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Legal and Democratic Services



PLANNING COMMITTEE

Thursday 17 February 2022 at 7.30 pm

Place: Council Chamber - Epsom Town Hall,
<https://attendee.gotowebinar.com/register/1320156544475185422>

Link for public online access to this meeting:
Webinar ID: 225-190-715

Telephone (Listen only): 0330 221 9914, Telephone Access Code:
265-230-446

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 Monica Coleman (Chair)
Councillor Steven McCormick (Vice-Chair)
Councillor Kate Chinn
Councillor Nigel Collin
Councillor Neil Dallen
Councillor David Gulland
Councillor Previn Jagutpal

Councillor Jan Mason
Councillor Lucie McIntyre
Councillor Phil Neale
Councillor Humphrey Reynolds
Councillor Clive Smitheram
Councillor Clive Woodbridge

Yours sincerely

Chief Executive

For further information, please contact Democratic Services, email:
democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

EMERGENCY EVACUATION PROCEDURE

No emergency drill is planned to take place during the meeting. If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions.

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but

move to the assembly point at Dullshot Green and await further instructions; and

- Do not re-enter the building until told that it is safe to do so.

Public information

Please note that this meeting will be held in the Town Hall, Epsom and will be available to observe live on the internet.

This meeting will be 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. A limited number of seats will also be available in the public gallery at the Town Hall. For further information please contact Democratic Services, email: Democraticservices@epsom-ewell.gov.uk , telephone: 01372 732000.

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.

Public speaking

Public speaking in support or objection to planning applications is permitted at meetings of our Planning Committee. If you wish to speak at a Planning Committee meeting, you should come to the reception area of the town hall in person between 6.00pm and 7.00pm on the night of the meeting to register. It is not possible to pre-register prior to this. If a number of people wish to speak on a particular application you will normally be asked to nominate a single representative from amongst you. Further information is available from our [website](#) or by contacting 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.

Filming and recording of meetings:

Those wishing to take photographs or record meetings are asked to read the Council's 'Recording, Photography and Use of Social Media Protocol and Guidance' ([Section 10, Part 5 of the Constitution](#)), which sets out the processes and procedure for doing so.

Security:

Please be aware that you may be subject to bag searches and will be asked to sign in at meetings. Failure to comply with these requirements could mean you are denied access to the meeting. There is also limited seating which is allocated on a first come first serve basis, you should aim to arrive at least 15 minutes before the meeting commences.

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 7 - 24)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on 13 January 2022 and authorise the Chairman to sign them.

3. 107 - 111 EAST STREET, EPSOM (Pages 25 - 66)

Demolition of the existing buildings and erection of part 3 storey, part 4 storey building comprising 21 residential flats with associated car and cycle parking and refuse storage.

4. 7 STATION APPROACH (Pages 67 - 94)

Demolition of the existing buildings and the redevelopment of the Site to provide 13 residential units (Class C3) within a part 3, part 4 storey building, with associated refuse storage, cycle parking and landscaping.

5. MONTHLY APPEALS REPORT (Pages 95 - 98)

The Planning Service has received the following Appeal decisions between 9th December 2021 and 24th January 2022.

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**Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber,
Epsom Town Hall on 13 January 2022**

PRESENT -

Councillor Monica Coleman (Chair); Councillor Steven McCormick (Vice-Chair); Councillors Kate Chinn, Alex Coley (as nominated substitute for Councillor Previn Jagutpal), Nigel Collin, Neil Dallen, David Gulland, Jan Mason, Lucie McIntyre, Phil Neale, Humphrey Reynolds, Clive Smitheram and Clive Woodbridge

Absent: Councillor Previn Jagutpal

Officers present: Mehdi Rezaie (Interim Planning Development Manager), Justin Turvey (Planning Development Manager), Virginia Johnson (Principal Planning Officer), Jeremy Young (Tree Officer Place Development), Tim Richardson (Democratic Services Manager) and Stephanie Gray (Democratic Services Officer)

20 DECLARATIONS OF INTEREST

In the interests of openness and transparency the following declarations were made in respect of items on the agenda.

Declarations of Interest

Councillor Neil Dallen, Other Interest: In the interests of openness and transparency, Councillor Neil Dallen declared that he is a member of the Epsom Civic Society. Councillor Dallen also declared that he is a member of the Town Ward Residents Association.

Declarations of Interest

Councillor Nigel Collin, Other Interest: In the interests of openness and transparency, Councillor Nigel Collin declared that he is the Borough's Heritage Champion and also declared that he is a member of the Epsom Civic Society.

Declarations of Interest

Councillor Steven McCormick, Other Interest: In the interests of openness and transparency, Councillor Steven McCormick declared that he is a member of the Epsom Civic Society. Councillor McCormick also declared that he is a member of the Woodcote and Epsom Residents Society.

21 MINUTES OF THE PREVIOUS MEETING

The Minutes of the previous meeting of the Committee held on 9 December 2021 were agreed as a true record and signed by the Chair.

22 CLAYHILL LODGE, WEST HILL, EPSOM, SURREY, KT19 8JP

In the interests of openness and transparency, Councillor David Gulland declared that he previously had had a commercial relationship with the owner of

Clayhill Lodge, but that he came to the meeting with an open mind and without predisposition or predetermination.

Description

Demolition of existing single storey outbuilding and erection of five terraced houses and integrated cycle store. Associated landscaping works.

Decision

The Committee noted a presentation from the Principal Planning Officer.

Following consideration, the Committee resolved that:

The Application be **REFUSED** for the following reasons:

- (1) The proposal would constitute an overdevelopment of the Application Site, with a high proportion of built form and limited amenity space. The scheme fails to represent good, considered design, failing to create an opportunity to improve the character and quality of the area. The intensification of development would erode the openness and would harm the integrity of the Stamford Green Conservation Area. It would fail to comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF Policies, Policy CS5 of the Core Strategy (2007) and Policies DM8 and DM9 of the Development Management Policies Document (2015).
- (2) The proposal would not meet minimum private amenity space requirements, with constrained private amenity spaces that would unlikely be usable for future residents. The proposal conflicts with Policy DM12 (paragraph 3.35) of the Development Management Policies Document (2015)
- (3) The proposal fails to provide adequate amenity space for considered tree planting and growth, failing to ensure the longevity of tree and planting establishment, due to the overdevelopment of the Application Site, resulting in constrained amenity spaces. The proposal conflicts with Policy DM5 of the Development Management Policies Document (2015)

Informatives

1. Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

2. The following drawings were submitted with this application:

- 1976_001A Site Location Plan – dated 14.10.21
- 1976_002B Existing Block Plan – dated 14.10.21
- 1976_003A Proposed Block Plan – dated 14.10.21
- 1976_004 Existing Outbuildings Plans and Elevations – dated 29.01.21
- 1976_005E Proposed Site Plan – dated 15.10.21
- 1976_010B Proposed Ground Floor Plan – dated 15.10.21
- 1976_011 Proposed First Floor Plan – dated 29.01.21
- 1976_012 Proposed Second Floor Plan – dated 29.01.21
- 1976_013 Proposed Roof Plan – dated 29.01.21
- 1976_020 Proposed East and West Elevations – dated 29.01.21
- 1976_021 Proposed South and North Elevations – dated 29.01.21
- 1976_022 Proposed Refuse Collection Area – dated 17.06.21
- 1976_023A Proposed Circulation Plan – dated 15.10.21

23 CLAYHILL LODGE AND ALLONBY, WEST HILL, EPSOM, SURREY, KT19 8JP

In the interests of openness and transparency, Councillor David Gulland declared that he had previously had a commercial relationship with the owner of Clayhill Lodge, but that he came to the meeting with an open mind and without predisposition or predetermination.

Description

Demolition of two dwellings and one outbuilding. Construction of one four storey flatted development comprising a mix of 1, 2 and 3 bed units totalling 14 flats, and one three to three and a half storey terrace comprising 9 no. 3 bedroom houses. Construction of associated landscaping works. (Amended layout received 05.03.2021)

Decision

The Committee noted a presentation from the Principal Planning Officer.

Following consideration, the Committee resolved that:

The Application be **REFUSED** for the below following reasons:

- (1) The proposal does not satisfactorily demonstrate that affordable housing cannot be viably secured on the Application Site, failing to comply with Policy CS9 of the Core Strategy (2007)
- (2) The proposal would constitute an overdevelopment of the Application Site, with a high proportion of built form and limited amenity space. The intensification of development would erode the openness and low-density qualities of the Stamford Green Conservation Area. The proposal would fail to preserve or enhance the character and appearance of the Conservation Area. It would fail to comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF Policies, Policy CS5 of the Core Strategy (2007) and Policies DM8 and DM9 of the Development Management Policies Document (2015).

- (3) The proposal would not fully meet internal space standards or minimum private amenity space requirements, with constrained private amenity spaces that would unlikely be usable for future residents. The proposal would give rise to issues of overlooking and loss of privacy, as a result of balconies on units 10, 16 and 22, overlooking terraced houses. The proposal conflicts with Policies DM10 and DM12 of the Development Management Policies Document (2015) and The Nationally Described Space Standards (March 2015).
- (4) The proposal fails to provide adequate amenity space for considered tree planting and growth, failing to ensure the longevity of tree and planting establishment, due to the overdevelopment of the Application Site, resulting in constrained amenity spaces. The proposal conflicts with Policy DM5 of the Development Management Policies Document (2015).
- (5) In the absence of updated Ecological surveys, the proposal could cause harm to protected species as identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017. The proposal also fails to accord with Policy DM4 of the Development Management Policies Document (2015).
- (6) The Local Planning Authority has a statutory duty to provide refuse and recycling collections to residential units within the Borough. It has not been demonstrated that the proposed development could be accessed and serviced in the long-term by the Local Planning Authority's Refuse and Waste Vehicles, contrary to Policy CS6 of the Core Strategy (2007) and Annex 2 of the Council's Revised Sustainable Design SPD (2016).

Informatives

1. Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

2. The following drawings were submitted with this application:

- 1750_001A Site Location Plan
- 1750_002A Existing Block Plan
- 1750_003C Proposed Block Plan
- 1750_005D Proposed Refuse & Parking Layout
- LA/1708061 Topographical Survey 1750_007 Existing Floor Plans (Clayhill Lodge)
- 1750_008 Existing Elevations (Clayhill Lodge)
- 5200_01A Site Survey and Ground Floor (Allonby)
- 5200_02A Site Survey and Ground Floor (Allonby)
- 5200_04A Floor Plans (Allonby)
- 5200_05A Elevations (Allonby)
- 5200_06A Elevations (Allonby)

5200_07A Sections (Allonby)
1750_009 Existing Outbuildings
1750_010F Proposed Site Plan
1750_011A Proposed Lower Ground Floor Plan (Houses)
1750_012C Proposed Upper Ground Floor Plan (Houses)
1750_013A Proposed First Floor Plan (Houses)
1750_014A Proposed Second Floor Plan (Houses)
1750_015A Proposed Roof Plan (Houses)
1750_016 Proposed Housing Block Elevations N and NE
1750_017 Proposed Housing Block Elevations SW and SE
1750_018 Proposed Housing Block Elevations
E 1750_019 Proposed Housing Block Courtyard Elevations S and NE
1750_025 Proposed House Unit Elevations
1750_026 Proposed House Unit Elevations
1750_027 Proposed House Unit Elevations
1750_030A Proposed Lower Ground Floor Plan (Apartments)
1750_031B Proposed Upper Ground Floor Plan (Apartments)
1750_032A Proposed First Floor Plan (Apartments)
1750_033A Proposed Second Floor Plan (Apartments)
1750_034B Proposed Roof Plan (Apartments)
1750_035 Proposed Apartment Block Elevations SW and SE
1750_036 Proposed Apartment Block Elevations NE and NW
1750_037 Proposed Apartment Block Elevations W
1750_044 Existing and Proposed Site Section A
1750_045 Existing and Proposed Site Section B

24 FRIARS GARTH, THE PARADE, EPSOM, KT18 5DH

In the interests of openness and transparency, Councillor Steven McCormick declared that he had called this item in and would leave the Chamber when the item was discussed.

Description

Erection of three storey building comprising 9 residential flats (1 x 1 bedroom, 6 x 2 bedroom, and 2 x 3 bedroom) together with alterations to vehicular access, landscaping, and associated works, following demolition of existing dwelling

Decision

The Committee noted a presentation from the Planning Officer.

Following consideration, the Committee resolved (6 in favour of approval, 5 in favour of refusal and 1 abstention) that:

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

CONDITION(S):

- (1) The development hereby permitted shall begin 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:

E100 Rev B Location Plan and Block Plan (Received 03/12/2021)
 P300 Rev H Proposed Site Plan (Received 03/12/2021)
 P301 Rev C Proposed Ground Floor Plan (Received 03/12/2021)
 P302 Rev C Proposed First Floor Plan (Received 03/12/2021)
 P303 Rev C Proposed Second Floor Plan (Received 03/12/2021)
 P304 Rev A Proposed Roof Plan (Received 03/12/2021)
 P310 Rev B Proposed North Elevation (Received 03/12/2021)
 P311 Rev B Proposed East Elevation (Received 03/12/2021)
 P312 Rev C Proposed West Elevation (Received 03/12/2021)
 P313 Rev A Proposed South Elevation (Received 03/12/2021)
 P350 Rev B Proposed Street Elevation (Received 03/12/2021)
 2021/5827/005 Rev P2 Delivery Vehicle Swept Path Analysis (Received 08/12/2021)
 201322/FRA/MK/RS/01 Rev B Flood Risk Assessment (Received 21/10/2021)
 Ecological Assessment Report [prepared by The Ecology Co-op Environmental Consultants (Received 27/04/2021)

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) Prior to above ground works, details and samples of all external materials (including roofing, windows and rainwater goods) 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 on completion of the development in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (4) Prior to beneficial occupation, details of the design and external appearance of the boundary treatment shall be 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 to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies (2015).

- (5) Before any beneficial use of the proposed first and second floor balconies serving Units 6 and 9 hereby permitted, details of an appropriate privacy screen along the side west edge of the balcony (nearest to the shared boundary with No. 7 The Cressinghams) shall be submitted to and approved in writing by the Local Planning Authority. The privacy screen shall be installed prior to beneficial use and shall be thereafter retained as such.

Reason: In order to ensure the privacy and visual amenities of the adjoining residential occupiers is retained in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (6) Prior to above ground works, details of existing and proposed finished site levels, finished floor and ridge levels of the proposed dwelling 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 / in order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies (2015).

- (7) Prior to above ground works, details of a scheme of hard and soft landscaping (to include appropriate replacement trees) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or shrubs which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that purpose only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to secure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (8) 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, 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 1.9l/s for the 1 in 1 year rainfall event and 2.9 l/s for the 1 in 100 year (+CC) rainfall event.
 - 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.). Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.
 - 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 from increased flood risk.
 - 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 (Sustainability in New Developments) and Policy DM19 (Development and Flood Risk) of the LDF Development Management Policies Document (2015).

- (9) 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 surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

Reason: To ensure the Drainage System is designed to the National Non-Statutory Technical Standards for SuDS and to accord with Policy CS6 (Sustainability in New Developments) and Policy DM19 (Development and Flood Risk) of the LDF Development Management Policies Document (2015).

- (10) No part of the development shall be first occupied unless and until the proposed modified access to The Parade has been constructed and provided with visibility zones in accordance with the approved plans (Dwg No. P300 Rev H) and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6 metre high.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy DM35 (Transport and New Development) of the LDF Development Management Policies Document (2015).

- (11) 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 (Dwg No. P300 Rev H) for vehicles and cycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: In recognition of Section 9 “Promoting Sustainable Transport” of the NPPF (2021) and to accord with Policy DM36 (Sustainable Transport for New Development) of the LDF Development Management Policies Document (2015).

- (12) 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) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused;
- (g) 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.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy DM35 (Transport and New Development) of the LDF Development Management Policies Document (2015).

- (13) Prior to the first occupation of the development a Sustainable Travel Information Pack shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework and Surrey County Council's Travel Plans Good Practice Guide for Developers. The approved Sustainable Travel Information Pack shall be issued to the first-time and any future occupier thereafter of each dwelling, prior to first occupation.

The pack should include:

- Details of local public transport services and location of rail stations and local bus stops
- Details of lift sharing schemes
- Maps showing local walking and cycling routes and maps showing accessibility to public transport, schools and local community facilities
- Information to promote the take-up of sustainable travel

Reason: In recognition of Section 9 "Promoting Sustainable Transport" of the NPPF (2021) and to accord with Policy DM36 (Sustainable Transport for New Development) of the LDF Development Management Policies Document (2015).

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

Reason: In recognition of Section 9 "Promoting Sustainable Transport" of the NPPF (2021) and to accord with Policy DM36 (Sustainable Transport for New Development) of the LDF Development Management Policies Document (2015).

- (15) The approved areas of hardstanding will be porous or permeable, or shall direct surface water to a porous or permeable surface within the site and shall thereafter be maintained as such.

Reason: To reduce surface water runoff from the site in accordance with Policy CS6 (Sustainability in New Developments) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

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

(i) a site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including hydrocarbons) and contaminants (including asbestos) with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the Local Planning Authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and

(ii) if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval.

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

- (17) Prior to any occupation of the site, the approved remediation scheme prepared under Condition 16 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 works, neighbours and other offsite receptors, in accordance with Policy DM17 (Contaminated Land) of the LDF Development Management Policies Document (2015).

- (18) In the event that contamination is found at any time when carrying out the approved development that was not previously identified must be report 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 works, neighbours and other offsite receptors, in accordance with Policy DM17 (Contaminated Land) of the LDF Development Management Policies Document (2015).

- (19) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of archaeological significance and to accord with Paragraph 205 of the NPPF (2021).

- (20) Prior to above groundworks a scheme to enhance the biodiversity interest of the site and a plan of its implementation in accordance with the proposals outlined in the Ecological Assessment Report [prepared by The Ecology Co-op Environmental Consultants] shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved and thereafter maintained.

Reason: To safeguard and enhance biodiversity in accordance with Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015).

- (21) Future occupiers of the development hereby approved shall be precluded from applying for on-street car permits, to include each and every subsequent occupier of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development does not increase on-street parking demand/stress, prejudice highway safety or cause inconvenience to other highway users, and to accord with Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007) and Policy DM36 (Sustainable Transport for New Development) of the LDF Development Management Policies Document (2015).

- (22) The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of 12 bicycles have been provided in accordance with the approved plans and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 “Promoting Sustainable Transport” of the NPPF (2021) and to accord with Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007) and Policies DM36 (Sustainable Transport for New Development) and DM37 (Parking Standards) of the LDF Development Management Policies Document (2015).

- (23) All dwellings hereby approved shall comply with Regulation 36(2)(b) and Part G2 of the Building Regulations – Water Efficiency.

Reason: In order to comply with Policy CS6 (Sustainability in New Development) of the LDF Core Strategy (2007).

