

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

1 Plans and Representations

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

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QVTFPUGYL5300>

2 Summary

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

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

The Site

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

Designations

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

The wider area

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

Connections

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

Open spaces and parks

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

4 Proposal

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

5 Comments from third parties

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

6 Consultations

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

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

7 Relevant planning history

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

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

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

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

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

8 Planning Policy

National Policy Planning Framework (NPPF) 2021

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

Core Strategy 2007

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

Development Management Policies Document 2015

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

Parking Standards for Residential Development 2015

9 Planning considerations

Principle of development

Retail

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

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

Housing Supply

- 9.15 Chapter 5 of the NPPF relates to delivering a sufficient supply of homes. Paragraph 60 sets out that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.16 Chapter 11 of the NPPF relates to the effective use of land. Paragraph 119 of the NPPF sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 9.17 The NPPF seeks sustainable development. Paragraph 11 sets out the decisions should apply a presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (includes where an LPA cannot demonstrate a five year supply of deliverable housing sites), granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 9.18 In terms of housing delivery, the Borough's current local plan is no longer considered to be in accordance with national planning policy. Principally it does not reflect a housing requirement that is calculated using the standard method as prescribed by national policy. Under this method, a significantly higher housing requirement is identified for the Borough: 577 new units to be delivered per annum, in comparison to the existing adopted target contained within the Core Strategy: 181 new units per annum.
- 9.19 Such a considerable increase in the housing requirement has resulted in the Local Planning Authority no longer being able to identify a deliverable five-year housing land supply. The outcome of the most recent Housing Delivery Test (published January 2022) corroborates this position, indicating that presumption of sustainable development applies.
- 9.20 The Borough has a very limited housing land supply and there is therefore a need to optimise sites that are available and appropriate for residential development.
- 9.21 Policy CS8 sets out that new housing development will be located within the defined built up area of Epsom and Ewell. Within these areas the emphasis will be on the re-use or conversion of existing buildings for housing. In principle, higher density development is directed to central locations, such as Epsom town centre and other local centres, close to existing services and facilities and accessible by public transport, walking and cycling. This enables relatively lower densities to be applied to other parts of the built up area to help retain their character and local distinctiveness.
- 9.22 Policy DM11 sets out that the Local Planning Authority will, in principle, support proposals for new housing that makes the most efficient use of development sites located within the Borough's existing urban area.
- 9.23 The Site is designated as a Built-Up Area, which is considered suitable for residential development. It is located within a Local Centre with access to a wide range of shops and amenities and only metres from the Train Station. The proposal is considered to make a positive contribution towards the Borough's housing supply, which is a benefit when considering the acute need for housing.
- 9.24 The proposal is considered to comply with Policy CS8 of the Core Strategy (2007).

Affordable housing

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

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

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

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

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

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

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

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

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

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

Quality of accommodation

Layout and Size

- 9.9 Policy DM12 requires developments to comply with internal space standards.
- 9.10 All new housing development is expected to comply with the Nationally Described Space Standards.
- 9.11 The below table sets out that each of the flats proposed would accord with Nationally Described Space Standards. This is clarified within the Applicant's Planning Statement:

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

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

Unit Mix

- 9.13 Policy DM22 states that new residential development proposals should incorporate a mix of dwelling sizes and tenures that meet identified local needs. To achieve this, development proposals of four or more units should comprise a minimum of 25% three bedroom, or more, units. Exceptions to this approach will be considered where it can be demonstrated that such a mix would be inappropriate to the location or endanger the viability of the proposal.
- 9.14 The proposed mix of units is set out in the below table, as clarified within the Applicant's Planning Statement:

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

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

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

Private amenity space

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

Wheelchair units

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

Neighbouring amenity

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

Daylight Assessment

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

Sunlight Assessment

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

Overshadowing Assessment

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

Officer comments

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

Design

- 9.35 Paragraph 130 of the NPPF sets out that planning decisions should ensure that development (inter alia) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and create places that are safe, inclusive and accessible.
- 9.36 Policy DM9 sets out that planning permission will be granted for proposals that make a positive contribution to the Borough's visual character and appearance. In assessing this, the following is considered:
- compatibility with local character and the relationship to the existing townscape and wider landscape;
 - the surrounding historic and natural environment;
 - the setting of the proposal site and its connection to its surroundings; and
 - the inclusion of locally distinctive features and use of appropriate materials.

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

Application ref: 19/00668/FUL and this application

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

Design and Access Statement

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

Massing Strategy – Scales

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

Massing Strategy – Corner Placemaking

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

Massing Strategy – Articulation

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

Massing Strategy – Heights

- 9.45 The DAS sets out that the proposal is Ground+ three storeys in the tallest elements, reduced to Ground+ two storeys along Station Approach and Ground+ one storeys to the rear, along Stoneleigh Park Road. This variety in height and scale seeks to address the existing and emerging context anticipated in the Epsom and Ewell Masterplan.
- 9.46 For clarity, the dimensions of the proposed building are: 14.4m (height at the front), 12.2m (width), 28.2m (length, typical).

