13.16 There would not be a material increase in the number of buildings and structures on the site. The proposal would result in the retention of the majority of trees and vegetation, with additional planting proposed along the boundaries together with street trees and associated planting.
- 13.17 The proposal would not be development out of character with a rural location and the design and overall use of materials would be contextually appropriate in this rural location. The scale of the proposed development is not considered to be obtrusive and would not have a significant impact on the openness of the Green Belt.

14 Purpose of the Green Belt

- 14.1 NPPF Paragraph 134 identifies that the GB serves five purposes. This section considers how the site performs in landscape and visual terms in relation to the five purposes.
- 14.2 A Green Belt Assessment, dated February 2017, was prepared to inform the preparation of EEBC's new Local Plan. It assesses parcels of Green Belt within the Borough against the five main purposes of Paragraph 134 of the NPPF. The Site sits within parcel one of the Green Belt study, which scores highly on two of the five purposes, including to check unrestricted sprawl of large built-up areas and assist in safeguarding the countryside from encroachment
- 14.3 The first of these is to check the unrestricted sprawl of large built up areas. The site is located within a semi-rural setting, surrounding by agricultural land and set with the backdrop of built form at Langley Vale, which is situated on top of the elevated ridgeline to the north. The Site, in landscape and visual terms, therefore fails to meet the requirements of purpose 1.
- 14.4 The second purpose of Green Belts is to prevent neighbouring towns from merging into one another. The site is located approximately 200m away from the village of Langley Vale, to the north. Langley Vale and the site lies between the settlements of Ashted, 1km to the west, Burgh Heath 1km to the east, and Epsom 1.2km to the north. The M25 is situated approximately 1.5km to the south. There is currently no inter-visibility between Langley Vale and the site with its surrounding settlements due to the intervening topography and extensive level of tree cover. The development of the site would therefore not result in a merger of built-up areas, due to the level of physical and visual containment the Site has within the wider landscape. The Site, in landscape and visual terms, therefore fails to meet the requirements of purpose 2.

- 14.5 The third purpose of including land in Green Belts is to assist in safeguarding the countryside from encroachment. From wider viewpoints, the topography is likely to lessen the development's visible impact. Whilst the applicants submit that the combination of existing site vegetation and adjacent field boundaries, plus the local topography provides clearly recognisable physical boundaries, the site is in the Green Belt, outside of the built-up area, and is clearly in the countryside. The Site, in landscape and visual terms, therefore meets the requirements of purpose 3.
- 14.6 The fourth purpose of including land in Green Belts is to preserve the setting of and special character of historic towns. The site is not within or adjoining a conservation area within an historic town and consequently it would not offend the fourth purpose of the Green Belt.
- 14.7 The fifth purpose of Green Belts, to assist in urban regeneration by encouraging the recycling of derelict and other urban land, would not be materially compromised by the proposed development.
- 14.8 In view of the above, the application site would serve the Green Belt purposes by way of safeguarding the countryside from encroachment. On this basis, the proposal would conflict with the purposes of the Green Belt as provided in Paragraph 134(c). The harm identified is considerable and in accordance with para 144 of the Framework must be given substantial weight in the planning balance
- 14.9 As harmful effects have been identified above, in terms of the purposes of the Green belt, very special circumstances would have to be demonstrated for the development to be acceptable. This report addresses these issues below.

15 Very Special Circumstances

- 15.1 The applicant has identified benefits arising from the proposal in relation to the provision of housing, the removal of the existing use, visual benefits, landscaping, biodiversity and environmental improvements.

Housing Provision

- 15.2 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 has been increased to 695 under the housing delivery test, as published on 13 February 2020. The Local Planning Authority is presently falling significantly short of this requirement and cannot presently demonstrate five years housing land supply.

- 15.3 The proposal would deliver 20 homes, 40% of which would be affordable. It is considered that the provision of identified affordable housing and additional market housing represents substantial weight in favour of the proposal.

Visual Improvements

- 15.4 The proposals would replace the existing unattractive buildings with a new sensitively designed residential development. Whilst the existing buildings are of archetypical agricultural design, the new buildings would have a marginally greater spread. Therefore, this benefit is assigned minor negative weight in the planning balance.

Improved Landscaping/Ecological Enhancements

- 15.5 The proposal would introduce additional key landscape components to improve the character of the site and introduce tree planting to create improvements to biodiversity and landscape character. Landscaping is a requirement of any high quality scheme.
- 15.6 The proposed development would enhance the ecology of the site, as several ecological enhancements are proposed. Enhancement measures for the proposed development would include native species buffer, hedgerow and tree planting as well as the creation of seasonally wet wildflower areas. Other enhancements would include installation of bat and bird boxes across the site, and the provision of hedgehog shelter opportunities.
- 15.7 The landscaping and ecological enhancements are considered to add moderate weight in favour of the proposal.

Environmental Improvements

- 15.8 A SuDS management train has been designed which comprises rainwater interception and re-use, individual house soakaways, permeable paving and a new swale and lateral interceptor drain arrangement. This will ensure that the proposed development will contribute to a reduction in overall surface water flood risk; provide water quality treatment benefits; deliver biodiversity enhancements; species as well as delivering a new sustainable drainage scheme which will lead to environmental improvements in the local area
- 15.9 The environmental benefits are considered to give moderate weight in favour of the proposal.
- 15.10 Officers conclude , however, is that these benefits do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the appeal proposal. Consequently, very special circumstances do not exist.

16 Affordable Housing

16.1 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.

16.2 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.”

16.3 Policy CS9 sets out that the Council has a target that overall, 35% of new dwellings should be affordable. Taking into account the viability of the development proposed and other planning objectives, the Council will negotiate to achieve the provision of affordable housing. Residential development of 15 or more dwellings gross (or on sites of 0.5ha or above) should include at least 40% of dwellings as affordable.

16.4 In this regard, the proposal would provide a policy compliant 8 affordable units.

16.5 The proposal would therefore comply with Policy CS9. This level of provision of affordable housing should be afforded significant weight in the planning balance,

17 Housing Mix

- 17.1 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.
- 17.2 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.
- 17.3 The proposed scheme would provide 6 three-bedroom and 4 four-bedroom, which would exceed the requirements of Policy DM22.

18 Design, Layout and Appearance

- 18.1 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.
- 18.2 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.
- 18.3 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.
- 18.4 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.

- 18.5 Concerns have been raised by residents regarding the design of the proposed scheme. This has been taken into consideration by Officers in the assessment of this application.
- 18.6 The submitted Design and Access Statement sets out how the development has been designed taking into account the physical constraint and opportunities of the site. Account has been taken of the varying topography across site, with the siting, massing and layout taking account and designing out potential landscape and visual impacts.
- 18.7 The proposals would achieve a density of 22 dwellings per hectare (gross).
- 18.8 The access to the site for both vehicles and pedestrians would be via the existing track. This lengthy stretch of road would arrive at the entrance to the developed part of the site. The built form proposed is a direct response to the “farmyard” qualities of the existing site with its semi-rural character.
- 18.9 The dwelling units would sit on either side of the trackway that runs through the site, acknowledging the existing structures and their alignments.
- 18.10 The proposed units would comprise three elements: firstly, the houses on either side of the road at the entrance to the site would be designed to represent agricultural workers cottages (Plots 1-3 and 17-20); secondly, the middle houses have been designed as barn style structures (Plots 4-26 and 14-16) and finally, the units nearest the existing farmhouse are shown to represent “grain store” type buildings (Plots 7-13). The new units have a variety of eaves and ridge heights.
- 18.11 A traditional palette of facing materials and details would be utilised, including brick, stone and horizontal boarding; all sat under either small format tiles or slate roofs.
- 18.12 Overall, the proposed design is of a high quality, with high quality materials, and is an acceptable outcome for the site. Boundary treatment, enhanced landscaping and well considered building detailing will be secured by way of conditions to ensure the proposed design ethos carries through to construction. The buildings would be locally distinctive, and reflective of the rural nature of the site. The proposed access siting has been assessed and with the support of Surrey County Highways and through the imposition of conditions, would also be an acceptable design outcome.

- 18.13 It is therefore concluded that the proposed scheme in terms of its design, layout and access, scale and massing would not have a harmful impact on the character and appearance of both the immediate and wider area, or on the openness of the Green Belt. It would therefore accord with the NPPF and Policies DM9 and DM10 of the Local Plan.

19 Quality of Accommodation

- 19.1 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 m² and a double bedroom should be no smaller than 11.5 m². All new units should be designed in accordance with the National Space Standards.
- 19.2 The application is proposing 20 units , comprising 10 two-bed dwellings, 6 three-bedroom dwellings and 4 four-bedroom dwellings
- 19.3 The proposed 2 bed (3 person) dwellings would have a Gross Internal Area of between 80m² and 82m², the 3 bed (4 person) dwellings an area between 86m² and 94m², and the 4 bed (5 person) dwellings an area of between 102m² and 112m²
- 19.4 All 20 units would meet the minimum internal GIA standards and minimum bedroom sizes as required by the National Space Standards below:
- 2 bed (3 person): 70m²
 - 3 bed (4 person): 84m²
 - 4 bed (5 person) : 97m²
- 19.5 It is therefore considered that the proposed units will have an acceptable level of internal amenity in compliance with Policy DM12

Private and Communal Amenity Space

- 19.6 Paragraph 3.36 of the supporting text for Policy DM12 (Housing Standards) states that to provide adequate private amenity space for development of houses, a minimum of 70m² of private amenity space for 3 or more bed dwellings should be provided, and 40m² for 2 bed dwellings should be provided.
- 19.7 The proposed dwellings would have access to private rear gardens ranging in area from 72m² to in excess of 130m² which would comply with Policy DM12

20 Impact on Neighbours Residential Amenity

- 20.1 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.
- 20.2 The Framework, Paragraph 170 (e), states, that decisions should contribute to, and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.
- 20.3 Concerns have been raised by residents regarding light pollution and noise and disturbance. This has been taken into consideration by Officers in the assessment of this application.