Prior to the first occupation of any part of the development, details of water efficiency measures shall be submitted to and approved in writing by the local planning authority. The details shall show a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption. The measures shall be installed in accordance with the approved details and thereafter maintained as for as long as the development is in use.

Reason: To ensure the development is sustainable and makes efficient use of water in accordance with Policy CS6 (Sustainability in New Development) of the LDF Core Strategy (2007).

All non-CHP space and hot water fossil fuel (or equivalent hydrocarbon based fuel) boilers installed as part of the development must achieve dry NOx emission levels equivalent to or less than 30 mg/kWh.

Reason: To protect air quality and people’s health by ensuring that the production of air pollutants, such as nitrogen dioxide and particulate matter, are kept to a minimum during the course of building works and during the lifetime of the development. To contribute towards the maintenance or to prevent further exceedances of National Air Quality Objectives.

- (24) Before any occupation of the development hereby permitted, the first and second floor side windows (serving the kitchen/living space of Unit 6, the

stairwell and the kitchen/living space and master bed of Unit 9) on the west elevation, shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing to a minimum of level 3 on the standard scale. Any film used to achieve the requisite obscurity level shall be non-perishable and tamper-proof, and must be replaced in the event that it ceases in obscurity level 3.

Reason: To protect the amenities and privacy 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 (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) 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) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
- (6) 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).
- (7) Section 59 of the Highways Act 1980 permits the Highway Authority to charge developers for damage cause 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.

25 107-111 EAST STREET, EPSOM

Due to time constraints, the Committee were unable to discuss this Item. It has been deferred to be discussed at a future meeting.

26 TPO 2 MERROW ROAD

Description

Chestnut tree T16 of TPO 327 located in the front garden - Reduce crown height by up to 2m and lateral spread by up to 1.5m. Thin the crown by 10% and raise the crown by 1.5m

Decision

The Committee noted a presentation from the Tree Officer.

Following consideration, the Committee resolved that:

The Application be **APPROVED** subject to the below following conditions.

- (1) All tree work shall be carried out in accordance with the following specification:

Chestnut tree T16 of TPO 327 located in the front garden - Reduce crown height by up to 2m and lateral spread by up to 1.5m. Thin the crown by 10% and raise the crown by 1.5m

Reason: To ensure that the tree(s) receive the appropriate treatment and that the tree work is of a satisfactory standard to protect amenity in accordance with Policies CS1 and CS5 of the Core Strategy (2007) Policies DM5 and DM9 of the Development Management Policies 2015, British Standard BS 3998 2010 and guidance to protect and enhance the natural environment contained within the National Planning Policy Framework 2021.

- (2) Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010. Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral branch

Reason: In the interests of the trees continued vitality, health and to accord with current industry guidelines and sound arboricultural practice and in accordance Policies CS1 and CS5 of the Core Strategy (2007) Policies DM5 and DM9 of the Development Management Policies 2015.

- (3) The agreed pruning operation/s shall comply with the following recommendations contained within BS3998:

- 4.4 Avoiding damage from tree work operations
- 7.1 Pruning and related work (General)
- 7.2 Minimising the potentially undesirable effects of pruning
- 7.6 Crown Lifting
- 7.7 Crown reduction and reshaping

Reason: To ensure that the tree(s) receive the appropriate treatment and that the tree work is of a satisfactory standard to protect amenity in accordance with Policies CS1 and CS5 of the Core Strategy (2007) Policies DM5 and DM9 of the Development Management Policies 2015.

Informative(s):

- (1) Control of tree pest and diseases - When engaging contractors or arborists to work on your trees, you are advised to ensure that your chosen contractor recognises the importance of bio-security in

arboriculture and that they adhere to good industry practice as promoted by organisations such as the Arboricultural Association and the Forestry Commission. Simple measures such as disinfecting equipment and appropriately disposing of arisings can help prevent the introduction and spread of pests and pathogens. A free downloadable guidance booklet on the application of bio-security in arboriculture is available from the Arboricultural Association at <https://www.trees.org.uk/Book-Products/Application-of-Biosecurity-in-Arboriculture-en>

The meeting began at 7.30 pm and ended at 10.05 pm

COUNCILLOR MONICA COLEMAN (CHAIR)

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Ward:	Town Ward;
Site:	107-111 East Street, Epsom, Surrey, KT17 1EJ
Application for:	Demolition of the existing buildings and erection of part 3 storey, part 4 storey building comprising 21 residential flats with associated car and cycle parking and refuse storage
Contact Officer:	Euan Cheyne

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=documents&keyVal=R1KUEZGYLZN00>

2 Summary

- 2.1 The application is classified as a major planning application and is referred to Planning Committee in accordance with Epsom and Ewell Borough Council's Scheme of Delegation.
- 2.2 The application seeks planning permission for the demolition of the existing buildings and erection of a part 3 storey, part 4 storey stepped building comprising 21 residential flats (7 x 1 bedroom, 10 x 2 bedroom and 4 x 3 bedroom) with associated car and cycle parking and refuse storage.
- 2.3 The proposal is not able to viably provide a policy compliant provision of 8.4 affordable units, based upon current costs and values. A review mechanism will be secured via a S106 legal agreement which will allow for an appraisal which reflects actual costs and values and the opportunity for an additional contribution as schemes may become more or less viable over time.
- 2.4 The proposed part 3, part 4 storey building would substantially increase the height and footprint of the existing development upon the site. The design of the proposed building is considered acceptable, subject to further details and finishes being secured by a planning condition, and would not have a harmful impact upon the character and appearance or visual amenities of the surrounding area.

- 2.5 The proposal would provide 25 cycle spaces and 16 on-site car parking spaces; a shortfall of 7 on-site car parking spaces. The applicant has submitted a Transport Statement which states that the proposed 16 on-site car parking spaces would match the identified census (2011) level of car ownership and given the sustainable location that there is sufficient on-site car parking. Surrey County Council Highway Authority have raised no objections.
- 2.6 The site would be accessed via an access road off Kiln Lane. The access road would be widened from approximately 4.2 metres to 5 metres which is considered to be of sufficient width to accommodate two cars to pass at the site entrance. A dedicated footpath with a width of between approximately 1.5 metres and 3 metres would be provided adjacent to the access road.
- 2.7 The refuse/recycling bins would be stored in two dedicated bin stores on the lower ground level and would be moved to a holding pen at ground floor level by a private management company prior to collection from the Council on East Street.
- 2.8 There is a presumption in favour of granting sustainable development unless the application of policies provides a clear reason for refusing permission (Paragraph 11(d)(i) of the NPPF). The adverse impacts of the development are not held to significantly and demonstrably outweigh the benefits, when assessed against the NPPF, as a whole.
- 2.9 **The application is recommended for APPROVAL subject to planning conditions being imposed and a legal agreement.**

3 Site Description

- 3.1 The site is 0.124 hectares in size and comprises a single storey detached bungalow and a two storey detached property, sub-divided into self-contained flats, located on a corner plot on the north west side of East Street and the north east side of Kiln Lane.
- 3.2 The site is located within a prominent position with its frontage facing both East Street and Kiln Lane. It is also visible from Middle Lane. The site is mixed in character and appearance, however it is predominantly surrounded by two and three storey residential buildings. There are a number of flatted developments in close proximity. The site is located approximately 190 metres from the edge of the Town Centre Boundary.
- 3.3 The site is currently accessed via East Street (No. 111 East Street) and via a short cul-de-sac at the rear accessed from Kiln Lane which serves the site and the neighbouring properties. The rear access road is owned by Epsom and Ewell Borough Council.
- 3.4 The ground level slopes down considerably from East Street to the rear of the site by approximately 2.7 metres.

- 3.5 The site does not contain a Listed Building and is not located within a Conservation Area. The site is located within EA Flood Risk Zone 1 (Low Probability of Flooding) and the rear of the site falls partly within a Critical Drainage Area. The site does not contain any Tree Preservation Orders (TPOs).

4 Proposal

- 4.1 The application proposes the demolition of the existing buildings and the erection of a part 3 storey, part 4 storey building comprising 21 residential flats (7 x 1 bedroom, 10 x 2 bedroom and 4 x 3 bedroom) with associated car and cycle parking and refuse storage.
- 4.2 The proposed building would be broken down into a number of block types as illustrated in the image (Figure 1) below:

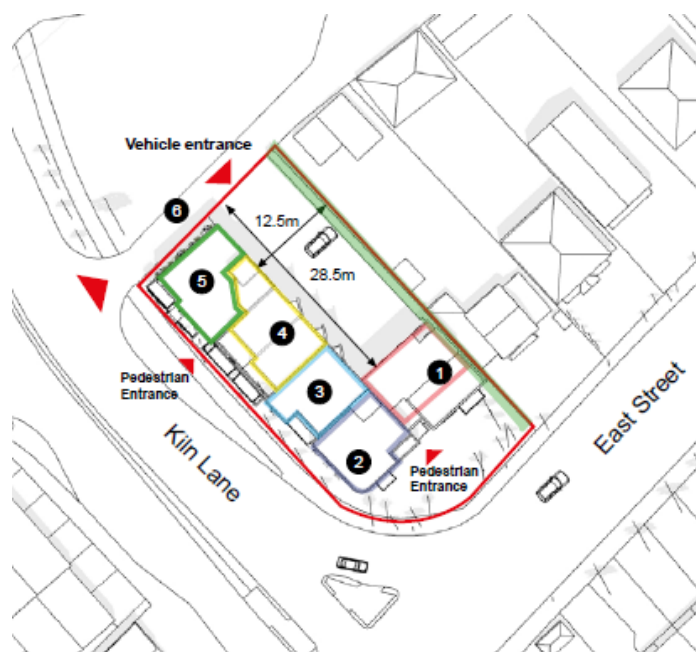


Figure 1: Diagram Site Entrances, Massing and Key Dimensions

- 4.3 The proposed building would have an L-shaped footprint and would have a width of approximately 22.5 metres (East Street frontage) and 39.2 metres (Kiln Lane Frontage). It would be designed with a flat roof form and would have a staggered height of between approximately 9.33 metres and 13.15 metres measured from the Ground FFL on East Street. The staggered height seeks to integrate with the surrounding street context which typically features two and three storey buildings.
- 4.4 The external finish of the building would primarily comprise of two tones of brickwork, yellow and red.

5 Comments from Third Parties

5.1 The application was advertised by means of letters of notification to 24 neighbouring properties. 4 letters of objection (including 2 from the same address) have been received to date (15/12/2021) regarding:

- adverse visual impact
- impact on character
- design
- overbearing
- overshadowing
- loss of daylight/sunlight
- loss of outlook
- loss of privacy
- noise and disturbance
- traffic/parking implications; increase in on-street parking pressure where surrounding roads are already highly congested; the amount of parking proposed is inadequate
- highway and pedestrian safety concerns
- impact on ecology/wildlife; fail to see how there is a net gain in biodiversity
- lack of need for flats of this type in the local area, by reason that there are at least 15 flats for sale on East Street
- failed to sufficiently address any of the four previous reasons for refusal
- inaccuracies with submitted application form/documentation (existing housing typology/units, existing trees/hedges, existing access, sunlight report etc.)

A neutral representation was received question the tone colour of the brickwork and the boring, uninspiring square block with no 'pretty or character' features.

Epsom Civic Society: Objection. Not entirely convinced that refusal reasons 1 (unsatisfactory road access) and 2 (insufficient car parking) are fully overcome. Refusal reasons 3 (bulk and mass) and 4 (absence of affordable housing) have not been addressed. Too much is being crammed into the site; a scheme of much lesser intensification is required.

Epsom Town Resident's Association: Objection. The whole proposal makes no positive contribution to the locality, and represents a significant loss of green space and biodiversity. The design is poor quality and out of character with prevailing two storey properties, adverse impact on neighbouring residential amenities, lack of affordable/social housing, unsuitable housing mix, inadequate pedestrian and cyclist access, inadequate private amenity space.

- 5.3 A number of planning site notices were displayed in close proximity to the site on 10/11/2021.

6 Consultations

- 6.1 **Epsom and Ewell Borough Council (EEBC) Design and Conservation Officer:** No objections, subject to planning conditions. The proposal is acceptable in design terms and would enhance the present townscape in materials and with a massing that is compatible with local character as required by Policy DM9. It will contribute to the local distinctiveness and local character of the street. It should also add to the overall quality of the area and establish a strong sense of place as required by Paragraph 130 of the NPPF (2021).
- 6.2 **EEBC Arboricultural Officer:** No objections.
- 6.3 **EEBC Ecology Officer:** The surveying has been completed which is good. The reports both outline a number of proposed mitigated and enhancement recommendations. A report of the actual mitigation/enhancement that is proposed and a plan of its implementation is required.
- 6.4 **EEBC Transport & Waste Services Manager:** No objections.
- 6.5 **EEBC Environmental Health Officer:** No response received.
- 6.6 **EEBC Contaminated Land Officer:** No objections, subject to planning conditions.
- 6.7 **Surrey County Council Highway Authority (CHA):** No objections, subject to planning conditions.

The applicant has carried out a Stage 1 Road Safety Audit to assess the use of this access and proposed modifications to the access. The Road Safety Audit has picked up a number of items which will be addressed at detailed design stage when a request for S278 Agreement is submitted to the CHA for to the highway. The proposals include widening of the existing private access road to a width of 5 metre to assist turning movements.

16 car parking spaces are proposed to serve the residential units. In accordance with Epsom and Ewell's Parking Standards this is a shortfall of 7 car parking spaces. Given the adequate on street parking restrictions within the vicinity of the application site, and sustainable nature of the application site the CHA raises no objection to the application on these grounds.

The applicant has engaged in discussion with the County Highway Authority and Epsom and Ewell refuse collection team. It is proposed that waste will be collected directly from East Street, as per the existing waste collection arrangements for the existing dwellings on East Street. The CHA raises no objection to this proposal.

As parking spaces are to be allocated the CHA recommends that all car parking spaces are provided with electric vehicle charging infrastructure.

- 6.8 **Lead Local Flood Authority (SuDS):** No objections, subject to recommended planning conditions.

7 Relevant Planning History

7.1 A recent application for a similar proposal was refused under application reference 20/00797/FUL (Demolition of the existing buildings and erection of part 3 storey, part 4 storey building comprising 23 residential flats (8 x 1 bedroom, 11 x 2 bedroom and 4 x 3 bedroom) with associated car and cycle parking and refuse storage). The refusal reasons were as follows:

- 1) The proposed rear access road is considered to be insufficient in width to accommodate two passing vehicles, nor is there sufficient pedestrian width for the footpath to the side of the access road. By reason of its layout the proposed vehicular access arrangements would give rise to highway and pedestrian safety, in conflict with Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015) and guidance contained within the National Planning Policy Framework (2021).
- 2) The proposal would fail to provide an appropriate level of on-site car parking resulting in harm on the amenities of surrounding residential occupiers' in terms of streetscene and availability of on-street car parking. The proposed 17 on-site car parking spaces would not meet the minimum parking standards set out in Table 1 of the Council's Parking Standards for Residential Development SPD (2015), in conflict with Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007) and Policy DM37 (Parking Standards) of the LDF Development Management Policies Document (2015), and guidance contained within the National Planning Policy Framework (2021).

- 3) The proposal, by reason of its bulk, mass and density, would adversely impact and harm the character and appearance and visual amenities of the surrounding area, in conflict with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness), DM10 and Policy DM10 (Design Requirements for New Developments (including House Extensions)) and Policy DM11 (Housing Density) of the LDF Development Management Policies Document (2015) and guidance contained within the National Planning Policy Framework (2021).
 - 4) In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure an affordable housing contribution, the applicant has failed to comply with Policy CS9 (Affordable Housing and meeting Housing Needs) of the LDF Core Strategy (2007).
- 7.2 The applicant has revised the proposal, stating that the amendments focus on mitigating the issues previously raised. Please refer to Section 4.2 of the submitted Design & Access Statement.

Application Number	Decision Date	Application Detail	Decision
20/00797/FUL	12/08/2021	Demolition of the existing buildings and erection of part 3 storey, part 4 storey building comprising 23 residential flats (8 x 1 bedroom, 11 x 2 bedroom and 4 x 3 bedroom) with associated car and cycle parking and refuse storage	Refused, Appeal Lodged
20/00514/FUL (107 East Street)	28/04/2020	Erection of single storey rear extension	Permitted
20/00375/PDE (107 East Street)	06/04/2020	Erection of single storey rear extension (4.1m in depth, maximum height of 3m and eaves height of 3m)	Refused
20/00221/FUL (117 East Street)	02/04/2020	<i>Amendments to approved scheme (18/01513/FUL) to allow for a loft conversion to provide an additional flat</i>	<i>Permitted</i>
18/01150/FUL (111 East Street)	28/03/2019	Amendments to 17/00244/FUL	Permitted
18/01513/FUL (117 East Street)	22/03/2019	<i>Redevelopment and refurbishment of the site to provide 7no. self-contained flats with associated parking, amenity space, refuse store and cycle store</i>	<i>Permitted</i>
18/00714/FUL (111 East Street)	10/10/2018	Demolition of bungalow and erection of a two storey building comprising of 1 x 3 and 3 x 2 bedroom flats and associated parking	Refused
17/00244/FUL (111 East Street)	21/11/2017	Demolition of bungalow and erection of a two storey building comprising 1 x 3 and 3 x 2 bedroom flats with associated parking	Permitted

8 Planning Policy

National Planning Policy Framework (2021)

LDF Core Strategy (2007)

Policy CS1	Creating Sustainable Communities
Policy CS5	The Built Environment
Policy CS6	Sustainability in New Development
Policy CS7	Housing Provision
Policy CS8	Housing Delivery
Policy CS9	Affordable Housing
Policy CS16	Managing Transport and Travel

LDF Development Management Policies Document (2015)

Policy DM5	Trees and Landscape
Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM11	Housing Density
Policy DM12	Housing Standards
Policy DM13	Building Heights
Policy DM17	Contaminated Land
Policy DM19	Development and Flood Risk
Policy 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

Technical Housing Standards – Nationally Described Space Standards (2015)

Parking Standards for Residential Development SPD (2015)

Surrey County Council Vehicular and Cycle Parking Guidance (2018)

Surrey Design: A Strategic Guide for Quality Built Environments: Technical Appendix (2002)

Revised Sustainable Design SPD (2016)

9 Planning Considerations

- 9.1 The main planning considerations material to the determination of this application are:
- Principle of Development
 - Impact upon Character and Appearance of the Area
 - Impact upon Neighbouring Residential Amenities
 - Affordable Housing
 - Quality of Accommodation
 - Housing Mix
 - Highways, Parking and Cycle Parking
 - Refuse and Recycling Facilities
 - Landscaping
 - Biodiversity and Ecology
 - Sustainability
 - Flood Risk and Surface Water Drainage
 - Land Contamination
 - Community Infrastructure Levy (CIL)
 - Legal Agreements

Principle of Development

Presumption in Favour of Sustainable Development

- 9.2 The National Planning Policy Framework (NPPF) was updated in July 2021 and sets out the Government's planning policies for England and how they should be applied. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 9.3 The site is located within a built up area and does not affect any assets of particular importance such as SSSI, AONB, European or National Ecological Designations, Green Belt or any other given additional weight by the NPPF (2019). When considering the principle of development, the presumption in favour of sustainable development is fundamental in this case.
- 9.4 In accordance with Paragraph 12 of the NPPF (2021), development proposals that accord with an up-to-date development plan should be approved and where a proposal conflicts with an up-to-date development plan, permission should not usually be granted.

