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Legal and Democratic Services



PLANNING COMMITTEE

Thursday 22 July 2021 at 7.30 pm

Place: Council Chamber, Epsom Town Hall

Link for public online access to this meeting:

<https://attendee.gotowebinar.com/register/1934219490306331660>

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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

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- 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:

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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 - 10)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 17 June (attached) and authorise the Chairman to sign them.

3. 107-111 EAST STREET, EPSOM (Pages 11 - 50)

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

4. APPEALS SUMMARY (Pages 51 - 58)

The Planning Service has received the following Appeal decisions from 8 April 2021 to 23 June 2021.

Minutes of the Meeting of the PLANNING COMMITTEE held on 17 June 2021

PRESENT -

Councillor Monica Coleman (Chair); Councillor John Beckett (as nominated substitute for Councillor Steven McCormick); Councillors Kate Chinn (Connected remotely, therefore was able to join in the discussion on any Item but unable to vote), Bernice Froud (as nominated substitute for Councillor Nigel Collin), David Gulland, Previn Jagutpal, Phil Neale, Humphrey Reynolds, Clive Smitheram and Clive Woodbridge

Absent: Councillor Steven McCormick, Councillor Nigel Collin, Councillor Neil Dallen, Councillor Jan Mason and Councillor Lucie McIntyre

Officers present: Amardip Healy (Chief Legal Officer), Viv Evans (Interim Head of Planning), Virginia Johnson (Planner), Mehdi Rezaie (Interim Planning Development Manager) and Sarah Keeble (Democratic Services Officer)

1 DECLARATIONS OF INTEREST

The following declarations were made in relation to Items of business to be discussed at the meeting:

In the interests of openness and transparency, Councillor Bernice Froud declared that she is a member of Woodcote Epsom Residents Society and Epsom Civic Society.

South Hatch Stables Burgh Heath Road Epsom Surrey KT17 4LX

In the interests of openness and transparency, Councillor Monica Coleman made a declaration on behalf of all Councillors that all Councillors had received a number of items of correspondence from objectors in relation to this Item. Councillor Coleman also declared that this all Councillors came to the meeting without predetermination.

2 MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting of the Planning Committee held on 22 April, the Minutes of the reconvened meeting held on 27 April and the Minutes of the previous meeting held on 12 May were agreed as a true record and signed by the Chair.

3 SOUTH HATCH STABLES BURGH HEATH ROAD EPSOM SURREY KT17 4LX

Description

Proposed amendments to S106 Agreement, attached to planning permission 18/00308/FUL.

Decision

The Committee received a presentation from the Planning Development Officer.

The Committee was addressed by Ward Councillor Nigel Collin, who spoke in objection to the proposal. The Committee then heard from an objector, and finally from the Applicant.

The following matters were raised by the Committee:

- a) **Phasing:** Members noted the proposed amendments to the phasing scheme. The Officer explained that these amendments were self-regulating, and that the building works must reach a particular stage before the next phase (in this case, occupation of residential units) can go ahead.
- b) **Proposed reduction of delivery time:** Members noted the proposed reduction in delivery time from 5 years to 3. Following a question from a Member, the Officer confirmed these reductions would not create the need for any changes to the Construction Plan or Traffic Management Plan, which would stand in their current form.
- c) **Enforcement:** Members noted the possibility of using marketing as a trigger for enforcement. The Officer noted that, should the Courts be approached regarding an injunction; they would want to see definitive evidence which is easier to ascertain surrounding occupation or construction. Marketing can be fluid and therefore difficult to enforce.
- d) **Arrangements for racing staff:** Following a question from a Member, the Officer confirmed that the provision of housing for racing staff would be erected in Phase 2 of the agreement within the Small Stable Block.
- e) **Residential units:** Following a question from a Member, the Officer explained that any modifications to residential areas would be self-regulated as part of the S106 agreement. Any notices of occupation would be monitored by the Council and any modifications accepted by the Committee would be subject to a modification fee.
- f) **Capital:** Members noted that the scheme is subject to a large upfront investment, with sales expected to fund the entire scheme coming in to play once development has ceased. The Officer noted that the amendments would allow for phased receipt of capital income.

- g) **Definition of 'practically complete'**: Members raised a question regarding the definition of 'practically complete'. The Officer read out the definition of this term directly from the S106, and explained that it is a standard industry process.

Following consideration, the Committee resolved with 6 Members voting for, 2 Members voting against, and the Chair not voting that:

The amendments to S106 agreement be **MADE** as set out below:

- The small stable block in Phase 2 needs to be practically completed (which will allow Jim Boyle Racing to temporary relocate to this stable block) prior to any construction commencing on Phase 4 (the first 24 residential units)
- All of Phase 2 needs to be practically completed prior to occupation of any units consisting Phase 4
- The Main Yard in Phase 5 needs to reach first floor level prior to works commencing on Phase 6 (the second 18 residential units)
- All of Phase 4 need to be practically completed prior to occupation of any units consisting Phase 6
- The Stable Staff Accommodation needs to reach first floor level prior to works commencing on Phase 8 (the last 4 residential units); and
- All of Phase 7 need to be practically completed prior to occupation of any units consisting Phase 8.