Separation Distances

- 20.4 The nearest residential property in Langley Vale would be situated some 200m from the nearest proposed new dwellings. Light pollution arising from the proposed development would be different but no more harmful than that caused by the existing uses on the site. An appropriate condition requiring details of all external lighting to be submitted, should planning permission be granted, would further mitigate the impact of light pollution.
- 20.5 Therefore, subject to appropriate conditions it is not felt that there would be any adverse impacts on residential amenity.

Environmental Noise Impact Assessment

- 20.6 An Environmental Noise Impact Assessment has been submitted in support of this application. The assessment sets out that a noise survey was undertaken to determine the location's suitability for noise sensitive residential development. Unattended noise measurements have been completed at the site to characterise the existing ambient noise environment over day and night.
- 20.7 The noise assessment has indicated that the proposed internal noise levels in accordance with the relevant noise guidelines can be achieved.
- 20.8 The noise levels within the proposed development are likely to be within the guideline upper limit for external noise levels in external amenity spaces of 55 dB LAeq,16hr, with the majority of the site below the guideline level of 50 dB LAeq,16hr.

- 20.9 The nearest residential property in Langley Vale would be situated some 200m from the nearest proposed new dwellings. Therefore, it is not felt that there would be any adverse impacts on residential amenity, in terms of noise and disturbance.
- 20.10 The proposal is therefore compliant with paragraphs 170 and 180 of the NPPF, and Policy DM 10.

21 Highways and Parking

- 21.1 Paragraph 102 of the NPPF promotes the early consideration of the potential impact on the transport networks, promotion of sustainable transport means, identification of environmental impact and mitigating adverse effects and designing movement patterns and infrastructure into development.
- 21.2 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.
- 21.3 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.
- 21.4 Paragraph 138 of the Framework indicates that releases of Green Belt land for development should take into account the need to promote sustainable patterns of development, with first consideration given to land which has been previously developed and/or is well-served by public transport.

- 21.5 Policy CS16 (Managing Transport and Travel) 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 should (inter alia) provide safe, convenient and attractive accesses for all, including the elderly, disabled, and others with restricted mobility. Development proposals should be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. Furthermore, development proposals must ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, not materially increase other traffic problems.
- 21.6 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.
- 21.7 Concerns have been received from neighbours regarding the generation of additional traffic, and the impact of the development on the surrounding highway network. This has been taken into consideration by Officers in the assessment of this application
- 21.8 A Transport Assessment,(T/A) reference: ITL14122-006A, has been submitted in support of this application, accompanied by further Technical Notes (report references: ITL14122-007A TN and ITL14122-008A TN).

Proposed Car and Cycle Parking Provision

- 21.9 The Councils adopted car parking standards require the following minimum parking spaces:
- 1/2-bed houses – 1 space per unit;
 - 3-bed houses – 2 spaces per unit; and
 - 4-bed houses or larger – 3 spaces per unit.
- 21.10 The proposed development would be required to provide 34 spaces. 34 allocated spaces would be provided, with an additional 3 visitor spaces. This would comply with Policy DM37.

21.11 Cycle parking provision would be in line with the minimum levels identified in the Surrey County Council Vehicular and Cycle Parking Guidance. The minimum standard cycle parking levels for houses and flats are:

- 1/2-bed dwellings – 1 space per unit; and
- 3-bed dwellings – 2 spaces per unit.

21.12 Cycle spaces would be provided in cycle sheds within each rear garden.

Existing traffic Flows

21.13 The T/A sets out that classified vehicle counts undertaken in September 2018 indicate that the number of recorded vehicle movements is consistent with the active land uses present with 10-12 vehicle trips generated by 8-10 employees (Building 4 & 6), the Farmhouse and the storage uses in Buildings 1, 2, 3 and 5. (As shown on Image 2.2: Existing Site Plan, Transport Note ITL14122-008A TN)

21.14 The note concludes that the existing storage facilities and disused farm buildings could themselves generate daily traffic movements, which they do not at present. Therefore, the level of traffic generation associated with the site could increase beyond 10 -12-vehicle trips per day.

Traffic Generation and Impact

21.15 The Traffic Statements indicates that, based on vehicular trip rates derived from the TRICS database (agreed with officers at SCC), the proposed development is expected to generate:

- 11 two-way movements in the morning peak hour (one vehicle every five to six minutes); and
- 9 two-way movements in the evening peak hour (one vehicle every six to seven minutes).

21.16 The above trip generations are a reduction of one vehicle trip in both peak hours when compared to the trip generation of the existing site. The applicants submit that the proposed development would therefore result in an immaterial impact on the operation of the local highway network and the site access junction.

Site Access

21.17 The access to the site for both vehicles and pedestrians would be via the existing track, which would have a shared surface road finish as a response to the Bridleway Public Right of Way that runs alongside the current driveway.

21.18 Following concerns raised from SCC Highways, the applicant proposed a number of improvements to the surrounding road/pedestrian infrastructure. Works within the highway boundary would need to be secured and approved via a Section 278A agreement with SCC. The works proposed are as follows (set out on Drawing No : ITL14122-GA-011B)

- The provision of a 3m footway to the north of the site access along the eastern side of Langley Vale Road. This would provide a pedestrian route to the village of Langley Vale and its bus stops.
- Minor kerblines amendments to the site access; and
- The introduction of a dropped kerb with tactile paving.
- Provision of a new standard Vehicle Activated Sign (VAS) displaying the speed limit (a 450mm roundel) and 'SLOW DOWN'. This would be visible to northbound traffic and would replace the existing VAS in place, which is no longer working.

21.19 The highway improvements would be secured by a S278 legal agreement

Site Access Road/Bridleway Improvements

21.20 The existing access currently operates as a shared surface for motor vehicles, cyclists, pedestrians, and equestrians. Following discussions with SCC Highways, the following improvements are proposed (Drawing No : ITL14122-GA-012B).

- A 2m 'virtual footway' would be introduced where the access road widens to 5.5m to provide a route for pedestrians. This would be demarcated by green coloured surfacing and would be "over-runnable" to allow cars to move into this area when vehicles pass one another
- Signage would be introduced at either end of the access road denoting "Public Bridleway – Give Way to Non-Motorised Users" (or similar) to ensure that all cyclists, pedestrians and equestrians would have priority over motor vehicles; and
- The entire access road would be fully resurfaced using a gritted treatment suitable for equestrians

Refuse Collection

21.21 The applicant has provided swept path assessment drawings for servicing by refuse and emergency vehicles. A refuse strategy plan illustrating the refuse storage areas, collection points has also been provided. All of the details were considered acceptable by the EEBC Waste Manager

Conclusion

21.22 Officer consider that the proposed scheme, with the proposed improvements secured by appropriate conditions would not lead to an adverse impact on highway safety and would comply with para 109 of the NPPF.

Sustainable Development/Accessibility

21.23 Concerns have been raised regarding the sustainability of the site's location. This has been taken into consideration by Officers in the assessment of this application.

21.24 The applicant submits that the site is well connected to a number of local walking and cycle routes including Public Right of Ways, bridleways and signed cycle routes) and is located in close proximity to bus stops within Langley Vale (served by a bus every two hours to Epsom). Furthermore, three mainline railway stations are located nearby (Epsom, Epsom Downs and Tattenham Corner) providing commuting services to London. The applicant concludes that the site is located in an area where appropriate opportunities for sustainable modes of transport can be utilised

21.25 Officers do not agree with the applicants submission on the following grounds:

- The site is located in a rural area, outside the designated built-up area of Epsom location. Epsom town centre is located some 3.5km north of the site.
- The nearest facilities (shop and school) are in excess of a 400m uphill walk from the site
- There are no dedicated cycling facilities along Langley Vale Road. Whilst there are a number of bridleways and other cycle routes providing access into Epsom Town Centre, these are at a circuitous and considerable distance from the application site

- The nearest bus stops to the site are located on Grosvenor Road and Rosebery Road, some 550m and 750m (uphill) walking distance from the centre of the site respectively. Bus route E5 which provides services to Epsom, is infrequent with a service of one bus every two hours)
- The closest railway station to the site is Tattenham Corner, located some 2km to the east of the site “as the crow flies”. There is no direct bus service to this station. The access road to the farm site is also a bridleway (BW33) which routes southward through the site, providing a direct 2.8km route (albeit steeply uphill) to Tattenham Corner Railway Station

21.26 It is clear the site is likely to be accessible by private motor car only, due to the location of the site being in excess of 400 metres from a bus stop, in excess of 800m from a train station, and in excess of 1.6km from Epsom town centre, which is the maximum distance most people would be prepared to walk to reach a destination.

21.27 Given the rural nature of the footways and bridleway (and the topography of the surrounding area) , it is considered likely that their use would be limited to recreational walking and not used for commuting, or shopping trips.

21.28 There is an imperative to promote sustainable transport in policy CS16 and in the Framework. Whilst transport is not the sole dimension of sustainable development, minor weight in the planning balance is assigned to the positive, social and environmental effects of the proposed development. Its significant conflict with policy CS16 and para 103 and 108 of the Framework is assigned substantial negative weight in the planning balance

22 Sustainable Design

22.1 Chapter 2 of the NPPF relates to achieving sustainable development. Paragraph 8 of the NPPF sets out that are three strands to achieving sustainable development, including an environmental objective. This is for development to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 22.2 Paragraph 149 of the Framework states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.
- 22.3 Policy CS6 (Sustainability in New Developments) of the Council's LDF Core Strategy (2007) states that the Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development e.g. by using an appropriate layout, building design and orientation; minimise the energy requirements of construction; and encourage the use of renewable energy by the incorporation of production facilities within the design of the scheme.
- 22.4 A 'Sustainability, Energy and Sustainability Document, dated 27 November 2019, accompanies this application. The report provides an assessment of the following areas of sustainability in relation to the development proposal; minimising the energy requirements of construction, waste management, air quality, noise and light pollution, management of water and energy.
- 22.5 Key sustainability measures include:
- Water butts have been identified as a potential means of reducing potable water usage for external irrigation.
 - Key proposed passive design measures include low construction U values, low air-leakage rates and solar control glazing.
 - Energy efficient lighting is proposed throughout.
 - It is proposed for smart meters to be provided by utility supply companies.
 - High efficiency heat generation plant with automatic controls systems will aid in reducing fuel demands.
- 22.6 The proposal is considered to comply with Policy CS5

23 Landscaping

- 23.1 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.