- 9.5 Paragraph 11d of the NPPF (2021) is engaged via Footnote 7 in circumstances, for applications involving the provision of housing, where Local Planning Authorities cannot demonstrate a five year supply of deliverable housing sites. The practical application and consequence of this is that unless the site is located in an area or affects an asset of particular importance that provides a clear reason for refusal, then permission must be granted unless it can be demonstrated that any adverse impact would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

Housing Need

- 9.6 Paragraph 60 of the NPPF (2021) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.7 Paragraph 69 of the NPPF (2021) states [inter alia] that small and medium sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.
- 9.8 Policy CS7 (Housing Provision) of the LDF Core Strategy (2007) states that the Council will seek to ensure sufficient housing is provided to meet the Borough's housing requirement. The Council's annual housing target has increased significantly since the adoption of the Core Strategy (2007) and Epsom and Ewell Borough Council currently has an annual housing target of 695 new residential dwellings per year under the Housing Delivery Test.
- 9.9 Meeting any increase in the annual housing target will be challenging, by reason that the Borough is mostly comprised of existing built up areas, strategic open spaces or Green Belt, therefore the supply of available development sites is now extremely limited. As such, it is important that available sites are optimised for housing delivery.
- 9.10 The surrounding area is predominantly residential in character and appearance, therefore current planning policy would not preclude such types of developments. As such, given the significant housing need within the Borough, it is considered that the redevelopment of this site at a higher density creating additional residential units within a sustainable location is acceptable in principle, subject to the below other material planning considerations.

Impact upon Character and Appearance of the Area

- 9.11 The National Planning Policy Framework (NPPF) (2019) attaches great importance to the design of the built environment. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states [inter alia] that developments should 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. Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 9.12 Paragraph 3.7.5 of the LDF Core Strategy (2007) sets out that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 states 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.
- 9.13 Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015) states that development proposals will be required to incorporate good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced include, but are not limited, to the following:
- Prevailing development typology, including house type, sizes, and occupancy;
 - Prevailing density of the surrounding area;
 - Scale, layout, height, form, massing;
 - Plot width and format which includes spaces between buildings;
 - Building line build up, set back, and front boundary; and
 - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.

- 9.14 Policy DM11 (Housing Density) of the LDF Development Management Policies Document (2015) states that in principle, the Council will support proposals for new housing that make the most efficient use of development sites located within the Borough's existing urban area. The density of new housing development will in most cases not exceed 40 dwellings per hectare, however exceptions will be considered if it can be demonstrated that the site enjoys good access to services, facilities and amenities via existing public transport, walking and cycling networks; and the surrounding townscape has sufficient capacity to accommodate developments of higher density.
- 9.15 It is acknowledged that the proposed 21 dwellings would substantially exceed the 40 dwellings per hectare (approximately 156dpha (21/0.135ha proposed)), however this is given less weight in the planning assessment as there is a need to optimise available sites and it is inconsistent with the objectives of the NPPF (2021).
- 9.16 Policy DM13 (Building Heights) of the LDF Development Management Policies Document (2015) states [inter alia] that buildings higher than 12 metres will be inappropriate in all areas of the Borough except the identified areas within the Epsom Town Centre Boundary where buildings up to a maximum height of 16 metres will be allowed in certain locations. It is acknowledged that although the site falls outside the Town Centre Boundary it is nevertheless located approximately 190 metres from the edge of the Town Centre Boundary and therefore the above policy is applicable.
- 9.17 In May 2018, the Licensing and Planning Policy Committee took a decision to set aside Policy DM11 (Housing Density) and Policy DM13 (Building Heights). This was on the basis of the aforementioned policies restricting opportunities for growth in the Borough. It should be noted that these policies still remain part of the development plan, however they are afforded little weight in the presumption of sustainable development.
- 9.18 The site is located within a prominent position with its frontage facing both East Street and Kiln Lane. It would also be visible from Middle Lane. The immediate area consists of two and three storey detached, semi-detached and terraced properties (some sub-divided into self-contained flats) of varying architectural style, however there are a number of flatted developments in close proximity.

- 9.19 The existing detached bungalow and two storey detached property would be demolished and along with the wider site curtilage be replaced with a two – four storey stepped building of a contemporary design. The proposed building would be broken down into a number of block types. It would have a staggered height of between approximately 9.33 metres and 13.15 metres measured from the Ground FFL on East Street. It would be designed with a flat roof form with a varied roofline of setbacks and integral balconies/terraces (upper floors) and private terraces (ground floor). The design of the proposed building is illustrated in the images (see Key Views 1 and 2) below:



Key View 1: East Street looking at junction with Kiln Lane



Key View 2: East Street looking north at junction to Kiln Lane

- 9.20 It is evident that the proposal would be of a much higher density in comparison to the existing built form. The proposed building would have a meaningful visual gap between the two/three storey block and the corner block, a curved corner feature and a staggered elevation building line with integral balconies. The stepped design, incorporating the fall in street level (see Figure 2 below) along with the pushing and pulling of the façade with deep recessed balconies are considered to help break down the bulk and mass of the building.



Figure 2: Kiln Lane

- 9.21 It is acknowledged that the proposed maximum height of approximately 13.15 metres would exceed the 12 metre height considered appropriate in Policy DM13 (Building Heights), however again this is given less weight in the planning assessment as there is a need to optimise available sites and it is inconsistent with the objectives of the NPPF (2021). Furthermore, each application is considered on a case by case basis and on its own individual merits.
- 9.22 In terms of local context, there is a three storey apartment block (Acer House) on East Street on the opposite side of Kiln Lane and from the application site and diagonally from the application site and on the opposite side of East Street is a newly constructed four storey apartment block (Epsom Reach/former Kings Arms Public House) extending to an approximate height of 13.4 metres. It is considered that the proposed density and height of the proposal would relate to the higher densities in East Street, particularly leading back to the Town Centre.
- 9.23 The choice of materials are particularly important in terms of designing a high quality development and to ensure that the design is appropriate within the surrounding local context helping to develop a modern vernacular for the edge of the town centre. The external finish of the building would primarily comprise of two tones of brickwork, yellow and red, which would be reflective of the surrounding area where a variety of different brickwork tones are used. It would also help break up the massing of the proposed building and avoid the long elevation becoming monotonous. The proposed materials are considered acceptable in principle, however to ensure a high quality appearance upon completion of the development further information on all proposed materials and finishes (including boundary treatment) will be secured via a planning condition.
- 9.24 It is considered that the design, scale and massing of the proposal, whilst clearly visible within the streetscene, would make a positive contribution to the character and appearance of the surrounding area, and would comply with the NPPF (2021), Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

Impact upon Neighbouring Residential Amenity

- 9.25 Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015) seeks to safeguard residential amenities in terms of privacy, outlook, daylight/sunlight and, noise and disturbance.
- 9.26 The proposed building would be stepped in height away from the shared boundary with No. 113 East Street. Block Type 1 (part two, part three storey in height) would be located approximately 0.8 metres from the shared boundary with No. 113 East Street. Block Type 2, 3 and 4 (four storey in height) would be located approximately 12.6 metres from the shared boundary with No. 113 East Street.
- 9.27 The proposed boundary treatment to the rear with No. 113 East Street would comprise of a low level brick wall to the inside face of the existing approximate 1.9 metre neighbouring fence and an approximate 2.5 metre (measured from the car park level) high boundary hedgerow planting.

Daylight and Sunlight

- 9.28 The application has submitted a Daylight and Sunlight Report [prepared by Waterslade].
- 9.29 The Building Research Establishment (BRE) Report 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' by Paul Littlefair is the normal criteria adopted when assessing the sunlight and daylight impact of new development on existing buildings.
- 9.30 It is usual to only consider the main habitable spaces (i.e. living rooms, bedrooms and kitchens) within residential properties. As such, the following properties have been considered (applicant's assessment in italics):

- No. 113 East Street

The assumed habitable room assessed within this property experiences a small proportional VSC reduction of 11% to a rear window, which is well within the 20% allowance specified in the BRE guidelines. This combined with the excellent retained VSC of 35%, means that the impact comfortably complies with the BRE guidelines.

- No. 103B East Street

The assumed habitable room assessed within this property experiences a negligible reduction in daylight and sunlight as a result of the proposed development and will fully comply with the BRE guidelines.

- No's. 1, 3, 5, 7, 9 and 11 Kiln Lane

The assumed habitable rooms assessed within these properties experience small proportional VSC reductions of between 7% and 10%, which is well within the 20% allowance specified in the BRE guidelines. This combined with the excellent retained VSCs of around 33%, means that the impact comfortably complies with the BRE guidelines.

- Chossy House, No. 168 East Street

The assumed habitable rooms assessed within this property experience negligible reductions in daylight and sunlight as a result of the proposed development and will fully comply with the BRE guidelines.

- No's 1 and 2 Ede Court

The assumed habitable rooms assessed within these properties experience negligible reductions in daylight and sunlight as a result of the proposed development and will fully comply with the BRE guidelines.

Overshadowing

- 9.31 The BRE guidance suggest that for an amenity area, e.g. garden, to appear sunlit throughout the year, at least 50% of the garden or amenity area should receive two hours of sunlight on 21st March (21st March is the equinox month and is the set day for testing overshadowing in accordance with the BRE criteria).

- No. 113 East Street

- 9.32 *Drawing W1242_SHA_01 shows the percentage of the neighbouring garden that receives at least two hours of direct sunlight on March 21st before and after development. The results show that the garden of 113 East Street achieves 74% after development, which comfortably exceeds the BRE recommended target of 50%. Therefore, the overshadowing impact of the proposed development fully complies with the BRE guidelines.*

Privacy/Overlooking

- 9.33 The proposed building has been designed so that the private amenity space (balconies/terraces) has been sited so they face East Street and Kiln Lane. It is stated that most habitable room windows and balconies would be located on the north west, south east and south west elevations, however some bedroom windows would be located on the north east elevation facing No. 113 East Street. These windows would be of an oriel design angled away from No. 113 East Street.
- 9.34 It is considered that consideration has been given to minimise any undue overlooking and loss of privacy and there would be no direct overlooking into neighbouring habitable room windows, therefore any impact is not considered to be significant enough to warrant grounds for refusal.

- 9.35 The proposed separation distance between the proposed balconies and the front windows on No's. 1, 3, 5, 7, 9 and 11 Kiln Lane would be in excess of 30 metres. It is considered, by reason of this separation distance, that there would not be any undue overlooking or significant loss of privacy to the properties located on Kiln Lane.

Outlook

- 9.36 The proposed side flank elevation wall of the four storey block would be located approximately 12.5 metres from the shared boundary with No. 113 East Street. It is considered that there would be some visual impact and loss of outlook, however by reason of the set in distance, any impact is not considered to be significant enough to warrant grounds for refusal.

Noise and Disturbance

- 9.37 It is acknowledged that the proposed building would result in an increased number of comings and goings in comparison to the existing arrangements, however the level of noise would not be unusual within a built up environment adjacent to an 'A' classified road.
- 9.38 The submitted Daylight and Sunlight Report concludes that *the level of daylight and sunlight impact to all assumed habitable rooms assessed within the neighbouring properties, and the overshadowing impact to the rear garden of [No.] 113 East Street, is very small and fully compliant with the BRE guidelines.*
- 9.39 It is concluded that Officers accept the findings of the Daylight and Sunlight Report and Shadow Path Analysis submitted by the applicant. The proposal is not considered to diminish the living conditions of any neighbouring occupiers to an extent that would be material or warrant grounds for refusal. As such, it is considered that the proposal would comply with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

Affordable Housing

- 9.40 Paragraph 63 of the NPPF (2021) states that where a need for 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 objectives of creating mixed and balanced communities

- 9.41 Paragraph 65 of the NPPF (2021) states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of 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.
- 9.42 Policy CS9 (Affordable Housing) of the LDF Core Strategy (2007) states that the Council has a target that overall, 35% of new dwelling should be affordable. 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.
- 9.43 In this regard, to be fully compliant, the proposal would be required to provide 8.4 affordable units.
- 9.44 Paragraph 3.12.11 of the LDF Core Strategy (2007) states that where there are specific and overriding site constraints, or where development-specific issues inhibit the provision of affordable housing, off site provision or financial contributions may be acceptable.
- 9.45 The applicant, DWD, have undertaken a viability appraisal, submitted in support of the planning application. This concluded that the proposed scheme would result in a deficit of circa. £1,320,000 and therefore the scheme cannot viably deliver any on-site affordable housing or provide an off-site affordable in lieu payment. The applicant's viability appraisal has been independently reviewed by a viability assessor, BPS, on behalf of the Council.
- 9.46 BPS have concluded that the scheme shows a deficit of circa. £165,132, which is a significant improvement in viability against DWD's position, but still a 'non-viable' position that suggests the scheme cannot viably contribute towards affordable housing based upon current costs and values. The recent increases in construction costs are a key reason for this deficit compared to the conclusions made in BPS's reporting of the previously refused scheme (ref. 20/00797/FUL).
- 9.47 BPS have recommended that a review mechanism is included in the S106 agreement, to be worded as follows:
- review mechanism which is triggered if works on-site have not reached construction of the first-floor slab within 2 years of planning permission being granted
- 9.48 A review mechanism can offer several advantages e.g. an appraisal which reflects actual costs and values and the opportunity for an additional contribution as schemes may become more or less viable over time.

- 9.49 The net gain provision of 18 residential units, although without a policy compliant level of affordable housing is a benefit, which weighs in favour of the proposal in the planning balance. The lack of a policy compliant level of affordable housing is given minor negative weight.

Quality of Accommodation

- 9.50 Policy DM12 (Housing Standards) of the LDF Development Management Policies Document (2015) states that all new housing developments, including conversions, are required to comply with external and internal space standards.
- 9.51 The Nationally Described Space Standards (2015) sets out internal space standards for new dwellings at a defined level of occupancy. It further states that in order to provide one bedspace, a single bedroom has a floor area of at least 7.5sqm and in order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5sqm.
- 9.52 Paragraph 3.36 of the LDF Development Management Policies Document (2015) states that to provide adequate private amenity space for development of flats, a minimum of 5sqm of private amenity space for 1-2 person units should be provided and an extra 1sqm should be provided for each additional occupant e.g. a 4 person unit would be required to provide a minimum of 7sqm of private amenity space.
- 9.53 The application proposes 7 x 1 bedroom flats, 10 x 2 bedroom flats and 4 x 3 bedroom flats.

Flat	Number of Bedrooms (b) / Number of Bed Spaces (p)	Gross Internal Area (GIA)	Private Amenity Space
G-01	1b/2p	50sqm	8sqm
G-02	1b/2p	55sqm	17sqm
G-03	1b/2p	50sqm	11sqm
1-02	1b/2p	50sqm	6sqm
1-06	1b/2p	50sqm	5sqm
1-07	1b/2p	51sqm	5sqm
2-02	1b/2p	50sqm	6sqm
1-01	2b/3p	62sqm	6sqm
1-03	2b/3p	61sqm	6sqm
1-04	2b/3p	61sqm	6sqm
2-01	2b/3p	62sqm	6sqm
2-03	2b/3p	61sqm	6sqm
2-04	2b/3p	61sqm	6sqm
2-06	2b/3p	62sqm	40sqm
3-01	2b/3p	73sqm	14sqm
3-02	2b/3p	68sqm	6sqm
3-03	2b/3p	61sqm	11sqm

G-04	3b/4p	78sqm	35sqm
G-05	3b/4p	86sqm	30sqm
1-05	3b/4p	74sqm	8sqm
2-05	3b/4p	74sqm	8sqm

- 9.54 The proposed flats would all either meet or exceed the minimum internal and external space standards set out in the Nationally Described Space Standards (2015), therefore providing adequate living and private amenity arrangements. The ground floor flats would be provided with a small garden space and the upper floor flats would be provided with either a balcony or terrace.
- 9.55 As such, it is considered that the proposal would comply with Policy DM12 (Housing Standards) of the LDF Development Management Policies Document (2015) and the Technical Housing Standards – Nationally Described Space Standards (2015).

Housing Mix

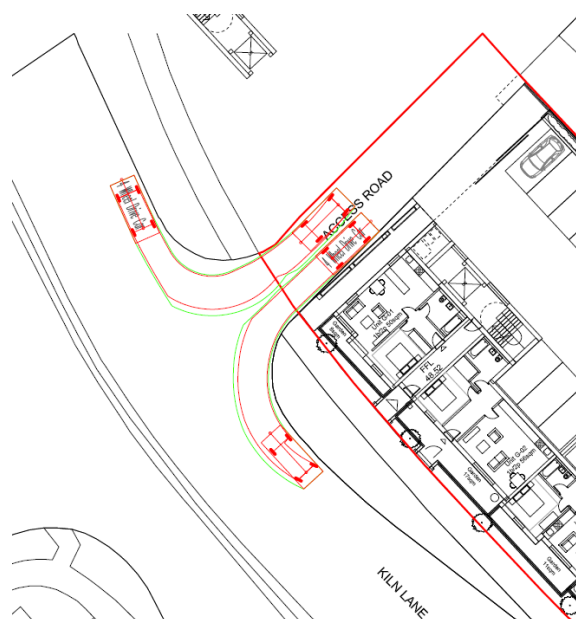
- 9.56 Policy DM22 (Housing Mix) of the LDF Development Management Policies Document (2015) states that the Council require all residential development proposals for four or more units be comprised of a minimum of 25% 3+ bedroom units, unless it can be demonstrated that the mix would be inappropriate for the location or endanger the viability of the proposal.
- 9.57 Chapter 3 (Housing Need Assessment) of the Council's Strategic Housing Market Assessment Update (2019) recommends that the breakdown of dwellings by size should be 10% for 1 bedroom units, 50% for 2 bedroom units, 30% for 3 bedroom units and 10% for 4 bedroom units.
- 9.58 The proposed housing mix would be 7 (33%) x 1 bedroom units, 10 (48%) x 2 bedroom units and 4 (19%) x 3 bedroom units. It is acknowledged that the housing mix for 3+ bedroom units would be slightly short of that set out above, however by reason that the proposal is located within a sustainable town centre location and that the proposal is flatted development, it is considered that the housing mix is appropriate within this location. Furthermore, the mix of units includes a majority of 2 bedroom units suitable for small families.
- 9.59 The housing mix not being fully policy compliant is given negative minor weight.