The meeting began at 7.30 pm and ended at 8.44 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 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
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=QBROH3GYI0Z00>

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 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.
- 2.3 The proposal is not able to viably provide a policy compliant provision of 9 affordable units. However, the scheme will provide two on-site affordable units as shared ownership/shared equity tenure in accordance with Paragraph 64 of the NPPF (2019). This provision would represent the maximum contribution the scheme could provide in viability terms.
- 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 storage for 27 cycle spaces and 17 on-site car parking spaces (1 disabled space (space 9)). The proposed car parking arrangement shows a shortfall of 8 on-site car parking spaces, the applicant has submitted a Transport Statement which states that the proposed 17 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 As set out at paragraph 4.19 of the submitted Transport Statement, the parking will be allocated but will be offered at a yearly charge with a yearly review to limit demand to only apartments that require a parking space.
- 2.7 The site would be accessed via an access road off Kiln Lane. This access road is owned by Epsom and Ewell Borough Council. This access road is included within the red line site boundary, therefore the applicant has completed Certificate B and served notice on Epsom and Ewell Borough Council. Permission in principle was granted on 30th March 2021 at the Strategy and Resources Committee to release the restrictive covenant over the Council's access road. A hard landscaping condition will secure further details of the hard surface material to ensure that pedestrians have priority along the widened access road.
- 2.8 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.
- 2.9 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.
- 2.10 **The application is recommended for APPROVAL subject to planning conditions being imposed and 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 23 residential flats (8 x 1 bedroom, 11 x 2 bedroom and 4 x 3 bedroom) with associated 17 on-site car parking spaces, 27 cycle parking spaces and refuse/recycling storage.
- 4.2 The proposed building would be broken down into a number of block types as illustrated in the image (Figure 1) below:

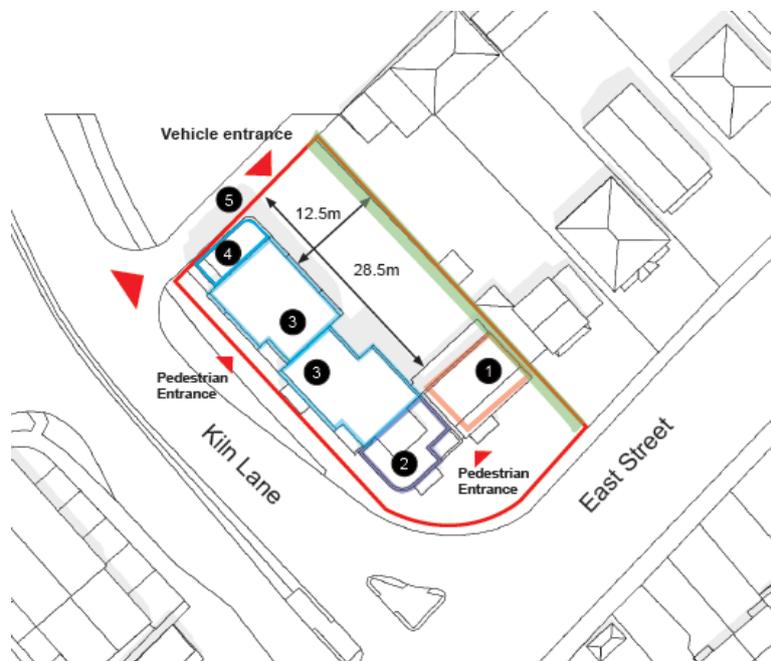


Figure 1: Block Types (note red line boundary has since been amended)

- 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 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.
- 4.5 The submitted drawings have been amended as part of the application process to include the rear access road within the red line site boundary.

5 Comments from Third Parties

- 5.1 The application was advertised by means of letters of notification to 31 neighbouring properties. 5 letters of objection have been received regarding:
 - adverse visual impact; 'lego' style square block; no effort to make them an asset to the neighbourhood
 - out of character with the neighbouring properties; height and mass out of keeping with the properties on this side of the junction
 - overbearing
 - overshadowing
 - loss of daylight/sunlight
 - loss of privacy
 - overlooking
 - loss of outlook
 - 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 ridiculously low
 - zero provision of affordable housing
 - impact on drainage/flooding
 - impact on ecology/wildlife
 - solar panels should be installed

- inaccuracies in submitted documentation

Epsom Civic Society: The bulk, mass and density is excessive for this location (the site is on the Ewell side of Kiln Lane and is very different with generally single and two storey residential developments prevailing towards Ewell) and would be incongruous in the streetscene. The adjoining property will suffer from overshadowing and overlooking and the bulk exacerbated due to the limited set in distance from the shared boundary. The absence of affordable housing is unacceptable. The Society does not accept that the Viability Statement submitted stating that affordable housing cannot be provided. The housing mix is not compliant. Question is raised on the viability and safety of the existing almost nil use and gated road with an entry to Kiln Lane; a blind exit with high volume of passing traffic. Refusal of the application is requested. (Stated that their objections remain in response to re-consultation).

5.2 The red line site boundary was amended, therefore re-consultation was undertaken. 10 letters of objection have been received to date (24/06/2021) regarding:

- out of character with the neighbouring properties; height and mass out of keeping with the properties on this side of the junction; 'boxy' design; visually intrusive
- overbearing
- loss of privacy
- loss of light
- overlooking
- noise and disturbance
- significant loss of green space; mitigation measures inaccurate; lack of soft landscaping/limited space for new plantings/trees to flourish
- loss of biodiversity
- impact on ecology/wildlife
- inadequate parking provision
- vehicle access concerns; already an accident hotspot and highly congested area
- footpath and access road is a high footfall area therefore using this as the only means of vehicle access to and from the site would put people at risk
- already approved eight flats at 117 East Street, therefore would sandwich two family homes between two blocks of flats
- occupants would not have adequate private amenity space
- lack of social housing provision