- 23.2 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.

Trees

- 23.3 There are no tree preservation orders relating to the site or to trees on its boundaries.
- 23.4 Vegetation on site is minimal and is limited to ornamental shrub planting adjacent to areas of car parking in the south of the site, plus native vegetation and trees along the south western boundary. The including a native cherry tree and Ash. Additionally along the south western boundary, two large evergreen cypress trees form a dominant feature on the boundary. Beyond the built form on the eastern boundary, native trees and hedgerow planting form the field boundary to the adjacent agricultural land.
- 23.5 To support the application an Arboriculture & Planning Integration Report dated February 2020, has been prepared by Arbortrack Systems Ltd.
- 23.6 Tree protection measures, (Appendix A Proposed Layout & Tree Protection Plan) including ground protection and hoarding around trees would protect the retained trees during construction. Appropriate landscaping and tree management would aid in the long term protection and health of the retained trees.
- 23.7 The report states that 29 trees or groups of trees were surveyed on or near the site. Of these, four are 'B' (moderate quality) category, twenty three are 'C' (low quality) category and two are 'U' unsuitable for retention.
- 23.8 The proposal would require the removal of three trees (35, 39 and 44) and the partial removal of the two groups of low quality trees/hedgerows (G33 and G45). Officers consider that this would be a low and acceptable impact and the new tree planting proposed through the site would prove appropriate mitigation for unavoidable tree losses, which will ensure that the landscape impact of the proposals is viewed positively in the planning balance.

Landscaping

- 23.9 A Landscape and Visual Appraisal has been submitted in support of this application, dated February 2020
- 23.10 The proposal will also result in the retention of the majority of trees and vegetation, with additional planting proposed along the boundaries together with street trees and associated planting. A proposed swale and attenuation basin will also be created along the northern boundary and will be sympathetically graded to tie in with the adjacent sloping landform. The swale and attenuation basin would be planted with wildflower meadow mix suitable for seasonally wet conditions.
- 23.11 Details of Hard and Soft Landscaping are shown on Drawing No 1005 PL01: Legend and Plant Schedule for Hard and Soft General Arrangement Drawings.
- 23.12 Hard Landscaping would comprise inter alia Grey tarmacadam to vehicular roads, tumbled concrete setts as rumble strips at key road transitions, permeable rustic brick paving to parking courtyards - herringbone pattern, red colour, and reclaimed brick paving to residential entrances - stretcher bond, grey colour;
- 23.13 Soft Landscaping would comprise inter alia: Existing trees and vegetation would be retained where possible along the boundaries to retain the character of site. The trees selected for the boundary / buffer would be predominantly deciduous in nature and located to help provide an improvement to habitats and to soften the built edge of the development.
- 23.14 In summary, the proposed landscaping would be of high quality, and would assist in creating a character responsive to the existing farmyard and rural setting. The proposal is therefore compliant with Policy DM5

24 Ecology/Biodiversity

- 24.1 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.
- 24.2 Policy CS3 sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of National and Local biodiversity action plans in terms of species and habitat.

- 24.3 Policy DM4, seeks to ensure that every opportunity should be taken to secure net benefit to the Borough's biodiversity.
- 24.4 A Preliminary Ecological Appraisal and Extended Phase 1 Habitat Survey, dated has been submitted in support of this application.. Following the results of the survey, further protected species surveys were undertaken and an Ecological Impact Assessment was prepared.
- 24.5 The preliminary appraisal sets out that the site contains habitats of value to bats, breeding birds, dormice, reptiles and west European hedgehog. As such, in order to provide the required baseline ecological information for an accurate assessment of these impacts, the following specialist Phase 2 ecology surveys were recommended:
- Reptile presence/absence surveys (all suitable habitats);
 - Bat Emergence surveys and torching of buildings 3, 7, 10 and 11.
- 24.6 The Ecological Impact Assessment confirmed that no bats emerged from buildings 3, 7 10 or 11 during any of the bat emergence survey, indicating that bats are not currently roosting within these buildings. The following species of bat were recorded foraging and commuting across the site during all three of the emergence surveys: common pipistrelle, soprano pipistrelle, noctule, serotine and brown long-eared bat.
- 24.7 A reptile presence/likely absence survey was undertaken in June 2019 as recommended by the Preliminary Ecological Appraisal. No reptiles were found during these surveys, indicating that reptiles are not present on the site and no further mitigation will be necessary.
- 24.8 The report details enhancement measures for the proposed development, including native species buffer, hedgerow and tree planting as well as the creation of seasonally wet wildflower areas. Other enhancements include installation of bat and bird boxes across the site and the provision of hedgehog shelter opportunities.
- 24.9 The EEBC Ecologist has raised no concerns, and should planning permission be granted, the recommendations of the reports conditioned.
- 24.10 The proposal is considered to comply with Policy CS3 and DM4

25 Flood Risk and Drainage

- 25.1 Chapter 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. Paragraph 155 stipulates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraph 163 sets out that when determining any planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 25.2 Policy CS6 out that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development – both new build and conversion. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development (inter alia):
- has no adverse effects on water quality, and helps reduce potential water consumption for example by the use of water conservation and recycling measures and by minimising off-site water discharge by using methods such as sustainable urban drainage; and
 - avoids increasing the risk of, or from, flooding.
- 25.3 The site is located within Flood Zones 1 (low probability of flooding), however the site is located within Flood Zones 2 and 3 (high risk of flooding) in relation to surface water runoff.
- 25.4 Concerns have been raised by residents regarding flood issues in the vicinity of the application site. This has been taken into consideration by Officers in the assessment of this application.
- 25.5 In support of this application, the applicant's consultant, Stantec Ltd., has prepared a Flood Risk Assessment, Sustainable Drainage Systems and Foul Water Strategy, dated 16th January 2020, project number: 41526500_66835. An FRA Addendum, dated 12th January 2021, report reference: 330201703 R1D1 was also submitted.
- 25.6 A SuDS management train has been designed which comprises rainwater interception and re-use, individual house soakaways, permeable paving and a new swale and lateral interceptor drain arrangement. This would ensure that the proposed development would contribute to a reduction in overall surface water flood risk; provide water quality treatment benefits; deliver biodiversity enhancements; and provide amenity benefits for the occupants of the new residential homes.

- 25.7 The Environment Agency's Flood Map for Surface Water indicates that a surface water flow pathway runs through the area for the proposed development. The proposed swale would serve to divert this flow pathway around the new residential homes in order to ensure that they will be safe and to preserve the overall discharge location of the existing surface water flow pathway. A series of check weirs would be included within the swale to slow down, store and treat the quality of the overland flow, and to provide opportunities for biodiversity enhancements.
- 25.8 A formal response from SCC Local Lead Flood Authority was received on 12 January 2020 raising no objections to the proposed drainage scheme. They recommend that suitably worded conditions are applied to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development.
- 25.9 The proposed development is considered to comply with Policy CS6

26 Planning Obligations

Community Infrastructure Levy

- 26.1 The scheme would be CIL liable

S106 Legal Agreement

- 26.2 The developer has agreed to a Section 106 agreement to settle obligations relevant to the application. The agreed obligations are as follows:

- Provision of eight affordable housing units (two 3-bed homes and six two-bed homes).
- Highway Works – confirmation of the Section 278 highways agreement and the associated works (see Drawings (ITL14122-GA-011 Rev B; ITL14122-GA-012 Rev B)

S278 Legal Agreement

- 26.3 Any works within the highway boundary (including alterations to the footway, bridleway and the proposed site access) would need to be secured and approved via a S278 Agreement with SCC Highways

27 Planning Balance and Conclusion

- 27.1 Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. However para 11 (d) footnote 7 , is not engaged as the site falls within the Green Belt (footnote 6)
- 27.2 Officers' assessment concludes that the proposed scheme would be inappropriate development in the Green Belt. This is, by definition, harmful to the Green Belt. It is considered that the nature of the harm that would arise in this regard would result from conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment. Consistent with paragraph 144 of the Framework, substantial weight is attached to this harm.
- 27.3 In addition to the definitional harm caused by the proposal's inappropriateness, the site's unsustainable location in terms of access to services, facilities and public transport, would be substantial in magnitude and significantly weighs against the proposal.
- 27.4 In terms of benefits, significant weight is attached to the proposal's contribution of 20 units (including 8 affordable units) to the Borough's housing supply
- 27.5 Other material factors that weigh in favour of the proposal include moderate economic, environmental and landscaping benefits and limited ecological benefits. Officers overall conclusion, however, is that these benefits do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the appeal proposal. Consequently, very special circumstances do not exist. As such, the proposal would not be sustainable development.