Highways, Parking and Cycle Parking

- 9.60 Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

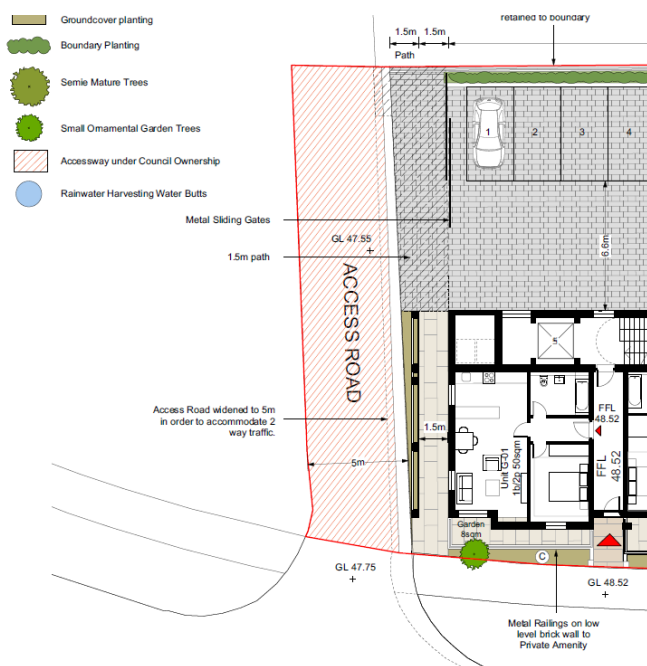
- 9.61 Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007) encourages development proposals that foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should (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.
- 9.62 Policy DM37 (Parking Standards) of the LDF Development Management Policies Document (2015) seeks to ensure that new schemes provide an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. It further states that the Council will consider exceptions to this approach if an applicant can robustly demonstrate that the level of on-site parking associated with the proposal would have no harmful impact on the surrounding area in terms of streetscene or availability of on-street parking.
- 9.63 Table 1 of the Council's Parking Standards for Residential Development SPD (2015) states that 1 & 2 bedroom flats require a minimum of 1 off-street car parking space and 3+ bedroom flats require a minimum of 1.5 car parking spaces. As such, in accordance with Table 1 the proposal should provide a minimum of 23 car parking spaces.
- 9.64 The proposal would be provided with 16 on-site car parking spaces. As such, in accordance with Table 1 there is a shortfall of 7 on-site car parking spaces. The applicant has submitted a Transport Statement (Job Number 2688, Rev F). It concludes, by way of robustly justifying the shortfall, that the proposed 16 on-site car parking spaces proposed matches the identified census (2011) level of car ownership and given the sustainable location that there is sufficient parking proposed on-site and as a result overspill parking will not be required. It is considered that future occupiers would not necessarily be reliant on the use of a car for typical daily journey purposes and would have a range of alternative modes of transport, including train, bus, cycling and walking. Furthermore, it is considered that the proposal would not significantly exacerbate or worsen any existing parking problems in the area.

- 9.65 It is argued by the applicant that the proposed 16 on-site car parking spaces would ensure that the private car is not prioritised over more sustainable modes of travel, in accordance with the objectives of Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007). The applicant has further stated that it is anticipated that the car parking will be allocated, however it would be offered at a yearly charge with a yearly review, in order to further limit demand to only apartments that require a parking space.
- 9.66 Surrey Design: A Strategic Guide for Quality Built Environments: Technical Appendix (2002) states that the minimum carriageway widths for 0-25 dwellings is 4.1 metres, and for 26-50 dwellings is 4.8 metres.
- 9.67 It is proposed to use the existing access off Kiln Lane for vehicular access into the site. The existing access road would be widened from approximately 4.2 metres to 5 metres, which is considered to be of sufficient width to accommodate two cars to pass at the site entrance as demonstrated by the swept path analysis (Dwg No. SK13 Rev A), and would comply with the minimum carriageway widths set out above.



Extract of Dwg No. SK13 Rev A

- 9.68 A 1.5 metre to 3 metre wide footpath is proposed along the access road (partly located under the proposed apartment building) and would provide a dedicated pedestrian route towards Sainsbury's (see Dwg No. (GA)02-PL2 Rev A). The entrance to the on-site car parking spaces would comprise of metal sliding gates.



Extract of Dwg No. (GA)02-PL2 Rev A showing footpath arrangements

- 9.69 Surrey County Council Vehicular and Cycle Parking Guidance (2018) requires 1 cycle space per 1 & 2 bedroom unit and 2 cycle spaces per 3 + bedroom unit. As such, in accordance with this guidance the proposal should provide a minimum of 25 cycle parking spaces.
- 9.70 The proposal would be provided with storage for 25 cycle spaces. The cycle storage has been designed so that it would be an integral part of the building and would be accessible and secure. This is considered acceptable.
- 9.71 Surrey County Council Highway Authority have raised no objections to the proposal, however recommend that all car parking spaces are provided with electric vehicle charging infrastructure. This aspect will be secured via a planning condition.
- 9.72 As such, it is considered that the proposal would comply with the NPPF, Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007).
- 9.73 The shortfall in car parking is given minor negative weight.

Refuse and Recycling Facilities

- 9.74 Policy CS6 (Sustainability in New Developments) of the LDF Core Strategy (2007) sets out [inter alia] that proposals for development should result in a sustainable environment and to conserve natural resources, waste should be minimised and recycling encouraged. Development should incorporate waste management processes.

- 9.75 Annex 2 of the Council's Revised Sustainable Design SPD (2016) sets out the refuse and recycling requirements for flatted development. It states [inter alia] that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers to be stored and manoeuvred and be within 6 metres of the public highway. It further states that if more than four 240 litre bins are to be emptied, then the collection vehicle should be able to enter the development to avoid the risk of obstructing traffic.
- 9.76 The proposed refuse and recycling stores (one for each core) have been designed so that they are integral to the building. These would be accessed from the car park. It is proposed that approximately 509 litres/flat has been allocated for refuse and recycling materials as follows:
- 3 x 1100L refuse bins
 - 5 x 1100L mixed recycling bins
 - 1 x 1100L and 1 x 240L glass recycling bins
 - 3 x 180L food waste recycling bins
- 9.77 It should be noted that the above requirement has been calculated in accordance with Annex 2 of the Council's Sustainable Design SPD (2016).
- 9.78 Dwg No. (GA)03-PL2 A demonstrates Bin Store A and Bin Store B. The bin stores would be located at lower ground level and within 30 metre horizontal travel distance of all flats. It is further proposed that a private management company will move the bins via a dedicated bin lift to a holding pen at ground floor level, ready for collection from East Street (Dwg No. (GA)02 C).
- 9.79 The Council's Transport and Waste Services Manager has stated that this arrangement would necessitate the Council's collection vehicles to park roughly outside No. 113 East Street during collections which is considered suitable in terms of general traffic flow, distance from the junction with Kiln Lane, and the locations of the existing dropped kerb.
- 9.80 The proposed 509 litres/flat would exceed the guidance of 495 litres/flat set out in the Council's Sustainable Design SPD (2016).
- 9.81 The Council's Transport and Waste Services Manager has raised no objections. Surrey County Council Highway Authority (CHA) have also raised no objections to the proposal.
- 9.82 A refuse, deliveries and servicing waste management plan will be secured via a planning condition, to be implemented and for each and every subsequent occupation of the development, and an informative added stating that the private waste management company is expected to move the bins to the holding pen at ground floor level and that the Council will not be responsible for missed collections in the event waste management processes is not in place.

- 9.83 As such, it is considered that the proposal would comply with Policy CS6 (Sustainability in New Development) of the LDF Core Strategy (2007) and Annex 2 of the Council's Revised Sustainable Design SPD (2016).

Landscaping

- 9.84 Policy DM5 (Trees and Landscape) of the LDF 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]:

- continuing to maintain trees in streets and public open spaces and selectively removing, where absolutely necessary, and replacing and replanting trees; 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 trees and other planting.

- 9.85 It is noted that there has been a recent loss of trees within the site curtilage resulting in the site having a bare and exposed appearance.

- 9.86 The proposal is complemented with some soft landscaping and tree planting proposed along the street frontage, with larger specimens on East Street. A landscape buffer has been proposed along the shared boundary with No. 113 East Street.

- 9.87 It is considered that further details of hard and soft landscaping should be secured via a planning condition. As such, it is considered that the proposal would comply with Policy DM5 (Trees and Landscape) of the LDF Development Management Policies Document (2015).

Biodiversity and Ecology

- 9.88 Policy CS3 (Biodiversity and Nature Conservation Areas) of the LDF Core Strategy (2007) sets out that development that is detrimental to the Borough's biodiversity will be minimised, and where it does take place, adequate mitigating measures should be provided. Wherever possible, new development should contribute positively towards the Borough's biodiversity.

- 9.89 Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015) 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 any site or building that supports species protected by Law including their habitats, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the identified species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity.

- 9.90 The applicant has submitted an Ecological Appraisal Report [prepared by Wychwood Environmental Ltd]. The Council's Ecology Officer has advised that the surveys all seem good. It is acknowledged that the development does result in the loss of habitat including dense scrub and amenity grassland. The Appraisal Report recommends a number of mitigation and enhancement proposals, including a green roof, 'bee bricks', bird boxes and native species planting. It is considered that further details should be secured via a planning condition to enhance the biodiversity of the site in accordance with Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015).

Sustainability

- 9.91 Policy CS6 (Sustainability in New Developments) of the LDF Core Strategy (2007) states [inter alia] that development should result in a sustainable environment and ensure that new development minimises the use of energy in the scheme, minimises the emission of pollutants into the wider environment, minimises the energy requirements of construction and incorporates waste management processes.
- 9.92 The applicant has submitted an Energy and Sustainability Report [prepared by Envision]. The report demonstrates how the development will incorporate a number of sustainability and energy efficiency measures. The proposal would include a 40 square metre photovoltaic (PV) array mounted to the roof of the proposed building.
- 9.93 As such, it is considered that the proposal would be able to secure a sustainable development outcome and would comply with the NPPF (2019) and Policy CS6 of the LDF Core Strategy (2007).

Flood Risk and Surface Water Drainage

- 9.94 Paragraph 167 of the NPPF (2021) states that when determining any planning applications, LPAs should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 9.95 Paragraph 169 of the NPPF (2021) sets out that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.

- 9.96 Policy CS6 (Sustainability in New Developments) of the LDF Core Strategy (2007) states that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development [inter alia] avoids increasing the risk of, or from flooding.
- 9.97 Policy DM19 (Development and Flood Risk) of the LDF Development Management Policies Document (2015) sets out that development on sites of 1ha or greater in Zone 1 will not be supported unless [inter alia]:
- ii) it can be demonstrated through a site Flood Risk Assessment (FRA) that the proposal would, where practicable, reduce risk both to and from the development or at least be risk neutral; and,
 - iii) 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.
- 9.98 Policy DM19 further states that the Council will expect development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SuDs) at a level appropriate to the scale and type of development.
- 9.99 The site is located within Flood Risk Zone 1 (Low Probability of Flooding) and the rear of the site falls partly within a Critical Drainage Area. The site is 0.124 hectares in size.
- 9.100 The applicant has submitted a Flood Risk Assessment and Drainage Strategy [prepared by Waterman Infrastructure & Environment Limited].
- 9.101 The Lead Local Flood Authority (Surrey County Council) have reviewed the submitted surface water drainage strategy for the proposed development and have raised no objections, subject to planning conditions. As such, it is considered that the proposal would comply with the NPPF (2019), Policy CS6 (Sustainability in New Developments) of the LDF Core Strategy (2007) and Policy DM19 (Development and Flood Risk) of the LDF Development Management Policies Document (2015).

Land Contamination

- 9.102 Paragraph 186 of the NPPF (2021) states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

9.103 Policy DM17 (Contaminated Land) of the LDF Development Management Policies Document (2015) states [inter alia] that where it is considered that land may be affected by contamination, planning permission will only be granted if it is demonstrated that the developed site will be suitable for the proposed use without the risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.

9.104 The applicant has submitted a Preliminary Investigation Report (Ref. 18318/PIR_R26/V1.0). The Council's Contaminated Land Officer has reviewed this and agrees that an intrusive investigation is required. This aspect will be secured via a planning condition.

Community Infrastructure Levy (CIL)

9.105 The proposal will be CIL liable.

Legal Agreements

9.106 The following site specific and/or financial and infrastructure contributions are required to mitigate the adverse impact of the development:

- review mechanism which is triggered if works on-site have not reached construction of the first-floor slab within 2 years of planning permission being granted
- monitoring fee (drafting of Section 106 agreement) of £1,200

10 Conclusion

10.1 Paragraph 11(d)(ii) of the NPPF (2021) states that for decision-making the Council should approve planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

10.2 The Council are unable to demonstrate a 5 year supply of land for the delivery of housing. As such, the presumption in favour of sustainable development and Paragraph 11(d) of the NPPF (2021) is a material planning consideration.

10.3 The provision of 21 residential units (a net gain of 18 units) each with private amenity space would provide a significant public benefit, which weighs in favour of the scheme. Paragraph 60 of the NPPF (2021) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is development without unnecessary delay. The provision of additional housing comprises a substantial social benefit.

- 10.4 The provision of affordable housing in developments is afforded significant weight in the planning balance. The lack of policy compliant affordable housing provision, is given minor negative weight in the planning balance. The applicant has undertaken a viability appraisal which conclude that the scheme cannot viably contribute towards affordable housing, therefore minor negative weight is given as opposed to negative weight.
- 10.5 The housing is mix is not fully compliant and therefore given minor negative weight.
- 10.6 The shortfall in on-site car parking spaces is given minor negative weight, by reason that the applicant has justified the shortfall and that the site is located within a sustainable location with good public transport accessibility. Increasing on-site parking provision would not optimise the residential use of the site, an important objective in view of housing need.
- 10.7 In addition, other benefits must be identified, these being economic from the construction project and CIL.
- 10.8 Taking all these matters into account, including all other material planning considerations, it is found that the benefits would significantly and demonstrably outweigh the negative impacts when assessed against the policies of the NPPF as a whole. The proposal would represent sustainable development.

11 Recommendation

PART A

- 11.1 Subject to a Section 106 Legal Agreement being completed and signed by 13th April 2022 to secure the following Heads of Terms:
- review mechanism which is triggered if works on-site have not reached construction of the first-floor slab within 2 years of planning permission being granted;
 - monitoring fee (drafting of S106 Legal Agreement) of £1,200

The Committee authorise the Head of Place to grant planning permission subject to the conditions detailed below.

PART B

- 11.2 In the event that the Section 106 Legal Agreement referred to in Part A is not completed by 13th April 2022, the Head of Place is authorised to refuse the application for the following reason:

In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy CS9 (Affordable Housing) of the LDF Core Strategy (2007) in relation to the review mechanism associated with the provision of affordable housing.

CONDITION(S):

- (1) The development hereby permitted shall begin 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:

(GA)01-PL2 Rev A Proposed Block Plan (Received 01/11/2021)

(GA)02-PL2 Rev A Proposed Site Plan (Received 01/11/2021)

(GA)03-PL2 Rev A Proposed Floor Plans Sh1 (Received 01/11/2021)

(GA)04-PL2 Rev A Proposed Floor Plans Sh2 (Received 01/11/2021)

(GA)05-PL2 Rev A Proposed Floor Plans Sh3 (Received 01/11/2021)

(GA)06-PL2 Rev A Proposed Elevations Sh1 (Received 01/11/2021)

(GA)07-PL2 Rev A Proposed Elevations Sh2 (Received 01/11/2021)

14687 Planning Statement [October 2021] (Received 01/11/2021)

Design and Access Statement – Part 1 & 2 [October 2021] (Received 01/11/2021)

Daylight and Sunlight Report [prepared by Waterslade] [May 2020] (Received 01/11/2021)

Daylight and Sunlight Addendum [prepared by Waterslade] (Received 01/11/2021)

2688 Rev F Transport Statement [prepared by EAS] (Received 01/11/2021)

SK05 Rev B Visibility Splay (Received 01/11/2021)

Ecology Appraisal Report [prepared by Wychwood Environmental Ltd] [May 2020] (Received 01/11/2021)

Energy and Sustainability Report [prepared by Envision] [October 2021] (Received 01/11/2021)

Reptile Survey [June 2020] (Received 01/11/2021)

Flood Risk Assessment and Drainage Strategy [prepared by Waterman Infrastructure & Environment Limited] [October 2021] (Received 01/11/2021)

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) Prior to above ground works, sample panels showing examples of all principle areas of brickwork, soffits, reveals, curved surfaces and parapets shall be prepared for inspection and approval by the Location Planning Authority. These shall be maintained on site during construction work and used as models for colour, texture as well as brick module, bond, pointing and mortar colour. The development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory appearance on completion of the development in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (4) Prior to above ground works, details/sections of all eaves, parapets, windows (including head, sill and window reveal details), rainwater goods, extraction ducts, balustrades, 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 on completion of the development in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (5) Prior to above ground works, details of a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include details of the materials used for the widened access road with consideration given to the principles of shared space that ensures a safe environment for all, particularly pedestrians. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or shrubs which die during this period shall be replaced in the first available planting season, and the area shown to be landscaped shall be permanently retained for that purpose only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to secure a satisfactory appearance on completion of the development in accordance with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (6) The approved areas of hardstanding shall be porous or permeable, or shall direct surface water to a porous or permeable surface within the site and shall thereafter be maintained as such.

Reason: To reduce surface water runoff from the site in accordance with Policies CS6 (Sustainability in New Developments) and DM19 (Development and Flood Risk) of the LDF Development Management Policies Document (2015).

- (7) Prior to above ground works, details of all boundary treatment to be used for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To secure a satisfactory appearance on completion of the development in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

- (8) Before any occupation of the development hereby permitted, the side facing windows (serving non-habitable rooms) on the north east elevation facing No. 113 East Street, shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing to a minimum of level 3 on the standard scale. Any film used to achieve the requisite obscurity level shall be non-perishable and tamper-proof, and must be replaced in the event that it ceases in obscurity level 3.

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

- (9) Prior to above ground works, details of existing and proposed finished site levels, finished floor and ridge levels of the development, and finished external surface levels shall be 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 / in order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies (2015).

- (10) No part of the development shall be first occupied unless and until the proposed modified access to Kiln Lane has been constructed and provided

with visibility zones in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority (in general accordance with SK05 Rev B) and thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007).

- (11) The development shall not be first occupied unless and until the existing private access road has been widened to 5m between Kiln Lane and the access to the proposed parking area, in general accordance with (GA)02-PL2 Rev A, and thereafter shall be kept permanently retained and maintained.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007).

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

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007).