- contrary to local plan policies

5.3 A number of planning site notices were displayed in close proximity to the site on 29/06/2020 and 07/12/2020.

6 Consultations

- 6.1 **Epsom and Ewell Borough Council (EEBC) Design and Conservation Officer:** No objections, subject to planning conditions. The design, scale and massing are appropriate to the location. This does constitute a considerable increase in density, but in the context of the increased scale of development in East Street it is acceptable in terms of design and conservation.
- 6.2 **EEBC Arboricultural Officer:** No response received.
- 6.3 **EEBC Ecology Officer:** The surveys all seem good. The development does result in the loss of habitat including dense scrub and amenity grassland. The PEA recommends a number of mitigation and enhancement proposals which should be carried out including green roofs. I feel that these proposals should be included in a plan submitted to us prior to determination with the implementation being conditioned.
- 6.4 **EEBC Planning Policy Officer:** The proposal offers a valuable opportunity to intensify the existing residential site providing a mixture of additional residential accommodation within the built up area and within good access to amenities and Epsom Town Centre. The lack of affordable housing provisions or contributions is disappointing when considered against the Borough's affordable housing needs and therefore should be independently reviewed.
- 6.5 **EEBC Transport & Waste Services Manager:** No objections to the bin collections from East Street. Consider this suitable in terms of general traffic flow, distance from the junction with Kiln Lane, and the locations of the existing dropped kerb.
- 6.6 **EEBC Environmental Health Officer:** No response received.
- 6.7 **EEBC Contaminated Land Officer:** No objections, subject to planning conditions.
- 6.8 **Surrey County Council Highway Authority (CHA):** No objections, subject to planning conditions.

The applicant has carried out a Stage 1 Road Safety Audit, submitted via email on 20th August 2020, 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 County Highway Authority for works to the highway. The proposals include widening of the existing private access road to a width of 5m to assist turning movements. The applicant has confirmed additional width from the application site will be used to widen the access road. 17 car parking spaces are proposed to serve the residential units. In accordance with Epsom and Ewell's Parking standards this is a shortfall of 8 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 County Highway Authority 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 County Highway Authority raises no objection to this proposal.

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

Review of the highway extent indicates that the proposed vehicular access to the development which is to be widened to 5m does not fall within the public highway and is not a public right of way. However, this is land owned by Epsom and Ewell. As this land does not fall within the public highway it is beyond the remit of the County Highway Authority to make recommendations regarding safety on private land. However, the County Highway Authority is aware that concern has been raised regarding increased use of this access by vehicles. Following discussions with Epsom and Ewell it is understood that a hard landscaping condition shall be applied should the application be granted planning permission, to ensure pedestrians have priority along the widened access road.

- 6.9 **Thames Water Development Planning:** Recommends a number of pre-commencement planning conditions.
- 6.10 **Lead Local Flood Authority (SuDS):** No objections, subject to recommended planning conditions.

7 Relevant Planning History

Application Number	Decision Date	Application Detail	Decision
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
18/01150/FUL (111 East Street)	28/03/2019	Amendments to 17/00244/FUL	Permitted
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 (2019)

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)

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 revised National Planning Policy Framework (NPPF) was updated in February 2019 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 (2019), 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 (2019) 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 59 of the NPPF (2019) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

- 9.7 Paragraph 68 of the NPPF (2019) 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 124 states that the creation of high quality 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 127 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 130 states that permission should be refused for development of poor design that fails to take the opportunities available from improving the character and quality of an area.
- 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 23 dwellings would substantially exceed the 40 dwellings per hectare (23 units on site area of 0.124ha = 185 units/ha), 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 (2019).
- 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. Officer acknowledge 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 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 (Key Views 1 and 4) below:



Key View 1: East Street at junction with Kiln Lane



Key View 4: Kiln Lane looking south to East Street

- 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. This is considered to help reduce the visual mass and bulk of the proposed building.
- 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 (2019). Furthermore, each application is considered on a case by case basis and on its own individual merits.
- 9.22 In terms of its local context, Acer House is a three storey block of flats on East Street on the opposite side of Kiln lane from the Site and 135m from the site on the opposite side of East Street is the newly constructed Epsom reach development (the former Kings Arms Public House) the approved development extends to four storeys and the committee report states that the highest point at the top of the lift overrun is 13.4m. The proposed density and height is considered to relate to the higher densities in East Street, particularly leading back to the Town Centre.

- 9.23 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 (2019), 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

- 9.24 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.
- 9.25 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 0.5 metres from the shared boundary with No. 113 East Street. Block Type 2, 3 and 4 (four storey in height) would be located approximately 12.5 metres from the shared boundary with No. 113 East Street.
- 9.26 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

- 9.27 The application has submitted a Daylight and Sunlight Report [prepared by Waterslade].
- 9.28 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.
- 9.29 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

- 9.30 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

- 9.31 *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

- 9.32 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.
- 9.33 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.
- 9.34 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

- 9.35 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

- 9.36 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.
- 9.37 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.*
- 9.38 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

- 9.39 Paragraph 64 of the NPPF (2019) 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
- 9.40 Paragraph 64 of the NPPF (2019) states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.
- 9.41 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.
- 9.42 In this regard, to be fully compliant, the proposal would be required to provide 9 affordable units.
- 9.43 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.
- 9.44 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. £1,150,000 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.
- 9.45 BPS continued to conclude through the initial review report and a number of addendum reports that the scheme was viable to contribute towards affordable housing. DWD responded to these reports and previously offered a financial in-lieu payment, however a revised offer of two units on-site as shared ownership housing is proposed.