28 Recommendation

28.1 Planning permission is REFUSED on the following grounds:

- (1) The proposed development would constitute inappropriate development in the Green Belt and therefore by definition would be harmful to the Green Belt. The proposal would conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment. The Council is not satisfied that the special circumstances put forward by the applicant are sufficient to outweigh the significant harm caused to this Green Belt site. The proposal therefore conflicts with policy CS2 of the Core Strategy 2007 and paragraphs 133, 134, 144 and 145 of the NPPF 2019**

- (2) The proposed development is located within the Green Belt and it is without good public transport links. If the development is permitted, it would encourage journeys that would be heavily reliant on private transport. This would not comply with Policy CS16 of the Core Strategy 2007, and paragraphs 102 and 108 of the NPPF 2019**
- (3) 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 CS2 and CS16 of the Core Strategy 2007**
- (4) 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 eight 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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Ward:	Ruxley Ward
Site:	36, 38 & 40 Rowden Road, West Ewell, Surrey, KT19 9PW
Application for:	Demolition of Nos 36, 38 & 40 Rowden Road, and garage block at Crane Court; and the erection of 12no new dwellings (including 8no 1 bedroom flats, 2no 2 bedroom flats, and 2no 3 bedroom houses); including associated landscaping, access and parking
Contact Officer:	Ginny Johnson

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: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=makeComment&keyVal=Q21R7LGYGNL00>

2 Summary

- 2.1 The proposal seeks the demolition of three dwellings and a garage block and the erection of two houses and ten flats, with associated parking, landscape and private amenity space. The proposal is an entirely social housing scheme.
- 2.2 The loss of the garages is considered acceptable in this case. 10 of the 24 garages are let and the remaining 14 are vacant. Survey results demonstrate that there is capacity within the surrounding roads to accommodate any displaced garage users, as a result of the proposed development. SCC Highways has no objection to the proposal, subject to conditions being attached to any planning permission granted.
- 2.3 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.
- 2.4 Under the Standard Methodology, Epsom and Ewell Borough Council's housing need figure is confirmed as 579 units per annum. This then rises to 695 per annum, due to the measures imposed by the Housing Delivery Test, for under delivery in recent years. Currently, the Local Planning Authority cannot demonstrate a five-year supply of housing land. The evidence shows that the Borough has a significant lack of housing land supply that is available, developable and deliverable.
- 2.5 In considering the facts of this proposal, the scheme benefits are considered to comprise:
- Provision of 12 social housing dwellings, helping to address the Council's housing shortfall

- Ecological enhancements
- Employment generation, during the scheme's construction phase.

- 2.6 The adverse impacts are considered wide ranging in this case, specifically in relation to the design and impact of the proposed block of flats.
- 2.7 The three terraced houses proposed to be demolished, form part of a terrace of four. The demolition of the three terraces would result in uneven break in the original terrace and street pattern, leaving 34 Rowden Road as a loose fragment. The proposed block of flats, by virtue of its height, mass, bulk and design, would be at odds with no. 34, left as an awkward, disjointed remaining end of terrace house.
- 2.8 The proposed block of flats comprise a rectangular shaped building, with poor design features, including (but not limited to) attached balconies, supported from the ground by a scaffolder structure. The proposed material and fenestration pattern proposed would relate poorly to the established environment, with larger windows and expansive flat faces of brick and zinc, contrasting to the modest scale of detail, fenestration and roof form of existing houses.
- 2.9 The height, width, mass and poor design of the proposed block of flats also adversely impacts the visual amenity of the immediate street scene. It would stand out unsympathetically in local street views, contrasting with the established two-storey dwellings, with pitched roofs.
- 2.10 As a result of its excessive height, width, mass and poor design features, the proposed block of flats would harm the neighbouring amenity enjoyed at 34 Rowden Road and 42 Rowden Road, by means of overbearing and loss of outlook. The proposed balconies to the rear of the proposed block of flats give rise to issues of overlooking and loss of privacy at these neighbouring dwellings.
- 2.11 Issues of overlooking into the rear gardens of 14 and 16 Bourne Way are raised as a result of the proposed balconies on the rear elevation of the proposed block of flats.
- 2.12 Officers acknowledge that there is very limited vegetation within the Site at present, given that it comprises built development and hardstanding. This proposal seeks to maximise built form and hardstanding, leaving limited room and scope for considered tree planting and landscaping. This results in a scheme that fails to integrate the landscape and the buildings.
- 2.13 In considering the planning balance, the adverse impacts of this development are considered to outweigh the benefits in this case, when considering the Framework as a whole. Officers recommend this application for refusal.

3 Site description

- 3.1 The Application Site ('Site') measures approximately 0.17 hectares in size and comprises three dwellings, 24 single-storey garages and hard standing. It is located to the south of Rowden Road and to the north of Crane Court and Hogsmill Way.
- 3.2 The three dwellings include 36, 38 and 40 Rowden Road. These are two-storeys in height and form part of a terrace of four dwellings. These are set back from Rowden Road by driveways.
- 3.3 The 24 garages are located within an area of hardstanding, to the south of the three dwellings. These are accessed off Crane Court, which is an access road off Hogsmill Way.

- 3.4 To the north of the Site is a Youth Centre. Typically, however, the Site's surrounding area is residential in character, comprising two-storey terraced houses, with similar designs, and 1960s three-storey flatted developments.
- 3.5 The Site is well located to support sustainable development with a number of services within walking/cycling distance. The nearest bus stop is located directly opposite Crane Court, approximately 10m to the south on Hogsmill Road, allowing for access to destinations including Epsom, Kingston and North Cheam on a regular basis, on both weekdays and weekends. Tolworth Railway Station is located approximately 1km north of the site, facilitating services to London Waterloo, Wimbledon, Earlsfield and Clapham Junction frequently during peak hours.
- 3.6 The Site is not listed, nor does it fall within a Conservation Area.
- 3.7 The Site is in Flood Zone 1 (low probability of flooding) and partly within a Critical Drainage Area.

4 Proposal

- 4.1 This application seeks full planning permission for the demolition of three dwellings and a garage block and the erection of two three-bedroom houses, eight one-bedroom flats and two two-bedroom flats, with associated parking, landscape and private amenity space.
- 4.2 Details of the proposal are provided below:
- The proposed flatted block measures approximately 8.8 metres in height, 17 metres in depth and 21.2 metres in width
 - The proposed houses measure approximately 9.6 metres in height, 8.7 metres in depth and 11.5 metres in width. These benefit from rear gardens, measuring approximately 10.1 metres in length.
- 4.3 Vehicular access to the Site is proposed via the existing access from Hogsmill Way. This road provides access to the Site for vehicles and pedestrians.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 43 neighbouring properties. 65 letters of objection have been received regarding:
- Design
 - Density
 - Loss of sunlight
 - Adverse impact on neighbouring amenity
 - Traffic/parking implications
 - Noise and disturbance
 - Refuse and waste
 - Security

- 5.2 A Site Notice was displayed and the application advertised in the local paper.

6 Consultations

- Surrey County Council (Highways) (06.04.2020): no objection, subject to conditions
- Thames Water (31.12.2019): no objection
- Surrey County Council (Archaeology) (16.01.2020): no objection
- Fire & Rescue: compliance with Fire Safety Order
- EEBC Ecology: no objection, recommend Conditions

- EEBC Tree Officer: no response received
- SCC LLFA (08.01.2020): objection
- Environment Agency (01.12.2020): no objection

7 Relevant planning history

7.1 There is no recent or relevant planning history pertaining to the Site.

8 Planning Policy

National Planning Policy Framework 2019

Chapter 5	Delivering a sufficient amount of homes
Chapter 9	Promoting sustainable transport
Chapter 11	Making effective use of land
Chapter 12	Achieving well-designed places
Chapter 15	Conserving and enhancing the natural environment

Core Strategy 2007

Policy CS3	Biodiversity and Designated Nature Conservation Areas
Policy CS5	Conserving and Enhancing the Quality of the Built Environment
Policy CS6	Sustainability in New Developments
Policy CS8	Broad Location of Housing Development
Policy CS9	Affordable Housing and meeting Housing Needs
Policy CS16	Managing Transport and Travel

Development Management Policies Document 2015

Policy DM4	Biodiversity and New Development
Policy DM5	Trees and landscape
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM12	Housing Standards
Policy DM21	Meeting Local Housing Needs
Policy DM22	Housing Mix
Policy DM35	Transport and new Development
Policy DM36	Sustainable Transport for New Development
Policy DM37	Parking Standards

Parking Standards for Residential Development Supplementary Planning Document (2015)

9 Planning considerations

Principle of development

Design

Quality of Accommodation

Neighbouring Amenity

Highways and car parking

Trees and landscaping

Ecology

Flood Risk and Drainage

Presumption in favour of sustainable development

10 Principle of development

- 10.1 Policy CS8 directs new housing development to the defined “Built Up Area” of Epsom and Ewell. Emphasis is given on the re-use of suitably previously developed land for housing. Subject to other policies, planning permission will be given for development within the Built Up Areas, including infilling, redevelopment and conversion.
- 10.2 The Site currently comprises residential properties and garages. The Site is located within the Built Up Area of Epsom & Ewell, considered appropriate for residential development, in line with local planning policy. The Site’s surrounding area is typically residential in character, comprising two-storey terraced houses and three-storey flatted developments. This Site is therefore considered appropriate for residential redevelopment, subject to the acceptable loss of the garages and other material considerations.
- 10.3 A Parking Technical Note accompanies this application, providing information regarding the garages located on the Site and the highway capacity. The Note explains that 10 of the 24 garages are let (although not necessarily occupied by cars), with the other 14 garages being vacant. Survey results demonstrate that the roads within 200m of the Site have available capacity during peak hours to accommodate any displaced garage users as a result of the proposed development, with a minimum available capacity of 77 spaces. In the event of no available spaces on Crane Court, all parking can suitably be accommodated within the local road network. SCC Highways considered this application, formally responding on 06.04.2020, with no objection, recommending conditions, should planning permission be granted.
- 10.4 The loss of the garages at the Site is in this case considered acceptable, subject to planning conditions being attached to any planning permission granted.