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

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

(b) loading and unloading of plant and materials

(c) storage of plant and materials

(d) HGV deliveries and hours of operation

(e) on-site turning for construction vehicles

(f) measures to prevent the deposit of materials on the highway

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

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the

NPPF (2021) and Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007).

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

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007).

- (15) The development hereby approved shall not be first occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the access to Kiln Lane, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2021) and Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007).

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

Reason: In recognition of Section 9 "Promoting Sustainable Transport" of the NPPF (2021) and to accord with Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007) and Policies DM36 (Sustainable Transport for New Development) and DM37 (Parking Standards) of the LDF Development Management Policies Document (2015).

- (17) Prior to occupation of the development, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Car Park Management Plan shall be implemented and for each and every subsequent occupation of the development to the satisfaction of the Local Planning Authority.

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, and to accord with Policy

CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007) and Policies DM10 ((Design Requirements for New Developments (including House Extensions)) and DM36 (Sustainable Transport for New Development) of the LDF Development Management Policies Document (2015).

- (18) The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of 25 bicycles have been provided in accordance with the approved plans and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 “Promoting Sustainable Transport” of the NPPF (2021) and to accord with Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007) and Policies DM36 (Sustainable Transport for New Development) and DM37 (Parking Standards) of the LDF Development Management Policies Document (2015).

- (19) Upon first occupation residents shall be provided with a travel information pack, including information for residents regarding the availability of and whereabouts of local public transport / walking / cycling / car sharing clubs / car clubs and include a £50 oyster card contribution as set out in the Transport Statement (Oct 2021) to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 “Promoting Sustainable Transport” of the NPPF (2021) and to accord with Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007) and Policies DM36 (Sustainable Transport for New Development) and DM37 (Parking Standards) of the LDF Development Management Policies Document (2015).

- (20) Unless otherwise agreed by the Local Planning Authority, the following must be undertaken prior to any occupation of the site, in accordance with current best practice guidance:

- (i) a site investigation and risk assessment to determine the existence, extent and concentrations of any made ground/fill, ground gas (including volatile hydrocarbons) and contaminants with the potential to impact sensitive receptors on and off site. The scope and detail of these are subject to the approval in writing by the local planning authority. The results of the investigation and risk assessment shall be submitted to and approved by the Local Planning Authority; and
- (ii) if ground/groundwater contamination, filled ground and/or ground gas is found to present unacceptable risks, a detailed scheme of risk management measures shall be designed and submitted to the Local Planning Authority for approval. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to and approved by the Local Planning Authority.

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 (Contaminated Land) of the LDF Development Management Policies Document (2015).

- (21) 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) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 1 l/s.

b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).

c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.

d) Details of drainage management responsibilities and maintenance regimes for the drainage system.

e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

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.

- (22) 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.

- (23) No construction shall take place within 5 metres of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on the local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk.

- (24) No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme of works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on the local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk.

- (25) The development hereby approved shall not commence until a Source Protection Strategy detailing, how the developer intends to ensure the water abstraction source is not detrimentally affected by the proposed

development both during and after its construction has been submitted to and approved by, the Local Planning Authority in consultation with the water undertaker. The development shall be constructed in line with the recommendations of the strategy.

Reason: To ensure that the water resource is not detrimentally affected by the development. More detailed information can be obtained from Thames Waters' Groundwater Resources Team email GroundwaterResources@Thameswater.co.uk. Tel: 0203 577 3603.

- (26) Prior to the occupation of the development, a refuse, deliveries and servicing waste management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse, deliveries and service waste management plan shall be implemented and for each and every subsequent occupation of the development, to the satisfaction of the Local Planning Authority.

Reason: In order that the development would not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the NPPF (2019) and Policy CS16 (Managing Transport and Travel) of the LDF Core Strategy (2007).

- (27) Prior to occupation of the development, details of how the proposed recycling strategy would meet national waste strategy targets, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be thereafter maintained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy CS6 (Sustainability in New Development) of the LDF Core Strategy (2007).

- (28) No development shall take place until a scheme to enhance the biodiversity interest of the site and a plan of its implementation in accordance with the proposals outlined in the Ecological Appraisal Report [prepared by Wychwood Environmental Ltd] has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved and thereafter maintained.

Reason: To safeguard and enhance biodiversity in accordance with Policy DM4 (Biodiversity and New Development) of the LDF Development Management Policies Document (2015).

- (29) The site and building works required to implement the development hereby approved shall only take place between the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 (Design Requirements for New

Developments (including House Extensions)) of the LDF Development Management Policies (2015).

- (30) Prior to the first occupation of any part of the development, details of water efficiency measures shall be submitted to and approved in writing by the local planning authority. The details shall show a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption. The measures shall be installed in accordance with the approved details and thereafter maintained as for as long as the development is in use.

Reason: To ensure that the development is sustainable and makes efficient use of water in accordance with Policy CS6 (Sustainability in New development) of the LDF Core Strategy (2007).

- (31) All non-CHP space and hot water fossil fuel (or equivalent hydrocarbon based fuel) boilers installed as part of the development must achieve dry NOx emission levels equivalent to or less than 30 mg/kWh.

Reason: To protect air quality and people's health by ensuring that the production of air pollutants, such as nitrogen dioxide and particulate matter, are kept to a minimum during the course of building works and during the lifetime of the development. To contribute towards the maintenance or to prevent further exceedances of National Air Quality Objectives.

- (32) Prior to any construction above slab level taking place, all residential units and their communal areas hereby approved shall comply with Regulation 38 of the Building Regulations – Fire Safety.

Reason: In order to comply with Policy CS6 (Sustainability in New Development) of the LDF Core Strategy (2007).

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) Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form

together with detailed plans must be submitted for approval before any building work is commenced.

- (3) The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
- carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

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

- (4) The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice.
- (5) The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
- (6) Section 59 of the Highways Act 1980 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.

- (7) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
- (8) It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
- (9) Notwithstanding any permission granted under the Planning Acts, no signs, devices or other apparatus may be erected within the limits of the highway without the express approval of the Highway Authority. It is not the policy of the Highway Authority to approve the erection of signs or other devices of a non-statutory nature within the limits of the highway.
- (10) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
- (11) If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.

If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

If there are any further queries please contact the Flood Risk Asset, Planning, and Programming team via SUDS@surreycc.gov.uk. Please use our reference number in any future correspondence.

- (12) CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
- (13) Please be advised, the private waste management company is expected to move the bins via a dedicated bin lift to a holding pen at ground floor level, ready for collection from East Street as shown in Dwg No. (GA)02-PL2 Rev A. Thereafter, all bin arrangements must be put in place to allow for the waste collection service to operate effectively and the Council will not be responsible for missed collections in the event waste management process is not in place.

Ward:	Auriol Ward
Site:	7 Station Approach Stoneleigh Surrey KT19 0QZ
Application for:	Demolition of the existing buildings and the redevelopment of the Site to provide 13 residential units (Class C3) within a part 3, part 4 storey building, with associated refuse storage, cycle parking and landscaping
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=documents&keyVal=QVTFPUGYL5300>

2 Summary

- 2.1 This Applicant seeks to demolish existing buildings on the Application Site (Site) and redevelop the Site to provide 13 residential units (Class C3), within a part three, part four storey building.
- 2.2 The proposal follows a previous planning application at the Site, which was refused planning permission on 12 October 2020, under ref: 19/00668/FUL. Key changes to the design include a reduction in the number of apartments, a reduction in the overall scale and massing of the building and changes to the overall design and façade of the building.
- 2.3 The proposal seeks the loss of a currently vacant retail unit. This proposal would make effective use of a brownfield site, within a highly sustainable location, to provide residential units. On balance, the benefits of this scheme are considered to outweigh the loss of the retail unit.
- 2.4 The Site is designated as a Built-Up Area, which is considered suitable for residential development. It is located within a Local Centre with access to a wide range of shops and amenities and only metres from the Train Station. The proposal is considered to make a positive contribution towards the Borough's housing supply, which is a benefit when considering the acute need for housing.
- 2.5 The proposal does not seek the provision of on-site affordable housing, or a commuted sum in lieu. The provision of affordable housing in developments is afforded significant weight and in the absence of on-site provision, or a commuted sum in lieu, no weight can be given in favour of this proposal.
- 2.6 The proposal would restrict afternoon sun at 6 Station Approach, which is to the east of the Site. This fails to comply with Policy DM10 of the Development Management Policies Document (2015).

- 2.7 This scheme has been designed to address the refusal reasons of planning application ref: 19/00668/FUL. The first reason for refusal of planning application ref: 19/00668/FUL concerned the height and scale of the proposal, which was judged dominant and incongruous. This scheme has been designed to address this reason for refusal, with the height and scale of the proposal reducing from the previously refused scheme. But, Officers raise concern with regards to the height, layout, and design of this proposal. The proposal is at the end of a single, cohesive terrace, which has a uniform height. The proposal would result in additional height, which would disrupt the consistency of this terrace. The established building line would also be disrupted, because of the increased floor area, at odds with the building line. This constitutes an overdeveloped Site. The proposal is in a location that is suburban and relatively modest in character, so this proposal would be out of keeping with the existing character. This proposal is contrary to Policies DM9 and DM10 of the Development Management Policies Document (2015).
- 2.8 A bat survey was undertaken in 2019, which is now out of date. A new survey needs to be undertaken, at the appropriate time. The Applicant has put forward an argument for a Planning Condition to be attached to any Planning Permission granted, to require an Updated Emergence Survey. However, this is not considered acceptable. For the Local Planning Authority to fulfil its duty of care under Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017, which is to protect the species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017, Officers would need to be certain that there are appropriate measures in place to mitigate harm to any bats currently utilising the existing building (which is to be demolished as part of the proposal). The Local Planning Authority cannot proceed to a positive decision, where Officers are not fully satisfied that the proposal would not cause harm to protected species. The proposal fails to accord with Policy DM4 of the Development Management Policies Document (2015), the NPPF (2021), Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 2.9 The Site does not have any established trees on it. There is a balance to be struck between optimising a Site and providing adequate landscaping space. In this case, the proposal is considered to comprise an overdevelopment, with a large amount of built form, resulting in inadequate space for considered landscaping. This is contrary to Policy DM5 of the Development Management Policies Document (2015).
- 2.10 The proposed development is car-free. Subject to planning permission being granted, there would be a provision of a car-club vehicle, to be located within a parking bay, to the front of the Site, on Station Approach.
- 2.11 Paragraph 11 of the NPPF relates to the presumption of sustainable development. For decision-taking, this means, approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless 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 (11dii). In this case, the adverse impacts of this scheme are considered to significantly and demonstrably outweigh the benefits.
- 2.12 Officers recommend refusal of this planning application.
- 3 Site description and designations

The Site

- 3.1 The Site comprises a three-storey end of terrace building, which forms part of a shopping parade. It is located at the corner of Station Approach and Stoneleigh Park Road.
- 3.2 The property comprises a commercial unit at the ground floor, with residential accommodation above. To the side and rear of the Site, accessed from Stoneleigh Park Road, is a long, single-storey rear extension, with a flat roof and an area of hardstanding, used for car parking.

Designations

- 3.3 The Site is designated as:
- Built Up Area
 - Stoneleigh and Auriol Neighbourhood Forum boundary
 - Medium Gas Main.
- 3.4 The Site is not listed, and it is not located within a Conservation Area. There are not locally or statutory listed buildings within the immediate vicinity of the Site. The closest heritage asset, The Station Public House (Grade II listed), is approximately 100 metres to the south-east of the Site.
- 3.5 The Site is within Flood Zone 1 (low probability of flooding).

The wider area

- 3.6 The Site's surroundings comprise commercial units, a church and residential properties.
- 3.7 The Site marks the start of Stoneleigh's commercial centre, which continues to the east of the Site, divided by Stoneleigh Train Station and the railway line. Typically, the parade comprises commercial units at ground floor level, with residential units above. Commercial units include a dry cleaners, doors and windows shop and a takeaway. There are also vacant units.
- 3.8 Heights of buildings immediately surrounding the Site are approximately 11.8 metres (height of 6 Station Approach, from front elevation)
- 3.9 St John's Church is to the south-east of the Site, adjacent to the train station.
- 3.10 Residential properties surrounding the Site are typically semi-detached and two-storeys in height.

Connections

- 3.11 The Site is in very close proximity to Stoneleigh Train Station, meaning that it is extremely well connected. There are frequent services to London Waterloo, Dorking, and Guildford.
- 3.12 There are several bus stops within proximity to the Site, including at Stoneleigh Park Road.

Open spaces and parks

- 3.13 The Site is in a 1km proximity to several public open spaces, including Cuddington Recreation Ground, King George's Field Auriol Park and Nonsuch Park.

4 Proposal

- 4.1 The proposal seeks the demolition of existing buildings and the redevelopment of the Site to provide 13 residential units (Class C3), within a part three, part four storey building, with associated refuse storage, cycle parking and landscaping.
- 4.2 The proposed density is 335 dwellings per hectare. This is based on the site area of 0.039ha and the 13 units.
- 4.3 The dimensions of the proposed building are approximately 14.4m (height at the front), 12.2m (width), 28.2m (length, typical).
- 4.4 The development is car-free. It is envisaged that a car-club vehicle could be secured within a parking bay, to the front of the Site, on Station Approach. A bike store would be located at ground floor level, accessed via the main residential entrance (on Stoneleigh Park Road).
- 4.5 The proposal follows a previous planning application at the Site, which was refused planning permission on 12 October 2020, under ref: 19/00668/FUL. Key changes to the design include a reduction in the number of apartments, a reduction in the overall scale and massing of the building and changes to the overall design and façade of the building.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 40 neighbouring properties. To date 153 letters of objection have been received regarding:
- Design, scale, massing
 - Out of character with surroundings
 - Car parking/Transport
 - Impact on neighbouring amenity (overbearing, overlooking, loss of daylight/sunlight)
 - Affordable Housing
 - Flood risk/drainage
 - Ecology
 - Sustainability.
- 5.2 2 letters of support have been received regarding:
- Design
 - Housing provision
- 5.3 Stoneleigh & Auriol Neighbourhood Forum (SANF) was formally consulted on this application. Concerns have been received from SANF regarding:
- Design (including materials)
 - Height, bulk and massing (infringement of local building lines)
 - Density
 - Out of character with surroundings
 - Affordable housing
 - Car parking/Cycle parking.
- 5.4 A site notice was displayed, and the application advertised in the local paper.

6 Consultations

- SCC Highways: no objection, subject to S106 Obligations, conditions and informatives
- SCC Archaeology: no objection

- SCC LLFA: objection – further information required from Applicant
- Environment Agency: no objection, subject to Conditions
- Fire & Rescue: no objection, the application (including any schedule) has been examined by a Fire Safety Inspecting Officer and it appears to demonstrate compliance with the Fire Safety Order in respect of means of warning and escape in case of fire. Recommend informative (AWSS)
- Thames Water: require pre-application meeting. Applicant put forward argument why this is not necessary
- Police: no response received
- EEBC Design and Conservation Officer: no objection, subject to conditions
- EEBC Ecology: objection. Require bat survey to be undertaken (Spring 2022)
- EEBC Planning Policy: concern regarding loss of retail unit
- EEBC Tree Officer: objection
- EEBC Environmental Health: no comments to make
- EEBC Contaminated Land: no objection, recommend conditions
- EEBC refuse and waste: no objection
- Stoneleigh and Auriol Forum: objection
- Health and Safety Executive: this application does not fall within any HSE consultation zones
- Southern Gas Network: no response received.

7 Relevant planning history

Application number	Decision date	Application detail	Decision
19/00668/FUL	12.10.2020	Demolition of existing buildings on site and erection of a part 5, part 7 storey building providing 20 residential flats with associated cycle and refuse stores. (Amended scheme received 01.05.2020)	Refuse

7.1 Application ref: 19/00668/FUL was presented to Planning Committee on 08 October 2020, with an Officers recommendation for refusal. The Decision Notice, sets out four reasons for refusal:

- 1) *The design of the development due to its scale and height would appear as a dominant and incongruous element in the streetscene and would harm the character*

and appearance of the surrounding area, contrary to Policy DM9 and DM10 of the Development Management Policies Document 2015

- 2) *The adverse impacts of the scheme would significantly and demonstrably outweigh the benefits of the development including additional housing units when assessed against the policies in the National Planning Policy Framework taken as a whole. The proposal is contrary to the NPPF 2019, and Policies DM9, and DM10 of the Development Management Policies Document 2015*
- 3) *In absence of a completed legal obligation under section 106 of the Town and Country Planning Act 1990 (as amended), the applicant has failed to comply with Policy CS9 (Affordable Housing and meeting Housing Needs) and para 64 of the NPPF 2019 in relation to the provision of two affordable on-site units*
- 4) *The proposed development would not meet the parking standards as set out in Policy DM37 of the Development Management Policies Document 2015 resulting in harm on the amenities of surrounding residential occupiers' in terms of streetscene and availability of on-street parking. It would fail to comply with Policy CS16 of the Core Strategy 2007 and paragraph 102(e) of the NPPF 2019*

8 Planning Policy

National Policy Planning Framework (NPPF) 2021

Chapter 5	Delivering a sufficient supply of homes
Chapter 7	Ensuring the vitality of town centres
Chapter 9	Promoting sustainable transport
Chapter 12	Achieving well-designed places
Chapter 14	Meeting the challenge of climate change, flooding and coastal change

Core Strategy 2007

Policy CS1	Creating Sustainable Communities in the Borough
Policy CS3	Biodiversity
Policy CS5	Conserving and Enhancing the Quality of the Built Environment
Policy CS6	Sustainability in New Developments
Policy CS7	Providing for Housing and Employment Development
Policy CS8	Housing Location
Policy CS9	Affordable Housing
Policy CS15	Role of Local Centres
Policy CS16	Managing Transport and Travel Development Management Policies

Development Management Policies Document 2015

Policy DM9	Townscape Character and Local Distinctiveness
Policy DM10	Design Requirements for New Developments
Policy DM11	Housing Density
Policy DM12	Housing Standards
Policy DM13	Building Heights
Policy DM19	Development & Flood Risk
Policy DM22	Housing Mix
Policy DM28	Existing Retail Centres (Outside Epsom Town Centre)
Policy DM35	Transport and New Development
Policy DM36	Sustainable Transport for New Development
Policy DM37	Parking Standards

Parking Standards for Residential Development 2015

9 Planning considerations

Principle of development

Retail

- 9.1 Chapter 7 of the NPPF relates to the vitality of town centres.
- 9.2 Policy CS15 sets out that proposals which are likely to damage or undermine the retail function of local centres or detract from their vitality and viability will be resisted.
- 9.3 Policy DM28 seeks to retain existing shopping frontages.
- 9.4 The accompanying Planning Statement sets out that the unit on Site is currently in office use, with no active frontage and not open to visiting members of the public. The proposals seek the loss of this unit, seeking to maximise residential development on this Site.
- 9.5 The accompanying Planning Statement sets out that the Site is separated from the centre of Stoneleigh by a railway line, resulting in the parade struggling for a long period of time, demonstrated by the number of vacant years. Units 1 and 2 (closest to the railway line) have been long-term vacant for roughly 10-15 years. Unit 3 is in use as a wedding shop but is currently for sale. Units 4-6 are in use as a takeaway, window shop and dry cleaners.
- 9.6 The accompanying Planning Statement sets out that as the unit is no longer protected by policy, given the implications of Class E. The recent changes to the Use Classes Order and the introduction of the new commercial, business and service class (Class E) means that retail use is now grouped into a single use class, along with a range of town centre uses including restaurant, office, indoor sports, medical and nursery uses. This means that the unit could effectively change into any of the uses within this new class without requiring planning permission. The Planning Statement sets out that the retail use is no longer protected by policy given the implications of Class E.
- 9.7 The accompanying Planning Statement sets out that the proposal would make effective use of a brownfield site, within a highly sustainable location, to provide 13 new residential units, which would make a valuable contribution to the urgent need for housing in Epsom and Ewell.
- 9.8 The accompanying Planning Statement sets out that any perceived harm as a result of the loss of the retail unit, must be balanced against the Local Planning Authority's imperative to deliver additional housing in accordance with paragraph 11 of the NPPF. Accordingly, the 'tilted balance' must be considered and Officers must give express consideration to whether the adverse impacts of granting permission would 'significantly and demonstrably' outweigh the benefits. Given Epsom's historic undersupply of housing, the loss of a single retail unit (which has not been in retail use for a number of years) cannot be considered to significantly and demonstrably outweigh the significant benefits attributed to the delivery of 13 additional homes.
- 9.9 Officers have considered the justification put forward by the Applicant, summarised above. This proposal would result in the loss of approximately 152 sqm of retail (now Class E) floorspace. While it is acknowledged that the recent introduction of Class E limits the Local Planning Authority's ability to influence changes within that Use Class (unless an Article 4 Direction were to be introduced to manage this), the loss of such a unit within a Shopping Parade is undesirable.