- 9.46 The final offer of two units on-site as shared ownership housing would meet (to the nearest whole figure) the 10% affordable housing requirement as per Paragraph 64 of the NPPF (2019). It is proposed that unit G-01 (2B3P unit) and G-02 (1B2P unit) would be offered as shared ownership housing.
- 9.47 BPS have concluded that the scheme now shows a minor deficit of circa. £41,000 which can be considered an effectively break-even position, and therefore the current offer of two on-site units as shared ownership housing is the maximum affordable contribution which can be viably delivered.
- 9.48 BPS have also recommended that a review mechanism is included in the S10 agreement. A review mechanism can offer several advantages e.g. an appraisal which reflects actual costs and values and the opportunity for additional contribution. BPS considered a number of triggers for the review with the below being agreed by the applicant in an email dated 18th April 2021.
- 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
- 9.49 The net gain provision of 20 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.

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 8 x 1 bedroom flats, 11 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-02	1b/2p	56sqm	17sqm
G-03	1b/2p	50sqm	11sqm
1-02	1b/2p	50sqm	6sqm
1-06	1b/2p	50sqm	5sqm
1-07	1b/2p	52sqm	5sqm
2-02	1b/2p	50sqm	6sqm
3-03	1b/2p	52sqm	6sqm
3-04	1b/2p	52sqm	6sqm
G-01	2b/3p	64sqm	10sqm
1-01	2b/3p	61sqm	6sqm
1-03	2b/3p	61sqm	6sqm
1-04	2b/3p	61sqm	6sqm
2-01	2b/3p	61sqm	6sqm
2-03	2b/3p	61sqm	6sqm
2-04	2b/3p	61sqm	6sqm
2-06	2b/3p	61sqm	40sqm
3-01	2b/3p	61sqm	6sqm
3-02	2b/3p	64sqm	6sqm
3-05	2b/3p	61sqm	11sqm
G-04	3b/4p	80sqm	35sqm
G-05	3b/4p	86sqm	30sqm
1-05	3b/4p	74sqm	8sqm
1-06	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 8 (35%) x 1 bedroom units, 11 (48%) x 2 bedroom units and 4 (17%) 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 Two affordable units onsite as shared ownership/ shared equity tenure, these include units G-01 a two bed 3 person unit and G-02 a one bed 2 person unit.
- 9.60 The housing mix not being fully policy compliant is given negative minor weight.

Highways, Parking and Cycle Parking

- 9.61 Paragraph 109 of the NPPF (2019) 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.
- 9.62 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.

- 9.63 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.
- 9.64 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 25 car parking spaces.
- 9.65 The proposal would be provided with 17 on-site car parking spaces. As such, in accordance with Table 1 there is a shortfall of 8 on-site car parking spaces. The applicant has submitted a Transport Statement (Job Number 2688, Rev C). It concludes, by way of robustly justifying the shortfall, that the proposed 17 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.
- 9.66 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 27 cycle car parking spaces.
- 9.67 The proposal would be provided with storage for 27 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.
- 9.68 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.
- 9.69 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).
- 9.70 The shortfall in car parking is given minor negative weight.

Refuse and Recycling Facilities

- 9.71 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.
- 9.72 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.
- 9.73 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 530 litres/flat has been allocated for refuse and recycling materials as follows:
- 3 x 1100L refuse bins
 - 6 x 1100L mixed recycling bins
 - 1 x 1100L and 3 x 240L glass recycling bins
 - 3 x 180L food waste recycling bins
- 9.74 It should be noted that the above requirement has been calculated in accordance with Annex 2 of the Council's Sustainable Design SPD (2016).
- 9.75 It was initially proposed that the bin collections would be made via Kiln Lane, however by reason that this a busy stretch of road with traffic exiting Sainsbury's and the Industrial Estate and there would be a significant potential for a waiting refuse/recycling vehicle to disrupt the traffic flow and consequently compromise the safety of operatives working on the highway on Kiln Lane, the Council's Transport and Waste Services Manager objected.
- 9.76 A revised proposal has been submitted and demonstrates Bin Store A and Bin Store B (Dwg No. (GA)03 C). The bin stores would be located at lower ground floor 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).
- 9.77 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.

- 9.78 The Council's Transport and Waste Services Manager stated in an email dated 16/06/2021 that they have no further queries or objections. Surrey County Council Highway Authority have also raised no objections to the revised proposal.
- 9.79 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

- 9.80 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.
- 9.81 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.
- 9.82 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.
- 9.83 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

- 9.84 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.

- 9.85 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.
- 9.86 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, however 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

- 9.87 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.
- 9.88 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.
- 9.89 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

- 9.90 Paragraph 163 of the NPPF (2019) 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.
- 9.91 Paragraph 165 of the NPPF (2019) 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.
- 9.92 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.
- 9.93 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.
- 9.94 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.
- 9.95 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.
- 9.96 The applicant has submitted a Flood Risk Assessment and Drainage Strategy [prepared by Waterman Infrastructure & Environment Limited].
- 9.97 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

- 9.98 Paragraph 180 of the NPPF (2019) 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.
- 9.99 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.
- 9.100 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)

- 9.101 The proposal will be CIL liable.

Legal Agreements

- 9.102 The following site specific and/or financial and infrastructure contributions are required to mitigate the adverse impact of the development:
- the provision of two on-site shared ownership units (G-01, 1 x 2 bed unit, and G-02, 1 x 1 bed unit) as affordable housing offer plus a single review in the Section 106 agreement
 - 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 (2019) 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 (2019) is a material planning consideration.

- 10.3 The provision of 23 residential units (a net gain of 20 units) each with private amenity space would provide a significant public benefit, which weighs in favour of the scheme. Paragraph 59 of the NPPF (2019) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is 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 provision of two units on-site as shared ownership housing, when balanced against the lack of policy compliant affordable housing provision, is given minor positive weight in the planning balance.
- 10.5 The housing 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 22nd September 2021 to secure the following Heads of Terms:
- the provision of two on-site units (G-01, 1 x 2 bed unit, and G-02, 1 x 1 bed unit) as shared ownership housing;
 - 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 Planning 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 22nd September 2021, the Head of Planning 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 provision of housing or a commuted sum in-lieu of the on-site provision of affordable housing.