11 Design

- 11.1 Policy CS5 sets out that high quality and inclusive design will be required for all developments. Developments should (inter alia) create attractive, functional and safe environments, reinforce local distinctiveness and complement the attractive characteristics of the Borough and make efficient use of land.
- 11.2 Policy DM9 sets out that the Council will seek enhancement of the townscape through new development, particularly those areas with poorer environmental quality and where the character has been eroded or needs improving. Planning permission will be granted for proposals which make a positive contribution to the Borough’s visual character or and appearance.
- 11.3 Concerns have been raised by neighbours regarding the proposed height, mass and bulk of the block of flats and its visual impact on its surroundings. This has been taken into consideration within the assessment of this application.
- 11.4 The accompanying Design and Access Statement (DAS) sets out that the proposed site layout has been carefully considered, taking influence from the position of the established surrounding properties, to preserve the character of the site and its contribution within the local area.
- 11.5 The DAS sets out that the scale of the proposed development is consistent with the immediate surroundings, with a modern architectural aesthetic, designed to complement the range of existing building styles in the vicinity. Proposed materials include:
- Cream stock brick
 - Pigmento brown zinc cladding

- Aluminium framed door and window sets to match zinc cladding
 - Galvanised steel balconies
 - Anthracite uPVC rainwater goods
- 11.6 The accompanying Planning Policy Statement sets out that the proposed block of flats has been designed with the main ridge and eaves heights reflecting that of the immediately adjoining dwellings. The proposed second storey is set back from the ridge line to create subordination. This prevents the building appearing too dominant within the street scene, but allows additional accommodation to be provided.
- 11.7 An informal meeting was held with the Applicant on 09.12.2020, to discuss the proposal. Following the meeting, an email was received by the Applicant's architect (17.12.2020), providing further design rationale for the proposal. The architect sets out that an important factor to note is that the existing dwellings, identified for removal suffer from subsidence. Concerning the scale of the proposed block of flats, the architect clarified that the aim of the design on the front elevation, is to provide some degree of symmetry, which reflects that found at the neighbouring terrace of dwellings, to the north.

Design and Conservation Officer comments

- 11.8 The Local Planning Authority's Design and Conservation Officer formally commented on this application, with an objection, which is summarised below.
- 11.9 The Site faces onto Rowden Road and Crane Court, which is a predominantly residential area, consisting of housing dating from the 1930s to 1960s. Housing adjacent to the Site are two-storeys in height, well set back from the street, resulting in a very low density housing environment.
- 11.10 The proposed block of flats facing onto Rowden Road requires the demolition of three houses in a terrace of four. This terrace is one of many in the local estate from its earliest phase and to a design that still dominates the environment with the best of the frontages. The proposal would result in an uneven break of the street pattern and leaves the house at the end of the terrace as a loose fragment.
- 11.11 The proposed new block of flats are bulky, as well as being an additional storey in height (in comparison to surrounding properties), which would relate poorly to nearby terraces (which comprise the same design), especially the remaining property of this terrace, which would no longer relate so well to the streetscape of Rowden Road. The design of the proposed flats also contrasts brutally with the rest of the street, being rectangular, bulky and with external attached balconies, which are supported from the ground like a scaffolder structure, rather than engaging with the body of the building.
- 11.12 The use of material and fenestration pattern (of the proposed block of flats) relate poorly to the environment. The large windows, with expansive flat faces of brick and zinc are totally out of proportion with the modest scale of detail, fenestration and roof form of the existing houses.
- 11.13 The proposals for the houses within Crane Court are more responsive to the local townscape, except that in this small court with just two houses, there will be car parking spaces.

- 11.14 There is a lot of car parking spaces proposed, including on the front forecourt of the proposed blocks of flats. This is in a street where there are a considerable number of generously sized front gardens, with fences or hedges on the boundary, retaining some of the Garden City influence that has some effect on the character of the streets. Although some of these have been lost, wider banks of parking should be avoided in front forecourts, where possible.
- 11.15 In conclusion, the LPA's Design and Conservation Officer sets out that as a single proposal that affects part of a terrace, this would be a clumsy and disruptive intervention in the streetscape. It might be marginally improved by including the end of terrace house. But, such a development, even were it of exceptional high quality design, would stand out unsympathetically in local street views. With an area of such consistent residential character, such a dramatic intervention should only be considered in the context of a wider redevelopment.

Officer assessment

- 11.16 The Applicant engaged in formal pre-application discussions with the Local Planning Authority. Whilst ordinarily pre-application discussions are confidential, in this case, the Applicant has included the pre-application response as part of this application's submission documentation. As such, the following two paragraphs summarise the advice given by Officers, at the time:
- i. Officers set out that a flatted development in this location may be acceptable, subject to appropriate heights, high quality design and the retention of the existing building line. Development should respect the character of the area and draw its material inspiration from the surrounding context.
 - ii. In respect of heights, the pre-application advice encouraged the Applicant to undertake a full assessment of a three storey flatted scheme, but, which should have no adverse impact on neighbouring amenity.
- 11.17 When considering this application, at this time, Officers acknowledge that the existing garages and associated hard standing detract from the appearance of the area. There are no listed buildings on the Site and it does not fall within a Conservation Area. As such, the Site does present an opportunity for appropriate redevelopment. This application seeks the provision of social housing, which is a material consideration that Officers give significant weight.
- 11.18 The three terraced houses proposed to be demolished, form part of a terrace of four. Officers agree with the LPA's Design and Conservation Officer that the demolition of the three terraces would result in uneven break in the original terrace and street pattern, leaving 34 Rowden Road as a loose fragment. The proposed block of flats, by virtue of its height, mass, bulk and design, would be at odds with no. 34, left as an awkward, disjointed remaining end of terrace house.
- 11.19 Turning to the design of the proposed block of flats, Officers agree with the LPA's Design and Conservation Officer's comments. The block of flats is considered excessive in height, mass and bulk, relating poorly to adjacent two-storey terraces, with pitched roofs. The flats comprise a rectangular shaped building, with poor design features, including (but not limited to) attached balconies, supported from the ground by a scaffolder structure. The proposed material and fenestration pattern proposed would relate poorly to the established environment, with larger windows and expansive flat faces of brick and zinc, contrasting to the modest scale of detail, fenestration and roof form of existing houses.

- 11.20 It is recognised that the Site's surrounding area does provide a degree of variation, but the impact of this proposal on the character of adjacent terraces and the immediate street scene is considered harmful. Whilst explored later within this report, the height, depth and width of the block of flats also adversely impacts neighbouring amenity.
- 11.21 In this case, the harm (or adverse impacts) of the proposal are weighed against the public benefits. In considering the facts of this proposal, the scheme benefits are considered to comprise:
- Provision of 12 social housing dwellings, helping to address the Council's housing shortfall
 - Employment generation, during the scheme's construction phase.
- 11.22 Officers must balance the harm caused by this proposal, against the benefits. The adverse impacts are considered wide ranging in this case, specifically in relation to the design and impact of the proposed block of flats. The adverse impacts relating to design and summarised in the below three paragraphs.
- 11.23 The three terraced houses proposed to be demolished, form part of a terrace of four. The demolition of the three terraces would result in uneven break in the original terrace and street pattern, leaving 34 Rowden Road as a loose fragment. The proposed block of flats, by virtue of its height, mass, bulk and design, would be at odds with no. 34, left as an awkward, disjointed remaining end of terrace house.
- 11.24 The proposed block of flats comprise a rectangular shaped building, with poor design features, including (but not limited to) attached balconies, supported from the ground by a scaffolder structure. The proposed material and fenestration pattern proposed would relate poorly to the established environment, with larger windows and expansive flat faces of brick and zinc, contrasting to the modest scale of detail, fenestration and roof form of existing houses.
- 11.25 The height, width, mass and poor design of the proposed block of flats adversely impacts the visual amenity of the immediate street scene. It would stand out unsympathetically in local street views, contrasting with the established two-storey dwellings, with pitched roofs.
- 11.26 Drawing these together, the harm caused is in this case considered to outweigh the scheme benefits, when assessed against the NPPF as a whole. The proposal fails to comply with policies CS5 or DM9.

12 Quality of accommodation

- 12.1 The Nationally Described Space Standards (March 2015) sets out internal space standards for new dwellings.
- 12.2 The Standard requires that:
- In order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide
 - In order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5m²
- 12.3 The proposed units would accord with Nationally Described Space Standards.

Housing mix

12.4 Policy DM22 sets out that planning permission will be granted for new residential development proposals that incorporate a mix of dwelling sizes and tenures that meet identified local needs. In order to meet this objective, all residential proposals for four or more units should comprise a minimum of 25% three bedroom, or more, units. Exceptions will be considered where it can be demonstrated that such a mix would be inappropriate to the location or endanger the viability of the proposal.

12.5 The proposals comprise a mix of unit sizes with one and two-bedroom flats within the flatted block and three-bedroom dwellings proposed to the rear of the Site. The specific mix is as below:

- 2 x 3 bedroom house (5 person)
- 8 x 1 bedroom flats (2 person)
- 2 x 2 bedroom flats (3 person).

12.6 Officers are satisfied that the proposal provides an appropriate housing mix.

Private amenity space

12.7 For houses a minimum total private outdoor space of 70m² for 3 or more beds and 40m² for 2 beds shall be provided. A minimum depth of 10m of domestic rear garden space shall be sought.

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

12.9 All proposed flats benefit from private amenity balconies and communal landscaped spaces.

12.10 The rear gardens of the proposed houses measure 10.1 metres in length, according with local planning policy requirements.

12.11 Officers are satisfied that the proposal provides sufficient private amenity space.

13 Neighbouring Amenity

13.1 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. In assessing this, the following will be considered:

- compatibility with local character and the relationship to the existing townscape and wider landscape;
- the surrounding historic and natural environment;
- the setting of the proposal site and its connection to its surroundings; and the inclusion of locally distinctive features and use of appropriate materials.

13.2 Policy DM10 sets out that development proposals will be required to incorporate principles of good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or area which should be respected, maintained or enhanced include, but are not limited, to the following:

- prevailing development typology, including housing types and sizes;
- prevailing density of the surrounding area;
- scale, layout, height, form (including roof forms), massing;
- plot width and format which includes spaces between buildings;

- building line; and
- typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.

13.3 Concerns have been received from nearby residents regarding the impact of the proposed development on neighbouring amenity. Concerns have been taken into consideration by Officers within this assessment.

13.4 The proposed flatted block measures approximately 8.8 metres in height, 17 metres in depth and 21.2 metres in width.

13.5 The proposed houses measure approximately 9.6 metres in height, 8.7 metres in depth and 11.5 metres in width. These benefit from rear gardens, measuring approximately 10.1 metres in length.