- 9.10 The Western side of the Stoneleigh Parade needs revitalisation and maintaining a commercial unit within this location as part of a new development could help inject vitality and encourage investment into the rest of the Parade. It is recognised in the supporting text to policy DM28 that where units have been vacant for long periods, it may be better for the overall vitality and viability of that centre to bring them into an appropriate use. It is specifically stated however that proposals which seek the change of use of ground floors to residential accommodation will be resisted.
- 9.11 The Local Planning Authority's recent Retail and Commercial Leisure Needs Assessment 2020, which forms part of the new Local Plan's evidence base, makes recommendations for Stoneleigh District Centre. One of these recommendations is to "*retain the primary shopping area boundary, including Station Approach to the west of the railway line/train station*". The proposed loss of the retail unit conflicts with this. It is not considered to align with the principles of sustainable development.
- 9.12 Whilst the loss of the retail unit is not supported when considered against Local Planning Policy, Officers do note that the loss of the retail unit has been accepted previously, through the Site's previous planning history (ref: 19/00668/FUL). Specifically, paragraph 10.13 of the Committee Report, which was presented to Planning Committee on 8 October 2020, notes that "*given the significant housing need in the borough, it is considered that the proposed redevelopment of this site in a sustainable location for a residential development is appropriate in principle*". Officer's conclusion on this matter remains.
- 9.13 In weighing up the loss of the retail unit, Officers note that this is currently vacant, and that this proposal would make effective use of a brownfield site, within a highly sustainable location, to provide residential units. On balance, the benefits of this scheme are considered to outweigh the loss of the retail unit.
- 9.14 The proposal is considered to comply with policies CS15 of the Core Strategy (2007) and DM28 of the Development Management Policies Document (2015).

Housing Supply

- 9.15 Chapter 5 of the NPPF relates to delivering a sufficient supply of homes. Paragraph 60 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.
- 9.16 Chapter 11 of the NPPF relates to the effective use of land. Paragraph 119 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.
- 9.17 The NPPF seeks sustainable development. Paragraph 11 sets out the decisions should apply a presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (includes where an LPA cannot demonstrate a five year supply of deliverable housing sites), granting permission unless 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.

- 9.18 In terms of housing delivery, the Borough's current local plan is no longer considered to be in accordance with national planning policy. Principally it does not reflect a housing requirement that is calculated using the standard method as prescribed by national policy. Under this method, a significantly higher housing requirement is identified for the Borough: 577 new units to be delivered per annum, in comparison to the existing adopted target contained within the Core Strategy: 181 new units per annum.
- 9.19 Such a considerable increase in the housing requirement has resulted in the Local Planning Authority no longer being able to identify a deliverable five-year housing land supply. The outcome of the most recent Housing Delivery Test (published January 2022) corroborates this position, indicating that presumption of sustainable development applies.
- 9.20 The Borough has a very limited housing land supply and there is therefore a need to optimise sites that are available and appropriate for residential development.
- 9.21 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.
- 9.22 Policy DM11 sets out that the Local Planning Authority will, in principle, support proposals for new housing that makes the most efficient use of development sites located within the Borough's existing urban area.
- 9.23 The Site is designated as a Built-Up Area, which is considered suitable for residential development. It is located within a Local Centre with access to a wide range of shops and amenities and only metres from the Train Station. The proposal is considered to make a positive contribution towards the Borough's housing supply, which is a benefit when considering the acute need for housing.
- 9.24 The proposal is considered to comply with Policy CS8 of the Core Strategy (2007).

Affordable housing

- 9.1 Policy CS9 requires the provision of affordable housing, seeking a target of 35% of new homes being affordable. In the case of residential developments proposing 5-14 or more dwellings, it requires at least 20% of them to be affordable.
- 9.2 A Financial Viability Assessment, Affordable Housing 106, dated March 2021, accompanies this application. It concludes that it is not viable for the Applicant to make any financial affordable housing contribution to the Local Planning Authority.
- 9.3 The Local Planning Authority's Viability Consultants, BPC, reviewed the Applicant's Assessment and prepared a Review of the Viability Report, dated 29 November 2021.
- 9.4 At paragraph 5.4 of BPC's report, it sets out:

The BPC 'Open Sale' EAT-Toolkit with no affordable housing indicates a residual land value of -£607,242 after allowing for CIL contributions totalling £155,032. The land value is below the benchmark land value by £1,307,242 and is unviable. Though an improvement on the Applicant's viability assessment, the overall result is the

same, the scheme is unviable and could not support Affordable Housing or S.106 contributions.

9.5 At paragraph 5.5 of BPC's report, it sets out:

However, with the Government's requirement in the NPPF (Para 65) that all sites should have at least 10% affordable housing as low-cost market sale we have modelled the provision of 1 unit as "First Homes" with a discount on the sale value of 30%. This derives a residual land value of -£635,617 after allowing CIL at £146,415 which demonstrates that such a provision is also unviable.

9.6 At paragraph 5.6 of BPC's report, it sets out:

We would note that the aggregate of the development profit and residual land value is £132,837, which is less than the benchmark land value. This suggests the scheme will actually make a loss or the benchmark land value will not be fully recovered, which calls into question how the scheme will be funded and delivered. As set out at para 8 of the NPPG it is for the decision maker to place what weight they deem appropriate on the transparency and accuracy of the FVA supplied by the Applicant.

9.7 At paragraph 5.7 of BPC's report, it sets out:

If the Council wishes to expedite the delivery of the development, we suggest a viability review is carried out if the scheme has not reached slab level within 2 years of consent being granted.

9.8 Officers have noted the professional findings from BPC, understanding that the scheme would not be viable with affordable housing included. The Applicant has not proposed or agreed to a viability review mechanism, but BPC consider that should planning permission be granted, a viability review is recommended to be carried out, if the scheme has not reached slab level within two years of planning permission being granted.

Quality of accommodation

Layout and Size

9.9 Policy DM12 requires developments to comply with internal space standards.

9.10 All new housing development is expected to comply with the Nationally Described Space Standards.

9.11 The below table sets out that each of the flats proposed would accord with Nationally Described Space Standards. This is clarified within the Applicant's Planning Statement:

Unit Size	Nationally Described Space Standards (sqm)	Unit Size Ranges (sqm)
1 bed 2 person	50	50 – 52.0
2 bed 3 person	61	61.0
2 bed 4 person	70	79.6 – 80.1

- 9.12 The Planning Statement sets out that the layout and orientation of the units has been carefully considered to ensure that 77% of the flats are dual aspect. Each unit would include an open plan living area; the majority of which will open out onto the private terraces.

Unit Mix

- 9.13 Policy DM22 states that new residential development proposals should incorporate a mix of dwelling sizes and tenures that meet identified local needs. To achieve this, development proposals of four or more units should comprise a minimum of 25% three bedroom, or more, units. Exceptions to this approach 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.

- 9.14 The proposed mix of units is set out in the below table, as clarified within the Applicant's Planning Statement:

Unit Type	Number of Units	% of Mix
1 Bed	8	62
2 Bed 3 person	3	23
2 Bed 4 person	2	15
Total	13	100

- 9.15 The proposal would comprise a mixture of smaller units (1-and 2-bedroom flats). The Planning Statement seeks to justify this, setting out that the proposal would be marketed to appeal to young working professionals, looking for smaller flats, who would choose to live in the centre of Stoneleigh for its accessibility and short commute times to central London.
- 9.16 The Planning Statement sets out that whilst there are no three-bed family sized units proposed, the two bed units are suitable for small families. Larger families have a general preference for 3-bedroom houses with gardens over flatted accommodation. Given that most residential properties on this side of the Stoneleigh Station are three bedroom or larger dwellings houses, the proposed development of smaller residential units would make a positive contribution to ensuring that the local area has an appropriate mix of housing to meet existing and future household needs.
- 9.17 The previously refused application (ref: 19/00668/FUL) presented a unit mix, which was not policy compliant. Paragraph 10.92 of the Committee Report (8 October 2020) confirms: *"the mix whilst not policy compliant, must also be considered against the high demand for smaller units and the requirement to make effective and efficient use of land and the site. The potential occupants of the units are likely to be single/couples commuters who would take advantage of the scheme's close proximity to Stoneleigh Station. Larger families have a general preference for 3 bedroom houses with gardens over flatted accommodation. Given that the majority of the residential properties on this side of the Stoneleigh Station are 3 bedroom or larger dwelling houses, the proposed development of smaller residential units would make a positive contribution to ensuring that the local area has an appropriate mix of housing to meet existing and future household needs"*

- 9.18 Officers have considered the Applicant's justification for not complying with local planning policy requirements for a minimum of 25% three bedroom or more units. The previous scheme (ref: 19/00668/FUL) also presented a non-compliant unit mix, which was accepted by Officers. In this case, Officers are satisfied that the proposed mix of units is appropriate for the Site, given its location in the centre of Stoneleigh, next to a railway station and given that the properties surrounding the Site are generally three bedroom or larger dwellings houses.

Private amenity space

- 9.19 Policy DM12 requires a minimum of 5 square metres of private outdoor space for 1-2 person flats, with an additional 1 square metre for each additional occupant.
- 9.20 Each flat would benefit from a terrace. Each terrace measures a minimum of 5sqm to 41 sqm (confirmed at page 46 of the accompanying Design and Access Statement).

Wheelchair units

- 9.21 Two units (2 bed, 4 person) would be accessible and adaptable units, suitable for wheelchair users.
- 9.22 The proposal is considered to comply with Policies DM12 and DM22 of the Development Management Policies Document (2022).

Neighbouring amenity

- 9.23 Policy DM10 specifies that new developments should have regard to the amenities of neighbours with regards to privacy, outlook, sunlight/daylight, and noise and disturbance.
- 9.24 Surrounding the Site are 6 Station Approach, 98 Stoneleigh Park Road, 73 Stoneleigh Park Road and 2 Newbury Gardens.
- 9.25 A Daylight and Sunlight Report has been prepared by XCO2, dated March 2021.

Daylight Assessment

- 9.26 The Report sets out that a total of 33 windows from buildings surrounding the Site were highlighted as being near and facing the development.
- 9.27 The Report sets out that daylighting levels for potentially affected windows of surrounding developments by the proposed development were found to be acceptable. Overall, the Report considers that the development is not anticipated to have any notable impact on the daylight received by neighbouring properties.

Sunlight Assessment

- 9.28 The Report sets out that a total of 20 windows from buildings surrounding the Site were assessed for sunlight access. The analysis indicated that all 20 windows satisfied the BRE criteria for annual probable sunlight hours (APSH) and winter probable sunlight hours (WPSH). Therefore, the proposed development is not considered to have any notable impact on sunlight access to windows of surrounding developments.

Overshadowing Assessment

- 9.29 A solar access analysis was undertaken for a total of three amenity spaces, for the full 24 hours on 21 March. These amenity spaces are predicted to have a minimum of 2 hours of sunlight on 21 March over at least 50% of the assessed amenity space. The proposed development is therefore not considered to have any significant impact on sunlight access to the amenity spaces surrounding the Site.

Officer comments

- 9.30 The properties surrounding the site include 6 Station Approach, 98 Stoneleigh Park Road, 73 Stoneleigh Park Road and 2 Newbury Gardens
- 9.31 Officers have reviewed the proposed plans and the Daylight and Sunlight Report. Officers have concerns that the proposed scheme would adversely impact the afternoon sun enjoyed at 6 Station Approach, which is to the east of the Site. When considering the 45-degree rule, it is likely that 6 Station Approach would be adversely affected by this development. Page 25, Appendix B, of the Daylight and Sunlight Report does not provide calculations for the affected windows at 6 Station Approach. As such, Officers raise concern that the proposal would cause unacceptable impacts on the daylight and sunlight enjoyed at this property.
- 9.32 Whilst this scheme is materially different to the previously refused scheme (19/00668/FUL), the Committee Report (08 October 2020) sets out that there was concern that the proposal would have a detrimental impact on the outlook from the adjacent upper floor accommodation, at 6 Station Approach. But the Officer considered that in accordance with the tests set out in the NPPF, *"the public benefits of the proposal would outweigh harm to the amenity of the affected neighbour. The negative impact is not considered by Officers to be a sufficient reason to refuse permission in its own right but should be considered a minor negative in the final planning balance"*.
- 9.33 Each application is assessed on its own merits and in this case, Officers do not consider that the adverse impacts impacting 6 Station Approach, as a result of this proposal, would be acceptable.
- 9.34 The proposal fails to comply with Policy DM10 of the Development Management Policies Document (2015).

Design

- 9.35 Paragraph 130 of the NPPF sets out that planning decisions should ensure that development (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, are sympathetic to local character, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and create places that are safe, inclusive and accessible.
- 9.36 Policy DM9 sets out that planning permission will be granted for proposals that make a positive contribution to the Borough's visual character and appearance. In assessing this, the following is 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.

- 9.37 Policy DM10 states that development proposals will be required to incorporate principles of good design. It states that the character and local distinctiveness of a street or area should be respected, maintained or enhanced. This is echoed in Policy CS5 which sets out that developments should create attractive, functional and safe environments; reinforce local distinctiveness; and make efficient use of land. This policy also seeks to protect and enhance the Borough's heritage assets and their settings.

Application ref: 19/00668/FUL and this application

- 9.38 The Site was subject to a planning refusal (19/00668/FUL). The refused scheme sought the demolition of existing building on Site and the erection of a part 6, part 7 storey building, providing 23 residential units, with an associated communal roof terrace, cycle and refuse storage.
- 9.39 This proposal seeks the demolition of the existing building on Site and the erection of a three/four storey building, to provide 13 residential flats, with associated refuse, storage, cycle parking and landscaping.
- 9.40 Each application is assessed on its own merits, but consideration is given to the previously refused scheme and this scheme, specifically looking at the design changes that have occurred and how the Applicant has addressed the reasons of refusal of planning application ref: 19/00668/FUL. This is reviewed, within this section of the Committee Report.

Design and Access Statement

- 9.41 A Design and Access Statement (DAS), dated July 2021, accompanies this application. It sets out the design strategy and details for this proposal.

Massing Strategy – Scales

- 9.42 The DAS sets out the proposal's massing strategy. To address the different scales of the townscape, the building has been designed to step down at the rear, to allow a softer transition to the residential area of Stoneleigh Park Road. At the Station Approach front side, the building steps down again, so that the building responds to the scale of the existing buildings on both sides. Furthermore, the mass tapers at the top of the proposed building.

Massing Strategy – Corner Placemaking

- 9.43 The DAS sets out that given the corner location of the Site, the proposed building could be seen to identify the route to the station. The elevations of the proposed buildings are stepped back, to address the immediate context and the corner. The ground floor plinth has been identified and a subtle detail on the corner also encourages the flow of pedestrian traffic.

Massing Strategy – Articulation

- 9.44 The DAS sets out that further step backs are introduced, to break the mass of the proposed building and create a visual interest to the street scene. A stepped reduction is introduced on the longer elevation of the proposed building, to break the mass and create the appearance of individual residential blocks, more suitable to the scale of the area, allowing for a softened visual impact from Stoneleigh Park Road.

Massing Strategy – Heights

9.45 The DAS sets out that the proposal is Ground+ three storeys in the tallest elements, reduced to Ground+ two storeys along Station Approach and Ground+ one storeys to the rear, along Stoneleigh Park Road. This variety in height and scale seeks to address the existing and emerging context anticipated in the Epsom and Ewell Masterplan.

9.46 For clarity, the dimensions of the proposed building are: 14.4m (height at the front), 12.2m (width), 28.2m (length, typical).

Massing Strategy – In Context

9.47 The DAS sets out that the massing of the scheme has been designed to create an interesting and cohesive development, which will define the corner and address the existing location.

Materials Palette

9.48 The DAS sets out that the materials palette is simple, with a robust attitude towards detailing, using a limited palette of materials, principally facing brickwork to modulate the building façade and provide character.

Planning Statement

9.49 A Planning Statement accompanies this application. It sets out the justification for the scheme exceeding the density and height policies, DM11 and DM13. This is summarised below.

9.50 The Planning Statement acknowledges that the Epsom and Ewell Masterplan and the Housing Delivery Action Plan sets out that higher density developments are key to delivering the housing needed in the Borough. Stoneleigh is identified in the document as an area suitable for accommodating higher densities due to its sustainable location, with several services, facilities and a mainline Train Station. The site is in a particularly sustainable location in the centre of Stoneleigh, around 50 metres from the Train Station and also within close proximity of various bus stops and amenities.

9.51 The suitability of the Site for a higher density scheme is further emphasised by Epsom and Ewell's report 'Making Efficient Use of Land – Optimising Housing Delivery' which states that the National and Local context in relation to housing need and housing land supply require the development potential of sites be optimised. This is a material planning consideration. It states that where proposals for new development and/or redevelopment are acceptable in principle, the opportunity should be taken to optimise housing supply, requiring a more flexible approach to housing density and building heights, so that the capacity for future homes in the Borough can be optimised.