CONDITIONS:

- (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 Rev B Proposed Block Plan (Received 29/11/2020)

(GA)02 Rev C Proposed Site Plan (Received 11/06/2021)

(GA)03 Rev C Proposed Floor Plans Sh1 (Received 11/06/2021)

(GA)04 Rev B Proposed Floor Plans Sh2 (Received 08/10/2020)

(GA)05 Rev A Proposed Floor Plans Sh3 (Received 12/06/2020)

(GA)06 Rev B Proposed Elevations Sh1 (Received 11/06/2021)

(GA)07 Rev A Proposed Elevations Sh2 (Received 12/06/2020)

Planning Statement (Received 12/06/2020)

Design and Access Statement – Part 1 & 2 (Rev A) (Received 12/06/2020)

Design and Access Statement – Refuse Strategy Revised [Page 32] (Received 11/06/2021)

Daylight and Sunlight Report [prepared by Waterslade] (Received 12/06/2020)

2688 Rev D Transport Statement [prepared by EAS] (Received 20/05/2021)

Road Safety Audit Stage 1 [prepared by TMS] (Received 20/08/2020)

Transport Statement Addendum Letter (Received 11/06/2021)

Ecology Appraisal Report [prepared by Wychwood Environmental Ltd]
(Received 12/06/2020)

Energy and Sustainability Report [prepared by Envision] (Received
12/06/2020)

18318/PIR_R26/V1.0 Preliminary Investigation Report [prepared by Soils
Limited] (Received 12/06/2020)

Flood Risk Assessment and Drainage Strategy [prepared by Waterman
Infrastructure & Environment Limited] (Received 12/06/2020)

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 facing materials to be utilised in 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 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 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 A) 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 (2019) 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 Rev C, 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 (2019) 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 (2019) 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 (2019) 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 (2019) 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 (2019) 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 (2019) 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) The development hereby approved shall not be first occupied unless and until the facilities for the secure parking of 27 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 (2019) 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).

- (18) 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 (May 2020) to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 “Promoting Sustainable Transport” of the NPPF (2019) 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) 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).

(20) 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.

(21) 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.

(22) 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.

- (23) 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.

- (24) 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.

- (25) 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).

- (26) 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).

- (27) No development shall take place until a scheme to enhance the biodiversity interest of the site 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).

- (28) 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).

- (29) 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).

- (30) 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.

- (31) 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 C. 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.

Planning Committee Meeting
22 July 2021
Monthly Appeals Report

Agenda Item 4

Ward	(All Wards)
Contact officer	Mehdi Rezaie

Report by Mehdi Rezaie (Planning Development Manager), Viv Evans (Head of Planning).

The Planning Service has received the following Appeal decisions from 8th April 2021 to 23rd June 2021.

Summary of Appeal Decisions:

Item 1	Site Address	Planning Reference	Description of Development	Decision and Costs
1	39 Manor Green Road, Epsom, Surrey, KT19 8RN	Appeal Ref: 3258490 LPA Ref: 20/00525/FUL	Change of use of Gym/yoga studio, comprising a single-storey, 40m ² building into a residential dwelling. The only external works required will be some landscaping, the rest is intern.	Dismissed 05.05.21
2	The Gables, 27 Longdown Lane North, Ewell, Surrey, KT17 3HY	Appeal Ref: 3260784 LPA Ref: 20/00995/FLH	Erection of first floor side extension, installation of Juliet balcony to existing rear dormer and creation of pitched roof over existing rear dormer.	Dismissed 05.05.21
3	Vale Road, Worcester Park, Surrey, KT4 7EE	Appeal Ref: 3267228 LPA Ref: 20/01703/T56	Proposed telecommunications installation: Proposed 15m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.	Dismissed 10.05.21
4	32 Victoria Place, Epsom, Surrey, KT17 1BY	Appeal Ref: 3263682 LPA Ref: 20/01224/FLH	Replacement of existing single glazed wooden front (including bay) windows with double glazed uPVC windows.	Dismissed 21.05.21
5	58 Nightingale Drive, West Ewell, Surrey, KT19 9EN	Appeal Ref: 3267146 LPA Ref: 20/01318/FLH	First floor side extension (over existing side garage).	Dismissed 21.05.21
6	Glenwood, Horton Hill, Epsom, Surrey, KT19 8SY	Appeal Ref: 3269481 LPA Ref: 20/01633/FLH	Loft conversion with hip to gable conversion and dormer as approved with two storey side extension, single storey rear extension.	Allowed 17.06.21
7	140 & 142 Ruxley Lane, West Ewell, Surrey, KT19 9JS	Appeal Ref: 3263842 LPA Ref: 20/00288/FUL	Demolition of existing dwellings and erection of 20 flats within two blocks with associated car parking and landscaping. (Amended scheme received 28.07.2020).	Dismissed (Decision Date Blank)

22 July 2021

Summary of Appeal Decisions Continued:

1. 39 Manor Green Road (Appeal Ref: 3258490)

The main issues were the effect of the proposal on the living conditions of the occupants of the proposed dwelling in relation to the provision of outdoor amenity space; and the character and appearance of the area.

The inspectorate took note of and considered the argument made by Appellant, namely in respect of the 67m² of private amenity space to be made available to future occupants of the dwelling.