13.6 Approximate separation distances are as follows:

Neighbouring property	Separation distance (approximate) (m)
34 Rowden Road	2.4
42 Rowden Road	2.3
16 Bourne Way	20.2
14 Bourne Way	23.6
8 and 10 Bourne way	28.9
49 and 51 Hogsmill Way	26.6
6 Crane Court	15.6
7 Crane Court	25.2 (to proposed houses) 27.9 (to proposed block of flats)

13.7 The side elevation of 34 Rowden Road is located approximately 2.4 metres from the proposed block of flats. The proposed block of flats step-in on the eastern side elevation and has a set-back on the top floor. However, the height and positioning of the block of flats is considered to have an unacceptable impact on the neighbouring amenity enjoyed at 34 Rowden Road, by means of overbearing and loss of outlook. Furthermore, a balcony is proposed on the rear elevation of the proposed block of flats, which could raise issues of overlooking and loss of privacy at 34 Rowden Road.

13.8 The side elevation of 42 Rowden Road is located approximately 2.3 metres from the proposed block of flats. Whilst the block of flats has been designed with a set-back top storey, the western elevation of the building does not step-in, providing no relief to 42 Rowden Road. The height and positioning of the block of flats is considered to have an unacceptable impact on the neighbouring amenity enjoyed at 42 Rowden Road, by means of overbearing and loss of outlook. Furthermore, a balcony is proposed at the rear elevation of the proposed block of flats, which could raise issues of overlooking at loss of privacy at 42 Rowden Road.

- 13.9 14 and 16 Bourne Way are positioned approximately 20 metres from the proposed block of flats. The block of flats comprise balconies on its rear elevation, which give rise to issues of overlooking into the rear gardens of both of these properties, given the modest depth of the rear gardens at these properties.
- 13.10 Both 8 and 10 Bourne Way are considered to be adequately separated from the proposed two dwellings, given the proposed height, width and depth, to ensure no adverse impact on the neighbouring amenity enjoyed at 8 and 10 Bourne Way.
- 13.11 Both 49 and 51 Hogsmill Way are considered to be adequately separated from the proposed two dwellings, given the proposed height, width and depth, to ensure no adverse impact on the neighbouring amenity enjoyed at 49 and 51 Hogsmill Way.
- 13.12 6 Crane Court is considered to be adequately separated from the proposed two dwellings, given the proposed height, width and depth, to ensure no adverse impact on the neighbouring amenity enjoyed at this property.
- 13.13 7 Crane Court is considered to be adequately separated from the proposed two dwellings and block of flats, to ensure no adverse impact on the neighbouring amenity enjoyed at this property.

Summary

- 13.14 By means of its height, mass, bulk and positioning within the Site, the proposal block of flats is considered to adversely impact the neighbouring amenity enjoyed at 34 and 42 Rowden Road and 14 and 16 Bourne Way, failing to comply with Policies DM9 and DM10.

14 Highways and car parking

- 14.1 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 should be appropriate for the highways network in terms of the volume and nature of traffic generated, provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. Furthermore, development proposals must ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, not materially increase other traffic problems.
- 14.2 Policy DM36 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.
- 14.3 Concerns have been raised by neighbours regarding the proposed car parking and potential overspill into surrounding roads. This has been taken into consideration by Officers, within this assessment.
- 14.4 A Transport Assessment accompanies this application. The following paragraphs summarise the information contained within this Statement. A further Parking Technical Note was submitted with this application in response to comments received from SCC Highways. This is discussed later within this Report.
- 14.5 The Transport Assessment sets out that the Site is well located to support sustainable development, with a number of services within walking/cycling distance. The nearest bus stop is located directly opposite Crane Court, approximately 10m to the south on Hogsmill Road, allowing for access to destinations such as Epsom, Kingston and North Cheam on a regular basis on both weekdays and weekends. Tolworth Railway Station is located 1km north of the site, facilitating services to London Waterloo, Wimbledon, Earlsfield and Clapham Junction frequently during peak hours.

- 14.6 The Transport Statement sets out that the garages are owned privately by Rosebury Housing Association, but due to size and design, are not able to facilitate parking and thus are used for storage only. The Transport Statement therefore sets out the development of the Site will not result in a loss of car parking spaces. An email from the architect on 01.04.2020 provided information regarding the existing use of the garages, stating that 10 are occupied. Of the 10 occupied garages, eight occupants are residents of West Ewell and two are residents further afield in Epsom.

Access

- 14.7 The Transport Assessment sets out that pedestrians will be able to access the proposed flats from Rowden Road. Existing driveways would be revised, to provide 4 vehicular car parking spaces to serve the development, accessed via a dropped kerb.
- 14.8 To the south, the existing arrangement onto Crane Court would remain. This access has a radius of 9 metres to the east and 6 metres to the west of the junction, with a road width of 6 metres. These dimensions allow for two way vehicle movement into Crane Court.

Car parking spaces

- 14.9 The Transport Statement sets out that 17 unallocated car parking spaces are proposed to serve the development. The Parking Standards SPD identifies that the requirement for the proposal would be:
- 1 & 2 bedroom flats: 1 space per unit (outside Epsom Town Centre) x 10 units = 10 spaces
 - 3 bedroom houses: 2 spaces per unit (outside Epsom Town Centre) x 2 houses = 4 spaces
 - The total requirement for the proposal in line with the Parking SPD would be 14 spaces.
- 14.10 The Transport Assessment acknowledged that the proposal overprovides on car parking, by 3 spaces. This allows for visitors, to prevent overflow parking onto the local highway network. It is proposed that 4 of these spaces would front onto Rowden Road, whilst the remaining 13 would be positioned within a parking court on Crane Court.
- 14.11 4 cycle spaces are proposed for the two proposed dwellings and 10 cycle are proposed for the block of flats, to meet the requirements of Surrey County Council (SCC) Vehicular and Cycle Parking Guidance (January 2018).
- 14.12 The Local Planning Authority's Planning Policy formally commented on this application. The response states that 17 car parking spaces is excessive and at odds with policy CS16, which encourages proposals that facilitate a shift of emphasis to non-car modes as a means of access to services and facilities. As such, the level of car parking should be reduced.
- 14.13 The excess car parking spaces could be used for biodiversity enhancements, as per the recommendation of the Ecological Appraisal.
- 14.14 In an email dated 17.12.2020, the Applicant's architect sets out that the parking policy and standards are provided as a minimum and do not take into consideration visitor's parking. It is the Applicant's view that the proposed parking provision is suitable.

Servicing arrangements

- 14.15 The Transport Assessment sets out that servicing will take place internally within the Site, in order to reduce the impact on the local road network. A bin store will be provided to the west of the development to the rear of the flats, to allow for refuse collection.
- 14.16 Tracking of a refuse vehicle is attached as Appendix C within the Transport Assessment, which demonstrates that a refuse vehicle is able to enter the site, turn and exit in forward gear, whilst being within 10m of the bin store, in line with Manual for Streets (MfS) guidance for 1,100L Eurobins.
- 14.17 Fire tender vehicles are able to enter the Site, turn and exit in a forward gear to get within 45m of all dwellings, in accordance with Building Regulations Part M.
- 14.18 In response to the above, the Local Planning Authority's Waste Team formally commented on this application, with the following questions:
- How is the combined bin/cycle store compartmentalised/controlled to ensure that bins are accessible to both residents and collectors, and not compromised by parked cycles?
 - The turning dimensions for a refuse vehicle look very tight. The Council's guidance document requests a roadway at least 5m wide. The vehicle dimensions in the Transport Statement do not conform to the required dimensions of Local Planning Authority's vehicles.
- 14.19 Surrey County Council Fire & Rescue formally commented on this application. The application has been examined by a Fire Safety Inspecting Officer and it demonstrates compliance with the Fire Safety Order in respect of means of warning and escape, in case of fire.

Trip generation

- 14.20 The Transport Assessment sets out that the proposal is anticipated to generate one additional trip in the AM peak, 2 additional trips in the PM peak and 16 additional trips over a 2 hour period when compared to the existing situation. The proposed development is therefore anticipated to have a negligible impact the surrounding road network, given that the proposals are anticipated to result in the addition of circa one trip an hour over a 12 hour period.

SCC Highways

- 14.21 In its initial response, dated 15.01.2020, SCC Highways requested that the Applicant justified the loss of the garage parking area. Following a site visit, SCC Highways set out that local residents do use the Site for parking, with vehicles observed parking along the entire length of Crane Court. What was not clear was how many garages were occupied by vehicles. No information was originally provided on how many residents use this area for parking or how many are entitled to use the garages. A survey to show the current use was requested. Any shortfall should be accommodated within the new layout plan. In particular, the residents currently parking along the access road would likely block access for delivery, refuse and emergency vehicles. The Applicant was requested to address this.
- 14.22 In response to the above, the Applicant prepared a Parking Technical Note, dated February 2020. Information obtained suggests that only 10 of the 24 garages are let (although not necessarily occupied by cars), with the remaining 14 vacant.

- 14.23 The Parking Technical Note sets out that survey results demonstrate that the roads within 200m of the Site have available capacity during peak hours to accommodate any displaced garage users as a result of the proposed development, with a minimum available capacity of 77 spaces. Even without any available spaces on Crane Court, all parking can suitably be accommodated within the local road network.
- 14.24 The Parking Technical Note sets out that the service road is private land and therefore the applicant would manage the parking, either through the implementation of private parking enforcement or alternative methods, ensuring access is achievable at all times for servicing and emergency vehicles.
- 14.25 An email from the Applicant's architect, dated 01.04.2020 provided further information regarding management, setting out that the development would be managed directly by Rosebery and it is proposed that signage would be installed confirming that the proposed spaces are for residents only. This would be monitored and should persistent issues arise whereby this is not adhered to, enforcement would be considered.
- 14.26 SCC Highways reviewed the updated information provided by the applicant and confirmed in its response, dated 06.04.2020, no objections, subject to conditions and informatives, should planning permission be granted.