9.52 The first reason for refusal of planning application ref: Application ref: 19/00668/FUL concerns the height and scale of the previous proposal, with a dominant and incongruous building. The Committee Report (08.10.2020) notes that this building would be contextually inappropriate for the area and the harm would outweigh any public benefits arising from the housing need. However, the Report is clear that the overall design approach was considered acceptable, but that it was the scale and height of the proposals which were considered unacceptable.

- 9.53 To overcome this, the height and scale of the proposals have been reduced compared to the previously submitted scheme. The development now rises to a maximum of four storeys, which is not significantly taller than the neighbouring property. The fourth floor will be set back, to soften the massing of the proposals. This will ensure that the development has a comfortable relationship with its neighbours, whilst also making effective use of this corner Site, as required by Policy CS5. The increase in height by a storey compared to the rest of the parade is considered appropriate given its corner location, where established urban design principles direct taller or more prominent buildings which add visual interest to the streetscape.

Local Planning Authority's Design and Conservation Officer

- 9.54 The Local Planning Authority's Design and Conservation Officer formally commented on this application, on 8 November 2021. The comments are included below:

The proposed development has been substantially revised several times as is significantly smaller than previously proposed. It has been revised from its original 7 storeys down to its present 4 storeys. As part of the objection was to the buildings scale, this reduction should be regarded as a very major improvement especially as the northern end of the building nearest the semi-detached housing is further reduced to 3 storeys.

The building has a consistent surface of brick, which is appropriate for this environment. More materials are not required provided there is sufficient articulation of the brickwork, expressed around deep reveals, soffits and the surfaces of the interior faces of recessed balconies.

The choice of bricks must be conditioned with submissions of samples. The choice of bricks reflects both the predominance of brick building in the area, but must also reflect the contemporary character of the building and samples should be provided of this and all other materials. The Design and Access Statement is not sufficiently specific or consistent with other documents. Many of the design and material details are given as options and "design choices" or "inspiration images" and are not tightened up into specifics. Also, the Design and Access Statement shows the top floor as in metal and later drawing show it as brick. This must be clarified, but on balance brick is preferable.

Though other materials can be given as conditions, some should have ideally been specified in the application stage. Windows should be aluminium or timber/aluminium composite and doors should ideally be in timber and uPVC should not be used for either.

The design is less articulated on the Stoneleigh Park Road frontage and this reduced the architectural interest of this elevation, but a simpler block form is easier to justify in this smaller building.

Subject to details of all materials, the detailing of surfaces on reveals, soffits, parapets, etc. and more details of the ground floor elevations, this proposal should be welcomed as a basis for the development of this Site.

- 9.55 The Applicant clarified in an email, dated 10.12.2021, that the upper floor would have metal cladding, as shown on proposed elevations. This material was the most popular when local residents were asked for their preference as part of the public consultation.

Officer comments

- 9.56 Officers acknowledge that the Site sits within a commercial parade, which no architectural merit. The parade is tired and does not make a positive contribution to the character of the area.
- 9.57 The first reason for refusal of planning application ref: 19/00668/FUL concerned the height and scale of the proposal, which was judged dominant and incongruous. Officers recognise that this scheme has been designed to address the reason for refusal, with the height and scale of the proposal reducing from the previously refused scheme. The proposal now seeks a four-storey building, which is one storey taller than the adjacent property.
- 9.58 Officers note that the Local Planning Authority's Design and Conservation Officer has no objection to this proposal, subject to appropriate Planning Conditions, should Planning Permission be granted.
- 9.59 Officers raise concerns with regards to the height, layout and design of this proposal. The proposal is at the end of a single, cohesive terrace, which has a uniform height. The proposal would result in additional height, which would disrupt the consistency of this terrace. The established building line would also be disrupted by this proposal, as a result of the increased floor area, at odds with the building line. The proposal is in a location that is suburban and relatively modest in character, so this proposal would be out of keeping with the existing character.
- 9.60 The proposal fails to comply with policies DM9 and DM10 of the Development Management Policies Document (2015).

Transport and car parking

- 9.61 Paragraph 110 sets out that there should be appropriate opportunities to promote sustainable transport modes.
- 9.62 Paragraph 111 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.
- 9.63 Paragraph 112 sets out that applications for development should (inter alia) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, address the needs of people with disabilities and reduced mobility in relation to all modes of transport and create places that are safe, secure and attractive.
- 9.64 Policy CS16 encourages development to provide appropriate and effective parking provision, both on and off-site and vehicle servicing arrangements. Developments should be appropriate for the highways network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected. All major developments should be well located for convenient access by non-car modes, including walking, cycling and high-quality public transport.
- 9.65 Policy DM36 requires development to (inter alia) prioritise the access needs of pedestrians and cyclists.

Transport Statement

- 9.66 A Transport Statement, dated 03.03.2021, accompanies this application. It sets out that the Site is located to a good network of public transport links, connecting the Site with the local area and access to local facilities. It is integrated into the local pedestrian and cycling infrastructure and is considered to encourage people to travel to the Site by means other than the private car.
- 9.67 The Transport Statement concludes that the proposal accords with National and Local transport related policies and can be accommodated without detriment to the safety or operating capacity of the local highway network.

Travel Statement

- 9.68 A Travel Statement, dated 03.03.2021, accompanies this application. A Travel Plan is usually required for residential proposed for 50 plus residential units, but this Travel Plan was prepared in support of the car-free nature of the proposals.
- 9.69 Parking beat surveys were carried out to record existing local demand for on-street parking and accordingly the available capacity. Two surveys were undertaken in the early morning hours on weekdays, and a third survey was undertaken at midday on a Saturday.
- 9.70 Analysis set out in the Transport Statement for this application illustrates there is ample capacity on roads surrounding the site to accommodate anticipated car parking demand associated with the proposed development.

Blue badge holder, parking

- 9.71 The Applicant confirmed on 02.02.2022, via email, that the parking beat surveys previously undertaken demonstrated that there is ample parking capacity on-street overnight for residents. Therefore, there should be no reason why a blue badge holder cannot park close to the Site overnight. A blue badge holder will also have more opportunities to park on-street than other residents, as the blue badge enables a driver to park on single or double yellow lines for up to three hours at any time.
- 9.72 The Applicant set out within the email that the Site is in an accessible location to amenities and public transport and therefore residents occupying wheelchair accessible units may have no requirement for a car. If cars are owned, there are opportunities to park on-street both during the daytime and overnight.

Car parking

- 9.73 Policy CS16 states that encouragement will be given to development proposals which facilitate a shift of emphasis to non-car modes as a means of access to services and facilities. It also seeks to ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems.
- 9.74 Policy DM37 states that developments will have to demonstrate that they provide an appropriate level of parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions.
- 9.75 The Local Planning Authority's 'Parking Standards for Residential Development' SPD requires 1 car parking space per 1&2 bedroom flat unit and 1.5 spaces per 3+bedroom flat unit.

- 9.76 The proposal does not seek car parking and therefore fails to accord with Local Planning Policy requirements. However, the Site is located adjacent to Stoneleigh Train Station and the accompanying Planning Statement sets out that this scheme would likely appeal to young professionals who are less likely to own a car. Furthermore, the Site is in the centre of Stoneleigh, providing access to several shops and services within walking distance, which reduces the need for a car.
- 9.77 Surrey County Council Highways formally commented on this application, on 08.11.2021, recommending Conditions and the following S106 Obligations, should planning permission be granted:
- Provision of a Car Club vehicle and parking space with an Electric Vehicle Fast Charge facility.
 - Provision of a minimum of one year's free membership of the Car Club to all new first-time occupiers of each new dwelling.

Cycle parking

- 9.78 Policy DM26 seeks to prioritise the needs of cyclists and pedestrians and requires new development to provide on-site facilities for cyclists as appropriate.
- 9.79 The proposal seeks a bike store, located at ground floor level, accessed via the main residential lobby. 14 cycle spaces would be provided. Officers consider this appropriate and acceptable.

Refuse

- 9.80 A dedicated and discreet bin store will be located at ground floor level within the main building, accessed via Stoneleigh Park Road.
- 9.81 The Local Planning Authority's Waste Services Team formally commented on this application, confirming that the proposed refuse and recycling arrangements are suitable.

Officer comments

- 9.82 The proposal does not seek car parking and therefore strictly fails to accord with Local Planning Policy requirements, but, this Site is located adjacent to Stoneleigh Train Station and in proximity to bus stops. Stoneleigh provides several shops and services within walking distance of the Site, reducing the need for private car use.
- 9.83 SCC Highways formally commented on this application, with no objection, subject to S106 Obligations, including the provision of a Car Club vehicle.
- 9.84 Officers recognise that this scheme provides an opportunity to promote walking, cycling and public transport use, promoting sustainable travel. The provision of a Car Club Vehicle would enable private car use, if necessary. A car free scheme is considered acceptable.
- 9.85 The proposal is considered to comply with Policies CS16 of the Core Strategy (2007) and DM36 of the Development Management Policies Document (2015).

Flood Risk

- 9.86 Chapter 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. Paragraph 167 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

- 9.87 Paragraph 169 of the NPPF sets out major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 9.88 Policy CS6 sets out that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. In order to conserve natural resources, minimise waste and encourage recycling, the Local Planning Authority will ensure that new development (inter alia) avoids increasing the risk of, or from, flooding.
- 9.89 Policy DM19 sets out that development on site of 1ha or greater in Flood Risk Zone 1 and sites at medium or high risk from other sources of flooding will not be supported unless (inter alia) it can be demonstrated through a site Flood Risk Assessment that the proposal would, where practical, reduce risk to and from the development or at least be risk neutral. Where risks are identified through a Flood Risk Assessment, flood resilient and resistant design and appropriate mitigation and adaptation can be implemented so that the level of risk is reduced to acceptable levels.
- 9.90 Policy DM19 expects development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SUDS) at a level appropriate to the scale and type of development.
- 9.91 A SUDS Strategy, dated March 2021, accompanies this application. It recommends utilising a subterranean attenuation tank, below the ground floor residential lobby entrance. This system would create approximately 17.5m³ of onsite storage and would meet the required capacity to accommodate the associated 1 in 100-year storm event plus climate change (40%) scenario.
- 9.92 The SUDS Strategy sets out that as it stands, the proposed storm attenuation measures reduce the peak run-off on site to the required controlled rate of 2.0l/s, with the implementation of a Hydrobrake system managing the outflow to the adjacent Thames Water surface water sewer running north to south along Stoneleigh Park Road.
- 9.93 Thames Water provided a formal response, setting out that the Applicant should engage in pre-application discussions. The Applicant queried the need for this and Thames Water confirmed that *"we would advise undertaking the pre-planning application as soon as possible. This is a free application, and it is in the best interest of the Client to do so. The application assesses the impact the works could have on the network"*. The Applicant has chosen not to engage in pre-application discussions with Thames Water.
- 9.94 Surrey County Council Local Lead Flood Authority (SCC LLFA) formally commented on this application, on 08.11.2021, requiring further information to be submitted by the Applicant. If, however, the Local Planning Authority was minded to approved planning permission, before the required information was prepared and provided by the Applicant, SCC LLFA recommended that a condition could be attached to the planning permission, to ensure that a SuDS scheme is properly implemented and maintained throughout the lifetime of the development.
- 9.95 The Applicant provided a response on 05.01.2022, which was reviewed by SCC LLFA. Further information was required by SCC LLFA. This was provided by the Applicant on 14.01.2022.
- 9.96 SCC LLFA responded on 24.01.2022, requiring further information. This information has not yet been forthcoming from the Applicant, at the time this Committee Report is published.
- 9.97 Given that a condition could be included on any planning permission granted, to ensure that a SuDS scheme is properly implemented and maintained throughout the lifetime of the development, the proposal could be supported.

- 9.98 The proposal complies with Policies CS6 of the Core Strategy (2007) and DM19 of the Development Management Policies Document (2015).

Ecology

- 9.99 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 174 sets out that (inter alia) developments should minimise impacts on and provide net gains for biodiversity.
- 9.100 Paragraph 175 of the NPPF sets out that development whose primary objective is to conserve or enhance biodiversity should be supported, while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.101 Policy CS3 sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced.
- 9.102 Policy DM4 sets out that development affecting any site or building that supports species protected by Law, including their habitats, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the identified species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity. Whether or not there are any species or habitats that enjoy statutory protection, every opportunity should be taken to secure net benefit to the Borough's biodiversity. To this end, an assessment of the existing nature conservation assets on a development site should be undertaken at the application stage and suitable biodiversity enhancements proposed.
- 9.103 An Ecological Assessment, dated August 2019, accompanies this application. It sets out that the Site was subject to an extended Phase 1 habitat survey in February 2019 and a design study was also undertaken.
- 9.104 The Ecological Assessment concludes that the Site does not possess significant ecological interest, comprising almost entirely building and hardstanding. No evidence within either Building B1 or B2 was found during the survey work. As such, a licence for demolition of these two buildings is not required. Appropriate measures have been recommended to deliver enhancements to meet National and Local biodiversity priorities. Taking these recommendations on board, it is considered that the relevant policy requirements would be met.
- 9.105 The Local Planning Authority's Ecologist commented on this application, on 16.11.2021, setting out that *"the bat survey was carried out in summer 2019 and is therefore out of date and would need to be repeated. Unfortunately, this could not happen until spring 2022"*.
- 9.106 The Applicant responded to the request of the Local Planning Authority's Ecologist (19.11.2021), setting out that given the 2019 emergence surveys found no evidence of roosting bats, is this something that could be subject to a Planning Condition, subject to Planning Permission being granted. The Local Planning Authority responses (19.11.2021) setting out that surveys should be carried out prior to the determination of a Planning Application and would not be subject to a Planning Condition.
- 9.107 The Applicant's Ecologist (Ecology Solutions) prepared a letter, dated 03.12.2021, in response to the above. This letter sets out that:

Daytime internal and external surveys of the buildings were undertaken in February 2019. No evidence of bats was recorded during this work, but we considered that the structures had low suitability for roosting bats. In line with survey guidelines, we

carried out a single emergence survey in July 2019. No bats were recorded emerging from the structures.

I understand the Council's Ecologist's position to be that because the survey was undertaken in 2019 it is now out of date. It is the case that ecological survey data tends to have a useful life of approximately two years, so it is not unreasonable to review the position given the time that has elapsed. However, in these circumstances I do think it is overly onerous to require this information to be obtained prior to consent being granted. Given the location and nature of the structures, if a roost were to be present it would almost certainly be of Common or Soprano Pipistrelle, in all likelihood a single animal, and thus of the lowest conservation significance. Natural England's Bat Mitigation Guidelines include very limited requirements for roosts such as this, with bat boxes being appropriate compensation. Such a box could be very easily provided without significant changes to a consented scheme.

Under the circumstances, in my view a more reasonable approach would be to impose a planning condition to require an updated survey to be completed in advance of demolition. A report would be submitted to the Local Planning Authority, including details of any necessary mitigation measures.

Such a survey would be completed under suitable weather conditions in the active period, from May onwards. In all likelihood this would also be negative. In the event that a roost were recorded, work would need to be completed under licence from Natural England. This is a more pragmatic approach given the issues at hand: a survey would be completed in advance of works commencing to ensure that there is no adverse effect on bats, while other matters (such as discharge of other pre-commencement conditions) could be progressed in order to minimise overall delays to the project.

- 9.108 The Local Planning Authority's Ecologist reviewed the letter and provided a response on 08.12.2021. The argument put forward is not strong enough to change the Local Planning Authority's Planning Policy of not conditioning surveys. The guidance in the British Standard and in Government advice is not to condition surveys. In addition, Policy DM4 calls for no loss of biodiversity regarding protected species. Without the necessary surveys being carried out, this cannot be assessed.
- 9.109 The Applicant sent an email to Officers on 10.12.2021, setting out guidance, which enables Planning Conditions to be used in exceptional circumstances, including to seek updated ecological surveys. It was the Applicant's view that Planning Permission could be approved subject to Conditions in this case, given the material considerations (previous survey results and Ecologist advice).
- 9.110 An informal meeting was held between Officers and the Applicant. Following this, the Local Planning Authority's Ecologist confirmed in an email (16.12.2021), that a Site Visit could be undertaken, with results to be recorded in a Report, but it is very unlikely that the Report would differ than the first, which required a further survey. To clarify, the guidance confirms that surveys may be conditioned in exceptional cases, however, just to fit in the timetable of a development is not one of them and therefore does not apply in this case. One of the main reasons for not Conditioning surveys is not just an ecological one, but one of correct procedure. The exact status is needed before Planning Permission is granted, so if any mistakes happen (such as the development starting before the Conditioned surveys are carried out), the correct recourse can be taken.

- 9.111 The Applicant provided a further response, 06.01.2022, reiterating its view that there are material considerations which warrant an exception to the Local Planning Authority's approach, particularly given that emergence surveys have already been undertaken on the Site, which found no evidence of bats. The Applicant suggested that a Grampian style pre-commencement condition preventing works from commencing until a further emergence survey is undertaken would give the Local Planning Authority comfort that the survey would be secured at the appropriate time.
- 9.112 The Local Planning Authority confirmed that a survey would not be subject to a Condition, on 07.01.2022, as the Local Planning Authority does not accept this approach.
- 9.113 The Applicant provided Officers with a Note from Ecology Solutions, on 14.01.2022, which reviews Natural England's guidance on protected species, which the Applicant considers particularly relevant here and which the Applicant considers supports their position that Conditioning the emergence survey is appropriate, in this instance.
- 9.114 Officers have made clear that because the survey was undertaken in 2019, it is now out of date. The Applicant has been advised that a new survey needs to be undertaken, at the appropriate time. Officers have considered the Applicant's arguments for a Planning Condition to be attached to any Planning Permission granted, to require an Updated Emergency Survey. However, this is not considered acceptable. For the Local Planning Authority to fulfil its duty of care under Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017, which is to protect the species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017, Officers would need to be certain that there are appropriate measures in place to mitigate harm to any bats currently utilising the existing building (which is to be demolished as part of the proposal). The Local Planning Authority cannot proceed to a positive decision, where Officers are not fully satisfied that the proposal would not cause harm to protected species.
- 9.115 The proposal is not considered to comply with Policies CS3 of the Core Strategy (2007) or DM4 of the Development Management Policies Document (2015).

Trees and Landscaping

- 9.116 Paragraph 131 of the NPPF sets out that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.
- 9.117 Paragraph 174 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.
- 9.118 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.