The inspectorate recognised that the proposal did not show that the back garden of No 39 would be severed, or that any dedicated outdoor space would be attached to the proposed dwelling. The inspectorate went on to say that the sections depicted were made up of the linear spaces, or 'gaps', on all 4 sides of the building, and thus provide little or no amenity value. The inspectorate then emphasised that the majority of this space is and would be necessary for circulation around and entrance into the structure, and that given the restricted dimensions of the space, it is unlikely that it would be of any practical use. The quality and functionality of the little patio seating area offered on the south side of the building were also examined by the inspectorate, and stated that even this room would be deplorable as a whole.

On the subject of character and appearance, the inspectorate recognised that the studio would have a visual presence in Hamilton Close, and that the streets are predominantly characterised by the presence of detached and semidetached two-storey dwellings characterised by the provision of large back gardens in addition to space on the street frontage, and that there are no instances of dwellings whose scale, form, or design resembles that of the studio, which could lead to a development that is wildly different from the norm. The inspectorate did perceive however, that the structure was largely enclosed by a high boundary wall which may remain as enclosed as it is now, which would help to reduce its visual significance within the neighbourhood. This would address its visual prominence within the streetscene to some extent, concluding that the development would not have an adverse impact on the area's character and appearance.

The inspectorate came to the conclusion that there was no obvious parallel for the cramped arrangement and poor standard of amenity space indicated in this case, and that the proposal would provide unacceptable living conditions for future occupants of the proposed dwelling in terms of outdoor amenity space. It would therefore conflict with Policy DM12 of the Development Management Policies Document (2015), which seeks to secure amenity space which is, amongst other things, usable, functional, of a sufficient size and orientated to take account of shading; and Policy CS5 of the Core Strategy 2007, which seeks to secure functional private environments.

2. The Gables, 27 Longdown Lane (Appeal Ref: 3260784)

The main issues were whether the development would preserve or enhance the character or appearance of the Conservation Area.

The inspectorate took note of Appellant's case, which involved the past extension of 21a Longdown Lane North, in addition to how the scheme provides them with more space to suit their domestic needs. The inspectorate did note, however, that this is a relatively new dwelling with a different design than No 27, which had little bearing on the merits of the appeal proposal.

Furthermore, on the Appellants case of creating expanded space, this benefit received "minimal positive weight" because it was considered a private advantage rather than a public benefit, and thus did not receive any weight. The inspectorate further gave consideration to the appellant's claim that it would produce construction activity/jobs, and noted that given the small scale of the project, any broader economic benefits would be negligible.

The significance of the Conservation Area, according to the inspectorate, lies in the planned arrangement of largely interwar detached suburban homes, which comprises of an attractive range of mostly hipped building forms in often repeated designs. This, together with the dwelling's elevation above the highway, ensures that it is prominent and easily seen within the streetscape. The inspectorate acknowledged that the original design's integrity had been harmed by the installation of plastic windows, but emphasised that the building's original character remains clearly recognisable, which light of the foregoing, the building contributes to the Conservation Area's value in a good way. Furthermore, any first-floor side expansion would disrupt the frontage's symmetry, and in this case, the imbalance generated by the extension's scale and inadequate level of integration would be severe, obscuring the visual identity of the original building form.

The inspectorate concluded that the development would fail to preserve or enhance the character or appearance of the Conservation Area. As such it would conflict with Policies DM8, DM9 and DM10 of the Development Management Policies Document (2015) which seek to secure this objective, and more generally seeks to secure high quality design.

3. Vale Road (Appeal Ref: 3267228)

The main issues were the effect of the proposal on the character and appearance of the area and, in the event that any harm is identified, whether that harm would be outweighed by the need to site the installation in the location proposed having regard to the potential availability of alternative sites.

The inspectorate noted that various interested parties had expressed concerns about the proposal's possible health implications, among other things, when it came to procedural issues. On the other hand, the Appellant had presented a declaration stating that the plan was made in compliance with the recommendations of the International Commission on Non-ionizing Radiation Protection (ICNIRP). The inspectorate concluded that under these circumstances, the National Planning Policy Framework (the Framework) advises that health safeguards are not something which a decision-maker should determine. Moreover, no sufficiently authoritative evidence had been provided to indicate that the ICNIRP guidelines would not be complied with, or that a departure from national policy would be justified and so the appeal would thereby proceed accordingly.

The inspectorate took note of and considered the argument made by Appellant, that the installation of the proposed cabinets constitutes permitted development, and hence could be automatically introduced into the appeal site. Here the inspectorate stated that while the cabinets could be considered in this respect as a separate entity, and notwithstanding the limited dimensions of the cabinets, the cabinets appear to be required partners of the proposed 15m monopole.

The Appellant further contended that the position's 'visibility corridors' were limited. The inspectorate commented here that, based on his site inspection, he considers that the junction on Vale Road provides reasonably unrestricted views along Cuddington Avenue towards the

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Parish Church where local residents and customers to the shops opposite appreciate the wider local views.

The inspectorate highlighted that while the trees behind the site would provide some limited screening and provide a refuge for wildlife, the monopole would loom above the nearby two-story shops, houses, and surrounding trees and dominate the skyline when viewed from any direction, in contrast to the existing lamppost and public house sign, which are relatively modest in height. As a result, he finds the proposal overly prominent and overbearing on the built and landscaped environment, which he considers to appear as an alien feature in the surrounding views.

The inspectorate acknowledged that the proposal would be likely to enhance digital communication for residents and businesses in the surrounding Worcester Park and Stoneleigh area in line with Paragraph 112 of the Framework as supported by the Governments 'Future Telecoms Infrastructure Review' 2018, but concluded that his findings are not outweighed by the relatively modest sustainability and social and economic benefits associated with one telecommunications installation.