Massing Strategy – In Context

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

Materials Palette

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

Planning Statement

- 9.49 A Planning Statement accompanies this application. It sets out the justification for the scheme exceeding the density and height policies, DM11 and DM13. This is summarised below.
- 9.50 The Planning Statement acknowledges that the Epsom and Ewell Masterplan and the Housing Delivery Action Plan sets out that higher density developments are key to delivering the housing needed in the Borough. Stoneleigh is identified in the document as an area suitable for accommodating higher densities due to its sustainable location, with several services, facilities and a mainline Train Station. The site is in a particularly sustainable location in the centre of Stoneleigh, around 50 metres from the Train Station and also within close proximity of various bus stops and amenities.
- 9.51 The suitability of the Site for a higher density scheme is further emphasised by Epsom and Ewell's report 'Making Efficient Use of Land – Optimising Housing Delivery' which states that the National and Local context in relation to housing need and housing land supply require the development potential of sites be optimised. This is a material planning consideration. It states that where proposals for new development and/or redevelopment are acceptable in principle, the opportunity should be taken to optimise housing supply, requiring a more flexible approach to housing density and building heights, so that the capacity for future homes in the Borough can be optimised.
- 9.52 The first reason for refusal of planning application ref: Application ref: 19/00668/FUL concerns the height and scale of the previous proposal, with a dominant and incongruous building. The Committee Report (08.10.2020) notes that this building would be contextually inappropriate for the area and the harm would outweigh any public benefits arising from the housing need. However, the Report is clear that the overall design approach was considered acceptable, but that it was the scale and height of the proposals which were considered unacceptable.

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

Local Planning Authority's Design and Conservation Officer

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

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

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

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

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

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

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

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

Officer comments

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

Transport and car parking

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

Transport Statement

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

Travel Statement

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

Blue badge holder, parking

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

Car parking

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

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

Cycle parking

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

Refuse

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

Officer comments

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

Flood Risk

- 9.86 Chapter 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. Paragraph 167 sets out that when determining any planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment

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

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

Ecology

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

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

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

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

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

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

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

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

Trees and Landscaping

- 9.116 Paragraph 131 of the NPPF sets out that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.
- 9.117 Paragraph 174 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.
- 9.118 Policy DM5 (Trees and Landscape) of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia):
- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and
 - Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.

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

Sustainability

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

Contaminated Land

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

Community Infrastructure Levy

- 9.134 The development would be CIL liable.

10 Conclusion

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

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

11 Recommendation

11.1 Officers recommend refusal of this Planning Application.

- 1) The design of the development due to its scale and height would appear as a dominant and incongruous element in the street scene and would harm the character and appearance of the surrounding area, contrary to Policies DM9 and DM10 of the Development Management Policies Document (2015)
- 2) The proposal would adversely impact the daylight and sunlight enjoyed at 6 Station Approach, with the loss of afternoon sun, due to the development's excessive height, mass and bulk, constituting an overdevelopment. This fails to comply with Policy DM10 of the Development Management Policies Document (2015)
- 3) The proposal fails to provide adequate up-to-date bat surveys, failing to ensure that the proposal would not cause harm to protected species. This fails to accord with Policy DM4 of the Development Management Policies Document (2015), the NPPF (2021), Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017
- 4) The proposal provides inadequate space for meaningful landscaping due to its excessive built form, constituting an overdevelopment. It fails to comply with Policy DM5 of the Development Management Policies Document (2015)
- 5) In the absence of a completed Legal Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), the Applicant has failed to comply with Policy CS9 of the Core Strategy (2007) and the NPPF (2021), in relation to the provision of affordable housing.
- 6) In the absence of a completed Legal Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), the Applicant has failed to provide a car-club space. It fails to comply with Policy CS16 of the Core Strategy (2007) and the NPPF (2021).

Informative(s):

- (1) In dealing with the application the Local Planning Authority has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
- (2) The following drawings are submitted with this planning application:
 - 001 – Location Plan and Existing Site Plan – dated 08 Jan 2021
 - 011 – Existing Upper Ground Floor Plan – dated 08 Jan 2021
 - 020 – Existing Sections – dated 08 Jan 2021
 - 013 – Existing Second Floor Plan – dated 08 Jan 2021
 - 014 – Existing Roof Plan – dated 08 Jan 2021
 - 010 – Existing Lower Ground Floor Plan – dated 08 Jan 2021
 - 012 – Existing First Floor Plan – dated 08 Jan 2021

030 – Existing Elevations – dated 08 Jan 2021

305 Rev C – Detailed Section Entrance – dated 08 Jan 2021

200 Rev D – Section across Stoneleigh Park Road – dated 08 Jan 2021

201 Rev C – Proposed Sections AA & BB – dated 08 Jan 2021

113 Rev C – Proposed Third Floor Plan – dated 08 Jan 2021

101 Rev A – Proposed Site Plan – dated 08 Jan 2021

202 Rev C - Proposed Sections C-C & DD – dated 08 Jan 2021

112 Rev C – Proposed Second Floor Plan – dated 08 Jan 2021

114 Rev C – Proposed Roof Plan – dated 08 Jan 2021

101 – Proposed Site Plan – dated 08 Jan 2021

110 Rev C – Proposed Ground Floor Plan – dated 08 Jan 2021

111 Rev C – Proposed First Floor Plan – dated 08 Jan 2021

300 Rev D – Proposed West and South Elevations – dated 17 Nov 2020

301 Rev D – Proposed North and East Elevations – dated 17 Nov 2020