- 9.119 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.
- 9.120 The Local Planning Authority's Tree Officer formally commented on this application on 17.12.2021. The response sets out that there are no established trees on the Site, so there is objection on matters relating to the arboricultural protection of existing trees.
- 9.121 The response continues that this is a prominent Site in the street scene, yet no provision is made for new street realm tree planting to accord with the NPPF. Tree planting on the Site and in the adjoining verges appears unviable, due to the confined layout and other factors, such as highway sight lines, the bus stop and services. There should be a contribution from this development to provide funding for tree planting and longer-term tree maintenance of those trees in the locality (for example there is a triangular green opposite the Site that could potentially accommodate trees).
- 9.122 The response recognises that this scheme includes landscaping, but there is no detailed landscape scheme. In the Tree Officer's opinion, there is insufficient soft landscape provision proposed for a building of this scale. The building should be set back and reduced in scale to allow denser and wider planting at least at lower level. Planting of shrubs and ground cover should be directly into the ground, to attain a size of appropriate landscape scale.
- 9.123 The Applicant provided a response on 12.01.2022, agreeing to the principle to a contribution, to secure off-site tree planting.
- 9.124 In considering the above, Officers have given consideration to Regulation 122, of the CIL Regulations, which sets out the limitations on the use of Planning Obligations. It is unlawful for a Planning Obligation to be taken into account when determining a planning application for a development, which does not meet all of the following tests:
1. It is necessary to make the development acceptable in planning terms;
 2. It is directly related to the development; and
 3. is fairly and reasonable related in scale and kind to the development.
- 9.125 Officers do not consider that off-street tree planting is Regulation 122, as it does not meet all tests. As such, the contribution to secure off-site tree planting is not considered acceptable. Officers consider that this scheme should not rely on other land to provide landscaping. Instead, adequate landscaping space should be provided within the Site itself. Off-street tree planting provision suggests that there is an overdevelopment on this Site.
- 9.126 The Applicant set out in its response (12.01.2022) that in terms of Site landscaping, this has been maximised as much as possible. The building line has been carefully considered to match the alignment of the shopping parade and setting the proposed building back any further would disrupt this alignment. It should also be highlighted that the building footprint is very similar to previous proposals on the Site, which the Tree Officer had no objection to. Further details of the landscaping strategy can be secured by condition.
- 9.127 Officers recognise that the Site does not currently have any established trees on it. There is a balance to be struck between optimising a Site and providing adequate landscaping space. In this case, the proposal is considered to comprise an overdevelopment, with a large amount of built form on this relatively constrained Site, with inadequate space for considered landscaping. This is contrary to Policy DM5 of the Development Management Policies Document (2015).

Sustainability

- 9.128 Policy CS6 sets out that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change.
- 9.129 A Sustainability Statement, dated March 2021, accompanies this application, which provides details of a sustainability strategy and measures to be implemented, should planning permission be granted.
- 9.130 Officers note that the supporting Sustainability Report states that “*passive ventilation will be employed as the main strategy for providing fresh air and dissipating heat across the development*”. Given the current climate crisis and the likelihood of more extreme weather events, new developments should be designed to be resilient and adapt to anticipated climate change impacts. National Guidance on climate change advises integrating adaptation such as maximising summer cooling through natural ventilation in buildings and avoiding solar gain.
- 9.131 Whilst Officers do not consider that passive ventilation for providing fresh air and dissipating heat across the development is the best strategy, sustainability measures have been considered and embedded into the scheme.
- 9.132 The proposal does comply with Policy CS6 of the Core Strategy (2007).

Contaminated Land

- 9.133 The Local Planning Authority’s Contaminated Land Officer has reviewed this proposal and due to the scale of development proposed, the Site’s proximity to the railway line, the presence of an electricity substation on part of the Site and the potential for asbestos in buildings proposed to be demolished, ground contamination conditions are recommended.

Community Infrastructure Levy

- 9.134 The development would be CIL liable.

10 Conclusion

- 10.1 The proposal follows a previous planning application at the Site, which was refused planning permission on 12 October 2020, under ref: 19/00668/FUL. Key changes to the design include a reduction in the number of apartments, a reduction in the overall scale and massing of the building and changes to the overall design and façade of the building.
- 10.2 The proposal seeks the loss of a currently vacant retail unit. This proposal would make effective use of a brownfield site, within a highly sustainable location, to provide residential units. On balance, the benefits of this scheme are considered to outweigh the loss of the retail unit.
- 10.3 The Site is designated as a Built-Up Area, which is considered suitable for residential development. It is located within a Local Centre with access to a wide range of shops and amenities and only metres from the Train Station. The proposal is considered to make a positive contribution towards the Borough’s housing supply, which is a benefit when considering the acute need for housing.
- 10.4 The proposal does not seek the provision of on-site affordable housing, or a commuted sum in lieu. The provision of affordable housing in developments is afforded significant weight and in the absence of on-site provision, or a commuted sum in lieu, no weight can be given in favour of this proposal.

- 10.5 The proposal would restrict afternoon sun at 6 Station Approach, which is to the east of the Site. This fails to comply with Policy DM10 of the Development Management Policies Document (2015).
- 10.6 This scheme has been designed to address the refusal reasons of planning application ref: 19/00668/FUL. The first reason for refusal of planning application ref: 19/00668/FUL concerned the height and scale of the proposal, which was judged dominant and incongruous. This scheme has been designed to address this reason for refusal, with the height and scale of the proposal reducing from the previously refused scheme. But, Officers raise concern with regards to the height, layout, and design of this proposal. The proposal is at the end of a single, cohesive terrace, which has a uniform height. The proposal would result in additional height, which would disrupt the consistency of this terrace. The established building line would also be disrupted, because of the increased floor area, at odds with the building line. This constitutes an overdeveloped Site. The proposal is in a location that is suburban and relatively modest in character, so this proposal would be out of keeping with the existing character. This proposal is contrary to Policies DM9 and DM10 of the Development Management Policies Document (2015).
- 10.7 A bat survey was undertaken in 2019, which is now out of date. A new survey needs to be undertaken, at the appropriate time. The Applicant has put forward an argument for a Planning Condition to be attached to any Planning Permission granted, to require an Updated Emergence Survey. However, this is not considered acceptable. For the Local Planning Authority to fulfil its duty of care under Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017, which is to protect the species identified under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017, Officers would need to be certain that there are appropriate measures in place to mitigate harm to any bats currently utilising the existing building (which is to be demolished as part of the proposal). The Local Planning Authority cannot proceed to a positive decision, where Officers are not fully satisfied that the proposal would not cause harm to protected species. The proposal fails to accord with Policy DM4 of the Development Management Policies Document (2015), the NPPF (2021), Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 10.8 The Site does not have any established trees on it. There is a balance to be struck between optimising a Site and providing adequate landscaping space. In this case, the proposal is considered to comprise an overdevelopment, with a large amount of built form, resulting in inadequate space for considered landscaping. This is contrary to Policy DM5 of the Development Management Policies Document (2015).
- 10.9 The proposed development is car-free. Subject to planning permission being granted, there would be a provision of a car-club vehicle, to be located within a parking bay, to the front of the Site, on Station Approach.
- 10.10 Paragraph 11 of the NPPF relates to the presumption of sustainable development. For decision-taking, this means, approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless 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 (11dii). In this case, the adverse impacts of this scheme are considered to significantly and demonstrably outweigh the benefits.
- 10.11 Officers recommend refusal of this planning application.

11 Recommendation

11.1 Officers recommend refusal of this Planning Application.

- 1) The design of the development due to its scale and height would appear as a dominant and incongruous element in the street scene and would harm the character and appearance of the surrounding area, contrary to Policies DM9 and DM10 of the Development Management Policies Document (2015)
- 2) The proposal would adversely impact the daylight and sunlight enjoyed at 6 Station Approach, with the loss of afternoon sun, due to the development's excessive height, mass and bulk, constituting an overdevelopment. This fails to comply with Policy DM10 of the Development Management Policies Document (2015)
- 3) The proposal fails to provide adequate up-to-date bat surveys, failing to ensure that the proposal would not cause harm to protected species. This fails to accord with Policy DM4 of the Development Management Policies Document (2015), the NPPF (2021), Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017
- 4) The proposal provides inadequate space for meaningful landscaping due to its excessive built form, constituting an overdevelopment. It fails to comply with Policy DM5 of the Development Management Policies Document (2015)
- 5) 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 of the Core Strategy (2007) and the NPPF (2021), in relation to the provision of affordable housing.
- 6) 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 provide a car-club space. It fails to comply with Policy CS16 of the Core Strategy (2007) and the NPPF (2021).

Informative(s):

- (1) In dealing with the application the Local Planning Authority 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 are submitted with this planning application:
 - 001 – Location Plan and Existing Site Plan – dated 08 Jan 2021
 - 011 – Existing Upper Ground Floor Plan – dated 08 Jan 2021
 - 020 – Existing Sections – dated 08 Jan 2021
 - 013 – Existing Second Floor Plan – dated 08 Jan 2021
 - 014 – Existing Roof Plan – dated 08 Jan 2021
 - 010 – Existing Lower Ground Floor Plan – dated 08 Jan 2021
 - 012 – Existing First Floor Plan – dated 08 Jan 2021

- 030 – Existing Elevations – dated 08 Jan 2021
- 305 Rev C – Detailed Section Entrance – dated 08 Jan 2021
- 200 Rev D – Section across Stoneleigh Park Road – dated 08 Jan 2021
- 201 Rev C – Proposed Sections AA & BB – dated 08 Jan 2021
- 113 Rev C – Proposed Third Floor Plan – dated 08 Jan 2021
- 101 Rev A – Proposed Site Plan – dated 08 Jan 2021
- 202 Rev C - Proposed Sections C-C & DD – dated 08 Jan 2021
- 112 Rev C – Proposed Second Floor Plan – dated 08 Jan 2021
- 114 Rev C – Proposed Roof Plan – dated 08 Jan 2021
- 101 – Proposed Site Plan – dated 08 Jan 2021
- 110 Rev C – Proposed Ground Floor Plan – dated 08 Jan 2021
- 111 Rev C – Proposed First Floor Plan – dated 08 Jan 2021
- 300 Rev D – Proposed West and South Elevations – dated 17 Nov 2020
- 301 Rev D – Proposed North and East Elevations – dated 17 Nov 2020

Monthly Appeals Report

Ward	(All Wards)
Contact officer	Justin Turvey

The Planning Service has received the following Appeal decisions between 9th December 2021 and 24th January 2022.

Summary of Appeal Decisions:

Item 1	Site Address	Planning Reference	Description of Development	Decision and Costs
1	22-24 Dorking Road, Epsom	19/01365/FUL	Demolition of the existing houses and erection of a part two, part three storey building with rooms in the roof and basement providing 20 flats. Basement parking for cars and cycles. Bin stores and associated hard and soft landscaping including new boundary walls and railings.	Dismissed 23.12.21 Costs claim refused
2	C D Mitchell Ltd, 64 South Street, Epsom	20/00041/FUL	Change of use from B1 Business to C3 Residential, including demolition of existing builders yard buildings. Construction of 6 number 2 storey, 2 bedroom dwellings	Dismissed 21.12.21
3	Fennies Day Nurseries, 1A Hook Road, Epsom	21/00041/FUL	Relocation of external bin store, erection of new timber fencing and new concrete slab to replace existing block paving at the entrance to the nursery school car park.	Dismissed 19.01.22

Summary of Appeal Decisions Continued:

1. 22-24 Dorking Road, Epsom

The main issues were: (i) the effect of the development on the character and appearance of the area; (ii) the adequacy of the proposed parking provision in terms of its effect on the amenities of surrounding residential occupiers, and (iii) the effect of the proposal on the setting of nearby designated heritage assets

In relation to character, the Inspector considered that the proposal would fail to respond appropriately to the constraints of the site as the scheme was too large for the plot and incongruous in its suburban setting. It would therefore be harmful when viewed from both the Dorking Road and White Horse Drive street scenes, especially given its prominent location. The lack of landscaping and choice of materials were found to exacerbate this harm.

In relation to parking, the Inspector considered the appellants submissions in relation to likely parking demand but found that, in this location, which was not well served by local facilities, the significant shortfall in parking below standards was likely to add to parking pressure in the vicinity of the site, which would be harmful to the amenity of surrounding occupiers.

The Inspector considered that the harm in relation to designated heritage assets would be 'less than substantial'; however, combined with the harm to character identified above, would mean that the scheme's harm would outweigh the public benefits of the scheme.

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In relation to other matters raised by the Council and residents, the Inspector found that the scheme would not be overbearing upon neighbouring properties, and that the scheme would not result in an unacceptable level of traffic. However, these matters did not outweigh the harm he had identified above.

A costs claim was submitted by the appellant in relation to the addition of the third reason for refusal (heritage). The Inspector found that the appellant had made submissions in respect of heritage with the application (i.e. the appellant was aware that it would be a matter which the Council and Inspector would have to consider) and in undertaking his assessment of the scheme the Inspector was duty bound to consider the impact on designated heritage assets, so unreasonable behaviour had not occurred and the claim was dismissed.

2. C D Mitchell Ltd, 64 South Street, Epsom

The main issues were the effect of the proposal on: i) existing employment land, having regard to the requirements of local policy; ii) the living conditions for the occupants of neighbouring properties; iii) controlled waters; and iv) local ecology

In relation to policy, the Inspector found that the application had not justified the loss of employment land that would result from the scheme, and this weighed against it.

Considering neighbour amenity, the Inspector found that the proposed development would result in an overbearing and oppressive form of development that would be harmful to the levels of daylight and sunlight received by the adjoining dwelling, of detriment to their residential amenity.

The Inspector considered that the objections raised by the Environment Agency in respect of pollution had not been overcome by the appellants submissions and there was therefore a material risk that the scheme would be harmful to controlled waters. However, in relation to ecology, the Inspector found that the additional information provided by the appellant at appeal demonstrated that the scheme would not cause harm to ecology subject to conditions.

3. Fennies Day Nurseries, 1A Hook Road, Epsom

The sole issue was Whether the development preserves or enhances the character or appearance of the Adelphi Road Conservation Area including the effect on a lime tree and whether it preserves the setting of a listed building.

Although acknowledged as a small scale development, the Inspector found that the bin store would be highly visible and would detrimentally visually impact upon the existing railings, tree and the wider streetscene. Although the harm was less than substantial, the benefits of the scheme would not outweigh the harm and the appeal was dismissed.

Summary of Pending Appeals:

Site Address	Appeal/LPA Reference	Description of Development	Grounds	Status
22-24 Dorking Road, Epsom, Surrey, KT18 7LX	Appeal Ref: 3264154 LPA Ref: 19/01365/FUL	Demolition of existing houses and erection of a part two, part three storey building with rooms in the roof and basement providing 20 flats. Basement parking for cars and cycles. Bins stores and associated hard and soft landscaping including new boundary walls and railings. (Amended scheme received 6 May 2020)	Committee Refusal	Received: 02.12.2020 Valid 29.07.2021 Started: 29.07.2021
20 Spa Drive Epsom, Surrey, KT18 7LR	Appeal Ref: 3279856 LPA Ref: 21/00871/FLH	Part single part two storey rear extension	Non-determination	Received: 28.07.2021
9 Cudas Close, Epsom, Surrey, KT19 0QF	Appeal Ref: 3279827 LPA Ref: 21/00518/OUT	Erection of 2 x 2 bedroom semi-detached houses including associated external works and parking (landscaping reserved)	Non-determination	Received: 28.07.2021 Started: 09.09.2021
9 Cudas Close, Epsom, Surrey, KT19 0QF	Appeal Ref: 3273879 LPA Ref: 21/00076/FUL	Erection of 1 x 3 bedroom detached house including associated external works and parking;	Delegated Refusal	Received: 27.04.2021 Started: 07.09.2021
45 Upper High Street, Epsom, Surrey, KT17 4RA	Appeal Ref: 3278152 LPA Ref: 21/00555/ADV	Advertisement Consent - New internally illuminated fascia (5200mm x 750mm fascia sign) (Resubmission for Ref No: 20/01027/ADV).	Delegated Refusal	Received: 01.07.2021
Swilcan, 11B Richmond Crescent, Epsom Surrey, KT19 8JA	Appeal Ref: 3279955 LPA Ref: 21/00067/FLH	Single storey front extension with pitched roof forming new front door entrance.	Delegated Refusal	Received: 29.07.2021
6 The Grove, Epsom, Surrey, KT17 4DQ	Appeal Ref: 3279703 LPA Ref: 20/01855/FUL	Erection of 7 x two bedrooms flats and 2 x three bedrooms flats and associated external works following demolition of the existing building.	Delegated Refusal	Received: 26.07.2021
Garages 1-6, Westmorland Close, Epsom,	Appeal Ref: 3279685 LPA Ref: 20/01758/FUL	Erection of two storey building to create 2 x two bedroom flats.	Non-determination	Received: 26.07.2021
Garages 8-11, Westmorland Close, Epsom	Appeal Ref: 3279684 LPA Ref: 20/01759/FUL	Erection of two storey building to create 2 x two bedroom flats.	Non-determination	Received: 26.07.2021
Garages 1-7, Somerset Close, Epsom, Surrey	Appeal Ref: 3279683 LPA Ref: 20/01760/FUL	Erection of two storey building to create 2 x two bedroom flats.	Non-determination	Received: 26.07.2021

31 Victoria Place Epsom, Surrey, KT17 1BX	Appeal Ref: 3278417 LPA Ref: 20/01120/CLP	Formation of vehicular access crossover (involving drop kerb) (Application for a certificate of Lawfulness for a Proposed Development)	Delegated Refusal	Received: 06.07.2021 Started: 22.07.2021
Milroys, 1 Corner House Parade, Epsom Road, Ewell, Surrey, KT17 1NX	Appeal Ref: 3271131 LPA Ref: 20/01538/FUL	Proposed extension to side of shop (over existing timber decked seating area).	Delegated Refusal	Received: 16.03.2021 Started: 15.09.2021
7 Chase End Epsom, Surrey KT19 8TN	Appeal Ref: 3272651 LPA Ref: 20/01874/REM	Removal of Condition 7 (Removal of Permitted Development Rights (Schedule 2, Part 1, Classes A, B, C, D and E)) of Planning Permission 20/00728/OUT (Erection of 1 x 2 bedroom and 2 x 3 bedroom semi-detached houses including new access, associated external works and parking, following demolition of No. 7 Chase End).	Delegated Refusal	Received: 07.04.2021 Started: 14.09.2021
45 - 53 High Street, Epsom Surrey, KT19 8DH	Appeal Ref: 3273805 LPA Ref: 20/01586/FUL	Replace front and rear windows at first floor and second floor levels, with white double glazed UPVC windows.	Delegated Refusal	Received: 26.04.2021 Started: 09.09.2021
30 Lakehurst Road, Ewell KT19 0ES	Appeal Ref: 3254966 LPA Ref: 20/00321/FLH	Hip to gable roof extension with rear dormer involving conversion of loft space to habitable use (Resubmission of 19/01564/FLH)	Delegated Refusal	Started: 16.09.2021
22 The Greenway Epsom KT18 7HZ	Appeal Ref: 3277415 LPA Ref: 21/00595/FLH	Erection of two storey side extension, first floor rear extension and loft conversion including the erection of a roof dormer window.	Non-determination	Started: 24.11.2021