The inspectorate concluded that, although not determinative, the proposal would be contrary to Policy DM18 of the Development Management Policies Document (2015), which aims include, that the potential for physical interference has been minimised in the siting and design of the apparatus. Accordingly, the proposal does not meet the requirements for prior approval required by virtue of Schedule 2, Part 16, of the GPDO.

4. 32 Victoria Place (Appeal Ref: 3263682)

The main issues were the effect of the proposed development on the character and appearance of the host dwelling and whether it would preserve or enhance the character or appearance of the Conservation Area.

The inspectorate took note of and analysed the Appellant's position, particularly in light of specific examples provided by them, and came to the conclusion that, ultimately, each case must be judged on its own merits.

The inspectorate recognised that the fenestration pattern in Victoria Place is diverse and of varying quality, with many of the old timber sliding sash windows being replaced with more modern equivalents. According to the inspectorate's findings, sliding sash designs are substantially more sensitive to the street scene than uPVC equivalents, and in this case, the centre window within the bay would not even be a sliding sash, but a top opening light, which would appear particularly incongruous when open.

The inspectorate acknowledges that replacement windows may improve security, energy efficiency, and noise insulation, but also points out that similar benefits can be derived from wood units, and that there are no public benefits advanced that would outweigh the less than substantial harm cited above.

The inspectorate decided that the proposed replacement uPVC windows would be detrimental to the host dwelling's character and appearance, failing to preserve the Conservation Area's character and appearance. Concluding that the proposal is contrary to the Framework and the CACA, and conflicting with Policy CS5 of the LDF Core Strategy (2007) and Policies DM8, DM9 and DM10 of the LDF Development Management Policies Document (2015) which together seek to protect and enhance the Borough's heritage assets, requiring high quality

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design particularly in those areas where the character has been eroded as identified in Conservation Area Appraisals.

5. 58 Nightingale Drive (Appeal Ref: 3267146)

The main issues were the effect of the appeal proposal on the character and appearance of the area.

The inspectorate noted and analysed the Appellant's position, particularly in regard to creating direct and indirect employment with subsequent social and economic benefits, however, the inspectorate concluded that these benefits would not outweigh the harm that the proposal would cause to the area's character and appearance.

The inspectorate recognised that the proposal would essentially build over this garage, and that its width would prevent it from being subordinate in form to the host dwelling, thereby overpowering it, appearing incongruous in appearance due to the fact that its flank wall would continue to follow the alignment of the splayed boundary, resulting in a contrived roof form that would conflict with the simple architecture in the locality. Furthermore, the first-floor front window would be over-scaled and would visually conflict with No. 58's main elevation, further detracting from the dwelling's character and appearance as well as the street scene.

The inspectorate concluded that the development would conflict with Policies DM9 and DM10 of the Development Management Policies Document (2015) which seek to enhance the townscape of the Borough, ensuring compatibility with local character, whilst incorporating principles of good design and at the very least ensuring that local distinctiveness is respected having regard to, amongst other things, prevailing development typology in terms of scale, layout, height, form (including roof forms) and massing.

6. Glenwood, Horton Hill (Appeal Ref: 3269481)

The main issues were the effect of the 2-storey side extension on the character and appearance of the surrounding area.

The inspectorate recognises that the Council had no objection to the loft conversion with hip to gable conversion and dormer, and the single storey rear extension, but rather its first floor side extension which by reason of its width and scale was considered to unbalance the pair of adjoining properties and result in an unacceptable risk of creating a terracing effect.

The inspectorate acknowledged that the proposed two-storey side extension would not be mirrored on the adjoining dwelling which forms part of the semi-detached pair, however, decided that due to it being set down from the roof ridge of the host property, and set-back from its front it would appear subordinate to its host property meaning that it would not be especially noticeable in the street scene. It was the inspectorate's view that in taking account of the width of the proposed extension, due to the mixed pattern of development nearby the newly-extended semi-detached pair would not appear incongruous in its context.

In terms of terracing effect, the inspectorate evaluated the guidance provided under the Council's SPG, which specifically mentioned 1m separation gaps, and reiterated that each case should be judged on its own merits. The inspectorate stated that, based on his site inspection, he observed a number of rows of terraces along Horton Hill as having no clearly defined pattern of development with respect to gaps between properties on this street, and

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that the proposal would replicate this arrangement, and that, given the extension's height, the fair-sized access way itself would that no actual or perceived terracing effect would occur.

The inspectorate concluded that the 2-storey side extension would have an acceptable effect on the character and appearance of the surrounding area in accordance with Policy DM10 of the Development Management Policies Document (2015) and Policy CS5 of the Core Strategy (2007) which collectively provide that, amongst other things, development proposals should contribute to the character and local distinctiveness of a street or area.

The inspectorate also passed that all conditions suggested by the Council have been considered and agrees that they are necessary, in the interests of clarity and enforceability, setting out the timescale for the commencement of development and the approved plans, respectively. Additionally that the condition suggested for controlling external materials to secure an acceptable appearance for the development is also necessary together with a condition requiring that the roof area of the single storey rear extension shall not be used as a private amenity area, to protect the living conditions of the occupiers of neighbouring properties, with respect to privacy.

7. 140 & 142 Ruxley Lane (Appeal Ref: 3263842)

The main issues issue were the effect of the appeal proposal upon the character and appearance of the area.

The inspectorate noted and analysed the Appellant's position, particularly in regard to the Council's standpoint on demonstrating a five year housing land supply. The inspectorate commented here that, pursuant to paragraph 11.d) ii. of the National Planning Policy Framework (the 'Framework'), the presumption in favour of sustainable development applies, and therefore the 'tilted' balance is engaged and he has determined the appeal on this basis.