Officer comments

- 14.27 Both SCC Highways and SCC Fire and Rescue have formally reviewed this application. SCC Highways has no objections, subject to conditions and informatives, should planning permission be granted. Surrey County Council Fire & Rescue confirmed that the application has been examined by a Fire Safety Inspecting Officer and it demonstrates compliance with the Fire Safety Order, in respect of means of warning and escape, in case of fire.
- 14.28 The Local Planning Authority's Waste Team raise issued regarding how the combined bin and cycle store would be managed, to ensure accessibility to both residents and collectors. Furthermore, the Waste Team indicated that the turning dimensions for a refuse vehicle look tight and that the proposed vehicle dimensions (confirmed in the Transport Assessment) do not conform to the required dimensions of the Local Planning Authority's vehicles.
- 14.29 Policy DM37 requires proposals to demonstrate that they provide an appropriate level of off-street parking to avoid an unacceptable impact on the on-street parking conditions and local traffic conditions. The policy links to relevant standards set out in the Parking Standards for Residential Development SPD. Applying the SPD methodology, the proposal would give rise to a requirement for 14 parking spaces. The scheme would provide a total of 17 spaces, which is an overprovision, but the standards are couched as minimums and therefore the proposal does not in itself give rise to conflict with Policy DM37. There is no substantive evidence to demonstrate that the provision of additional spaces over and above the minimum requirement would have an unacceptable impact on local on-street parking or traffic conditions. The lack of objection from the Highway Authority supports this.
- 14.30 The proposal is considered to comply with Policy DM37.

15 Trees and landscaping

- 15.1 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.
- 15.2 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.
- 15.3 The Local Planning Authority's Tree Officer has not provided a formal comment on this application. Therefore, Officers have used their professional judgement when assessing trees and landscaping.
- 15.4 Officers acknowledge that there is very limited vegetation within the Site at present, given that it comprises built development and hardstanding. This proposal seeks to maximise built form and hardstanding, leaving limited room and scope for considered tree planting and landscaping. This results in a scheme that fails to integrate the landscape and the buildings, weighing negatively within the planning balance.
- 15.5 The proposal is not considered to comply with Policy DM5 of the Development Management Document (2015).

16 Ecology

- 16.1 Policy CS3 sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which 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.
- 16.2 Policy DM4 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.
- 16.3 An Ecological Appraisal, dated September 2019, accompanies this application. It sets out that:
- No adverse impacts on wildlife designated sites is likely, providing a CEMP is prepared for the site clearance and construction phases of the project
 - Trees which will be removed are recommended to be replaced on a like-for-like basis.
 - Further survey for bats - one dusk emergence survey for B36 and B40
 - The oak tree (TN1) should be soft-felled, as removal is necessary
 - Vegetation clearance is recommended outside of the nesting bird season (clearance possible October to February inclusive). If this is not possible, an ECoW should perform a nesting bird check within 48 hours prior to clearance
 - Any holes or trenches to be covered over at night or else a ready escape route provided; and

- Brash piles should be removed from May to September to avoid disturbing hibernating hedgehogs.
- 16.4 Enhancements including locally native landscape planting, bat and bird boxes (as well as other considerations) have been recommended. A net gain in biodiversity is readily achievable for the site.
- 16.5 A Bat Emergency Survey Report accompanies this application. It sets out:
- Six species of bat were returned from the biological records centres within a 2 km radius of the Site
 - No emerging bats were recorded during the dusk emergence survey of buildings B36 and B40. Therefore, roosting bats are considered likely absent from these buildings and they may be demolished without further survey or licensing (in line with timings as recommended in the ecological appraisal)
 - The other buildings on site were assessed as having negligible suitability for roosting bats
 - The oak tree was assessed as having low suitability for roosting bats and should be removed using soft-felling techniques
 - An ecologist should be consulted if demolition works do not proceed by May 2020
 - If bats or evidence of bats is found prior to or during works, demolition works must cease and an ecologist consulted
 - Low levels of foraging activity of a common species of bat (common pipistrelle) were recorded in the rear garden of B40, with occasional passes of soprano pipistrelle and noctule
 - Bat boxes are recommended to be erected on new buildings, along with a bat-friendly lighting strategy
 - To enhance habitat for commuting and foraging bats, the use of green boundaries and green planting of native species should be considered
 - A hedgehog was also observed during the bat survey; the ecological appraisal contains recommendations in relation to this species.
- 16.6 The LPA's Ecologist has reviewed this application and confirmed no objection, subject to ensuring that the suggested enhancements of the reports are captured within a Condition, should planning permission be granted.
- 16.7 Officers raise concern that the hardstanding sought for the proposed car parking provision limits the quantity and quality of trees and landscaping, which in turn impacts the ecological enhancements that could be delivered on Site. But, the LPA's Ecologist confirms that ecological enhancements can be captured within a Condition, which weighs as a positive minor benefit.
- 16.8 The proposal is considered to comply with policies CS3 and DM4.

17 Flood risk and drainage

- 17.1 Policy DM19 set out that development within Flood Zones 2 & 3 or on sites of 1ha or greater in Zone 1 and sites at medium or high risk from other sources of flooding, will not be supported unless:
- In fluvial flood risk areas, the sequential and exception tests have been applied and passed and it is a form of development compatible with the level of risk; and
 - For all sources of risk, it can be demonstrated through a site FRA that the proposal would, where practicable, reduce risk both to and from the development or at least be risk neutral; and
 - Where risks are identified through an FRA, flood resilient and resistant design and appropriate mitigation and adaptation can be implemented so that the level of risk is reduced to acceptable levels.

- 17.2 A small part of the Site, at the existing driveway, is understood to within a Critical Drainage Area. This is a technical issue, requiring a suitable drainage scheme.
- 17.3 A Drainage Statement is submitted with this application. It provides a strategy for site & surface water drainage and foul drainage.
- 17.4 Surrey County Council Local Lead Flood Authority (LLFA) formally commented on this application and sets out that it is not satisfied with the proposed drainage scheme. The response sets out:
- The Applicant states that the Site is underlain by London Clay, but no evidence has been provided. The guidance documents sets out that soakaway test results should be completed to accompany both full and outline planning applications. If intrusive investigations cannot be completed to accompany the application the Applicant should provide robust justification and evidence
 - A surface water discharge rate of 2 litres/sec is proposed from the Application Site. 2 litres/sec is not considered a practicable minimum discharge rate based on the risk of blockage. Many low flow control devices are available on the market to enable very low discharge rates to be achieved. This is particularly relevant for drainage strategies where the majority of surface water is proposed to discharge through a lined permeable paving system which prevents the risk of blockage from larger debris.
- 17.5 The response sets out that in the event that planning permission is granted, suitably worded conditions should be applied to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development.
- 17.1 Thames Water formally commented on this application and sets out:
- with regard to surface water, if the developer follows the sequential approach to the disposal of surface water it would have no objection; and
 - With regard to waste water network and sewage treatment works infrastructure capacity, it would not have any objection.
- 17.2 The Environment Agency (EA) formally commented on this application confirming that the EA do not comment on critical drainage areas. It notes that the application is proposing a soakaway for surface water drainage. There is an existing surface water system serving this area (with the Hogsmill and a tributary nearby), so, the EA would recommend the surface flows to go to river. The site is on clay, so the efficacy of a soakaway may be limited, but this would be for the Lead Local flood Authority to determine. It would expect usual protection of the surface water network from potential pollution from sources such as car parking on the new development.
- 17.3 Subject to the imposition of suitable conditions, should planning permission be granted, the proposal is considered to comply with policy DM19.

18 Presumption in favour of sustainable development

- 18.1 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.

- 18.2 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 of the 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 the policies of the NPPF (paragraph 213). The NPPF is therefore an important material consideration that may over-ride Development Plan policies that were adopted prior to the publication of the NPPF and which are not consistent with it.
- 18.3 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.
- 18.4 Under the Standard Methodology, Epsom and Ewell Borough Council's housing need figure is confirmed as 579 units per annum. This then rises to 695 per annum, due to the measures imposed by the Housing Delivery Test, for under delivery in recent years. Currently, the Local Planning Authority cannot demonstrate a five-year supply of housing land. The evidence shows that the Borough has a significant lack of housing land supply that is available, developable and deliverable.
- 18.5 In considering the facts of this proposal, the scheme benefits are considered to comprise:
- Provision of 12 social housing dwellings, helping to address the Council's housing shortfall
 - Employment generation, during the scheme's construction phase.
- 18.6 The adverse impacts are considered wide ranging in this case, specifically in relation to the design and impact of the proposed block of flats. Its excessive height, width, mass and poor design causes harm to the character of adjacent houses, specifically 34 Rowden Road. As a result of the proposal, this would be an awkward, disjointed remaining end of terrace house. The height, width, mass and poor design of the proposed block of flats also adversely impacts the visual amenity of the immediate street scene, contrasting with two-storey dwellings, with pitched roofs.
- 18.7 As a result of its excessive height, width, mass and poor design features, the proposed block of flats would harm the neighbouring amenity enjoyed at 34 Rowden Road and 42 Rowden Road, by means of overbearing and loss of outlook. The proposed balconies to the rear of the proposed block of flats give rise to issues of overlooking and loss of privacy at these neighbouring dwellings.
- 18.8 Issues of overlooking into the rear gardens of 14 and 16 Bourne Way are raised as a result of the proposed balconies on the rear elevation of the proposed block of flats.
- 18.9 In considering the planning balance, the adverse impacts of this development are considered to outweigh the benefits in this case, when considering the Framework as a whole.

Community Infrastructure Levy

- 18.10 The development will be CIL liable but would be eligible to apply for Social Housing relief (Mandatory) from the liability to CIL. As per CIL Regs 49 Community Infrastructure Levy Regulations 2010 (as amended).