The inspectorate took note of and analysed the Appellant's position, particularly in light of specific examples provided by them, and came to the conclusion that, ultimately each case must be assessed on its own merits. The inspectorate also acknowledged the Appellant's argument that they had underwent extensive pre-application discussions with Officers of the Council, however, comments here that Members are not bound by their recommendations.

The inspectorate recognised that in order to provide access and parking for the development, a large amount of the land would be hard surfaced, including a private road close to 144 Ruxley Lane which encompasses a two-story semi-detached house on the site's south western boundary. The inspectorate stated that while he has no concerns about the design and appearance of the front block as a solo piece of architecture, it cannot be regarded in isolation from all other building forms in the local vicinity.

The inspectorate acknowledged that Willow Court is a prominent point within the street scene at the intersection of Ruxley Lane and Cox Lane, and is significantly more domestic in scale, with a mix of bungalows and two-story residences. Also that the combination of the two-story block to the back and the hard surfacing in between would appear overdeveloped and would be at odds with the considerably more aforementioned suburban development pattern.

The inspectorate believes that, in contrast, the front block of flats would have a much higher eaves height than Willow Court's two-story element, going against its current reduction in hierarchy and form, and that, despite the gap between this and the shared boundary with No.144, it would be roughly level with that dwelling's ridge, dwarfing it in comparison.

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The inspectorate concluded that he consider that by reason of its scale, the proposed development would give rise to an overbearing relationship with both adjacent buildings on Ruxley Lane, significantly so in respect of no144; and which would be harmful to the character and appearance of the street scene. Furthermore by virtue of the number of units proposed, the scheme would give rise to a significant area of the site being covered with buildings and hard standing, indicating an overdevelopment of the site and giving rise to an unhealthy relationship with the neighbouring houses that would remain.

In regards to tilted balance, the inspectorate found in the preceding section that the provision of both market and affordable housing can be afforded significant weight in the planning balance. However, concluded that the presence of flatted blocks both built and approved within the locality, he found that overall the harm that would be caused to the character and appearance of the area by the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The inspectorate found the proposal contrary to Paragraph 127. c) of the Framework which requires developments to be sympathetic to the surrounding built environment, as well as Policies DM9 and DM10 of the Council's Development Management Policies Document (2015) and Policy CS5 of the Council's Core Strategy (2007), which together seek high quality and inclusive design which reinforces local distinctiveness; and that state that permission will only be granted for proposals which make a positive contribution to the Borough's appearance in regard to compatibility with local character and the relationship to the existing townscape and prevailing development typology of the surrounding area.

Summary of Pending Appeals:

Site Address	Appeal/LPA Reference	Description of Development	Grounds	Status
63 Bramble Walk Epsom, Surrey KT18 7TB	Appeal Ref: 3273732 LPA Ref: 20/00779/FLH	Erection of two storey side infill extension	Delegated Refusal	Received: 23.04.21
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: 26.04.21
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: 27.04.21
89 Grosvenor Road, Epsom Surrey, KT18 6JF	Appeal Ref: 3250560 LPA Ref: 19/01702/FLH	Felling of Sycamore T39 of TPO 97 located in the rear garden.	Non-Determination	Received: 06.05.21
64 South Street, Epsom, Surrey, KT18 7PH	Appeal Ref: 3274710 LPA Ref: 20/00041/FUL	Change of use from B1 (Business) to C3 (Residential) including demolition of existing builders yard buildings. Construction of 6 number two-storey, two bedroom dwellings.	Delegated Refusal	Received: 10.05.21

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81 Kingston Road, Ewell, Surrey, KT17 2ER	Appeal Ref: 3274902 LPA Ref: 20/01829/FLH	Part single part two storey rear extension.	Delegated Refusal	Received: 12.05.21
Holland House, Mospey Crescent, Epsom, Surrey, KT17 4LZ	Appeal Ref: 3275697 LPA Ref: 21/00110/FLH	Installation of 1.8 metre steel fence within existing green hedge along front and part side boundary and extension to existing dropped kerb.	Delegated Refusal	Received: 25.05.21
Fennies Nursery, The Old School, House, 1A Hook Road, Epsom, Surrey, KT19 8TH	Appeal Ref: 3276399 LPA Ref: 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.	Delegated Refusal	Received: 03.06.21
Epsom General Hospital, Dorking Road, Epsom, Surrey, KT18 7EG	Appeal Ref: 3272074 LPA Ref: 19/01722/FUL	Demolition of the existing hospital buildings, accommodation block and associated structures and redevelopment of the site to provide a new care community for older people arranged in two buildings, comprising 302 to 308 care residences, 8 to 12 care apartments and 26 to 30 care suites providing transitional care, together with ancillary communal and support services Use Class C2, 24 key worker units Use Class C3, childrens nursery Use Class D1 as well as associated back of house and service areas, car and cycle parking, altered vehicular and pedestrian access, landscaping, private amenity space and public open space	Committee Refusal	Received: 26.04.21
Epsom General Hospital, Dorking Road, Epsom, Surrey, KT18 7EG	Appeal Ref: 3276483 LPA Ref: 21/00252/FUL	Demolition of the existing hospital buildings, accommodation block and associated structures and redevelopment of the site to provide a new care community for older people arranged in two buildings, comprising 267 care residences, 10 care apartments and 28 care suites providing transitional care, together with ancillary communal and support services Use Class C2, 24 key worker units Use Class C3, childrens nursery Use Class E, as well as associated back of house and service areas, car and cycle parking, altered vehicular and pedestrian access, landscaping, private amenity space and public open space.	Committee Refusal	Received: 09.06.21