19 Conclusion

- 19.1 The loss of the garages is considered acceptable in this case. 10 of the 24 garages are let and the remaining 14 are vacant. Survey results demonstrate that there is capacity within the surrounding roads to accommodate any displaced garage users, as a result of the proposed development. SCC Highways has no objection to the proposal, subject to conditions being attached to any planning permission granted.
- 19.2 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.
- 19.3 Under the Standard Methodology, Epsom and Ewell Borough Council's housing need figure is confirmed as 579 units per annum. This then rises to 695 per annum, due to the measures imposed by the Housing Delivery Test, for under delivery in recent years. Currently, the Local Planning Authority cannot demonstrate a five-year supply of housing land. The evidence shows that the Borough has a significant lack of housing land supply that is available, developable and deliverable.
- 19.4 In considering the facts of this proposal, the scheme benefits are considered to comprise:
- Provision of 12 social housing dwellings, helping to address the Council's housing shortfall
 - Ecological enhancements
 - Employment generation, during the scheme's construction phase.
- 19.5 The adverse impacts are considered wide ranging in this case, specifically in relation to the design and impact of the proposed block of flats.
- 19.6 The three terraced houses proposed to be demolished, form part of a terrace of four. The demolition of the three terraces would result in uneven break in the original terrace and street pattern, leaving 34 Rowden Road as a loose fragment. The proposed block of flats, by virtue of its height, mass, bulk and design, would be at odds with no. 34, left as an awkward, disjointed remaining end of terrace house.
- 19.7 The proposed block of flats comprise a rectangular shaped building, with poor design features, including (but not limited to) attached balconies, supported from the ground by a scaffolder structure. The proposed material and fenestration pattern proposed would relate poorly to the established environment, with larger windows and expansive flat faces of brick and zinc, contrasting to the modest scale of detail, fenestration and roof form of existing houses.
- 19.8 The height, width, mass and poor design of the proposed block of flats also adversely impacts the visual amenity of the immediate street scene. It would stand out unsympathetically in local street views, contrasting with the established two-storey dwellings, with pitched roofs.

- 19.9 As a result of its excessive height, width, mass and poor design features, the proposed block of flats would harm the neighbouring amenity enjoyed at 34 Rowden Road and 42 Rowden Road, by means of overbearing and loss of outlook. The proposed balconies to the rear of the proposed block of flats give rise to issues of overlooking and loss of privacy at these neighbouring dwellings.
- 19.10 Issues of overlooking into the rear gardens of 14 and 16 Bourne Way are raised as a result of the proposed balconies on the rear elevation of the proposed block of flats.
- 19.11 Officers acknowledge that there is very limited vegetation within the Site at present, given that it comprises built development and hardstanding. This proposal seeks to maximise built form and hardstanding, leaving limited room and scope for considered tree planting and landscaping. This results in a scheme that fails to integrate the landscape and the buildings.
- 19.12 In considering the planning balance, the adverse impacts of this development are considered to outweigh the benefits in this case, when considering the NPPF as a whole.

20 Recommendation

- 20.1 Officers recommend refusal of this application.

Reasons for refusal:

- (1) The demolition of three terraced houses would result in uneven break in the original terrace of four and the street pattern. By virtue of its excessive height, mass, bulk and poor design, the proposed block of flats would be at odds with 34 Rowden Road, left as an awkward, disjointed, remaining end of terrace house. This causes harm to the character of the street scene, failing to comply with paragraph 127 of the NPPF (2019) Policy DM9 of the Development Management Policies Document (2015)
- (2) The proposed block of flats comprises poor design features, including attached balconies, supported from the ground by a scaffolder structure. The proposed material and fenestration pattern proposed would relate poorly to the established environment, contrasting to the modest scale of detail, fenestration and roof form of existing houses. This causes harm to the establish character of the area, failing to comply with paragraph 127 of the NPPF (2019), Policies DM9 and DM10 of the Development Management Policies Document (2015)
- (3) The excessive height, width, mass and poor design features of the proposed block of flats would harm the neighbouring amenity enjoyed at 34 Rowden Road and 42 Rowden Road by means of overbearing and loss of outlook. The proposed balconies to the rear of the proposed block of flats give rise to issues of overlooking and loss of privacy at these neighbouring dwellings. The proposed balconies give rise to issues of overlooking into the rear gardens of 14 and 16 Bourne Way. This fails to comply with policy DM10 of the Development Management Policies Document (2015)
- (4) The proposal seeks to maximise built form and hardstanding, leaving limited room and scope for considered tree planting and landscaping. This results in a scheme that fails to integrate the landscape and the buildings, failing to comply with policy DM5 of the Development Management Document (2015).

Informative(s):

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the

Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably

(2) The following drawings were submitted with this application:

- 19-046 101 P3 – Site Location Plan – dated 01.05.19
- 19-046 102 P3 – Existing Site Plan – dated 01.05.19
- 19-046 103 P2 - Existing Elevations – dated 01.05.19
- 19-046 104 P4 – Proposed Site Plan – dated 01.05.19
- 19-046 105 P3 - Proposed Plans & Elevations Houses 1-2 – dated 01.05.19
- 19-046 106 P3 - Proposed Plans Flats 3-12 – dated 01.05.19
- 19-046 107 P3 - Proposed Elevations Flats 3-12 – dated 01.05.19
- 19-046 108 P2 - Proposed Plans & Elevations Bin & Bike Store – dated 01.05.19
- 19-046 109 P2 - Proposed Amendments No. 34 Rowden Road – dated 30.04.19

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Monthly Report on Planning Appeals Decisions

Ward:	(All Wards);
Contact Officer:	Steven Lewis/Viv Evans

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

The Planning Service has received the following Appeal decisions from 19th December 2020 to 20th January 2021.

Site Address	Planning reference	Description of development	Decision and Costs
24 Rowden Road West Ewell Surrey	19/01702/FLH APP/P3610/D/20/3250560	Hip to gable loft conversion including the installation of three roof windows into the pitched roof of the front elevation and the addition of a rear dormer.	Dismissed No Costs
259 Kingston Road Ewell Surrey	20/00109/FLH APP/P3610/D/20/3251369	Rebuilding part of the garage, ground floor rear extension, and side extension and loft conversion.	Dismissed No Costs
6 The Grove Epsom Surrey	20/00313/FUL APP/P3610/W/20/3256870	Erection of 7 x two bedrooms flats and 2 x three bedrooms flats and associated external works following demolition of the existing building	Dismissed No Costs
56 Sunnybank Epsom Surrey	20/00670/FLH APP/P3610/D/20/3257336	Erection of part single, part two storey side and rear wrap-around extension and single storey front porch extension	Dismissed No Costs

Summary of Appeal Decisions:

24 Rowden Road, West Ewell, Surrey

The Inspector identified that the design of this terrace is characterised by the steep hipped roofs to the houses either end of the terrace and to alter this in the manner proposed would seriously harm the appearance of the house, the symmetry of the terrace and would be of such significance to appear at odds in the street scene. Accordingly, the appeal was dismissed.

259 Kingston Road, Ewell, Surrey

The Inspector concluded that the proposal's hip to gable extension would be markedly at odds with the fairly consistent and locally distinctive roof form of the semi-detached properties along this stretch of the street scene. It would also unbalance this semi-detached pair. This extension was felt to significantly change this building's shape, and would create an awkward junction, which would relate poorly to the host's form and was harmful to the appearance of the area.

6 The Grove, Epsom, Surrey

The Council did not determine the application. It was indicated via the Planning Committee that, had it been in a position to do so, it would have refused permission for reasons relating to the quality of the living accommodation provided within the scheme and the impacts of the development on the conservation area and the amenities of neighbours and quantum of car parking.

The Inspector judged that the development would be prominent at the end of the cul-de-sac, its visibility increased by the removal of trees and vegetation on the western site boundary. The proposed layout provided no meaningful space for replacement planting to mitigate the adverse visual impacts of such a large and incongruous building. The overall building composition, with its multitude of dormers and complex roof forms, would be fussy and contrived. Its cumulative height and mass would have more in common with the adjoining blocks of flats – both negative components in the setting of the conservation area – than the domestic scale housing which characterises this part of the conservation area.

The underground parking is not a feature of The Grove, with other plots reliant on surface driveways. The ramp with its retaining walls on either side would be conspicuous at the front of the building. Its engineered appearance would make it an alien feature in the street scene. This would add to the harm arising from the excessive scale and poor design.

Accordingly, it was concluded that the proposal would fail to preserve or enhance the character or appearance of the Church Street Conservation Area. Significant weight is given to this harm.

The development was considered to have an excessive scale that would have an unacceptable adverse impact on the outlook of occupants of 7 The Grove.

The scheme was found to be satisfactory in terms of overall unit size and the provision of external amenity space. Nevertheless, the scheme conflicted with Policy DM12 in respect of bedroom sizes.

The Inspector found that there is no substantive evidence to demonstrate that the provision of one additional space over and above the minimum requirement would have an unacceptable impact on local on-street parking or traffic conditions. The lack of objection from the Highway Authority supported this view and no weight against the scheme from parking was placed.

Drawing the threads of issues together, the proposal was held to conflict with the development plan as a whole due to its impact on designated heritage assets and the living conditions of neighbouring residents, and the quality of living accommodation provided. Significant weight to the scale of the Council's housing shortfall and its Housing Delivery Action Plan but have nevertheless concluded that there are no material considerations which would justify a decision otherwise than in accordance with the development plan.

56 Sunnybank, Epsom, Surrey

The Inspector judged that many of the properties within Sunnybank are variations on a theme, with subtle changes in the architecture disguising a similar overall form. In this context, the proposal did not read as being out of character and although the Council raised concerns with the lack of sub ordinance and the design of the front roof extensions, these components were an acceptable appearance and did not consider them to be harmful to the host property or the street scene as a whole.

The submitted plans did not show the relationship of the proposed extension to No 54 and there was no evidence in the form of a daylight and sunlight study to inform a decision on whether the impact is likely to be within acceptable limits. In the absence of this information the Inspector concluded it was not possible to make a reliable judgement on the acceptability of the scheme and dismissed the appeal.

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

Month	Committee	Delegated	Appeal
April	0	2	1
May	55	2	0
June	0	3	0
July	14	7	0
August	0	18	0
September	0	1	0
October	0	14	0
November	8	11	0
December	98	14	
Total		248	

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.