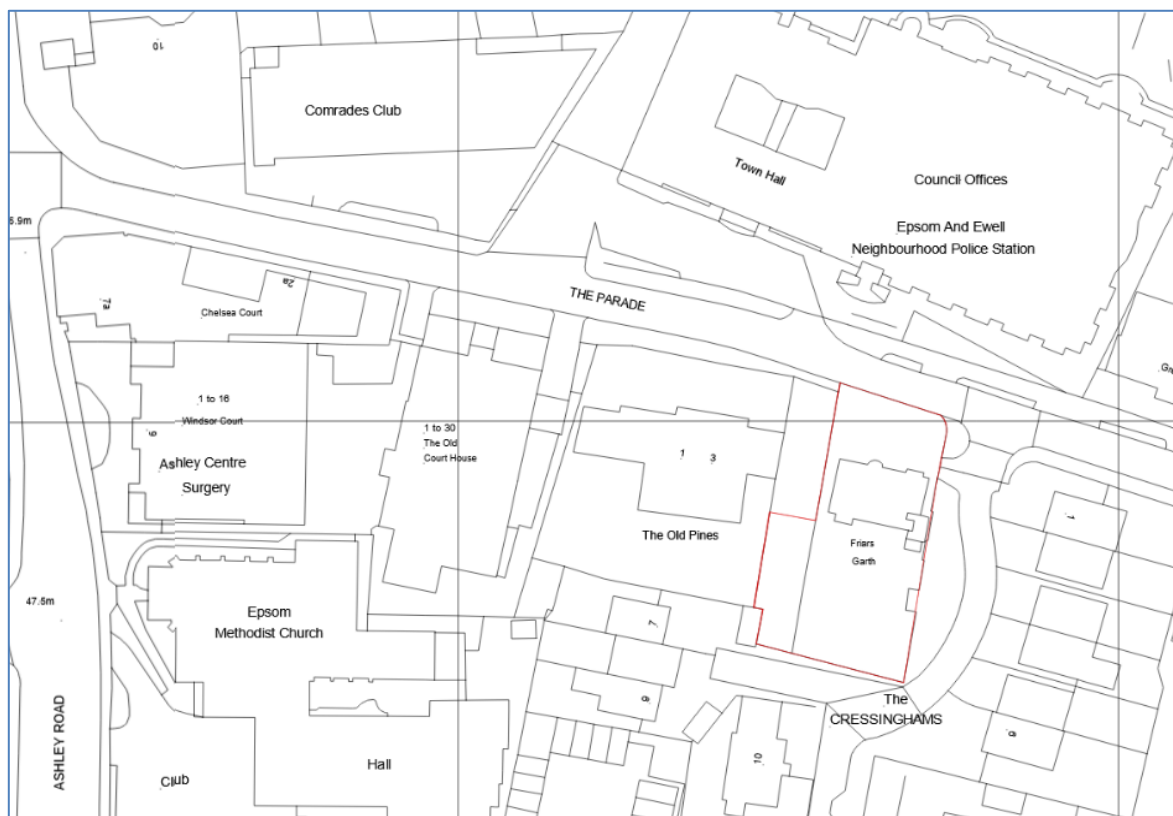


Development Site At Friars Garth, The Parade, Epsom, KT18 5DH

Application Number	23/01451/FUL
Application Type	Full Planning Permission (Major)
Address	Development Site At Friars Garth, The Parade, Epsom, Surrey, KT18 5DH
Ward	Town Ward
Proposal	Alterations to building to provide a four-storey flat building comprising 12 residential flats (8 x 2 bedroom and 4 x 3 bedroom) together with vehicular access, landscaping, parking for nine vehicles, bin storage, cycle storage and associated works
Expiry Date	19 July 2024
Recommendation	Refusal
Number of Submissions	79
Reason for Committee	Major development
Case Officer	Gemma Paterson
Contact Officer	Simon Taylor, Interim Manager
Plans, Documents and Submissions	Available at Friars Garth
Glossary of Terms	Found at the following link: Glossary of Terms



SUMMARY

1. Summary and Recommendation

- 1.1. The application is classified as a Major planning application (>10 dwellings) and is referred to Planning Committee in accordance with Epsom and Ewell Borough Council's Scheme of Delegation.
- 1.2. This application seeks permission for alterations to building to provide a four-storey flat building comprising 12 residential flats (8 x 2 bedroom and 4 x 3 bedroom) together with vehicular access, landscaping, parking for nine vehicles, bin storage, cycle storage and associated works
- 1.3. This application follows a granted permission on the site in 2022 for the erection of three storey building comprising 9 residential flats (1 x 1 bedroom, 6 x 2 bedroom and 2 x 3 bedroom), following demolition of the existing two storey dwelling on site (21/00701/FUL). This permission has commenced on site and the shell of a three storey building exists, but works have temporarily ceased to allow the consideration of this application.
- 1.4. The site is located within a main settlement, town centre location that is in close proximity to public transport, which offers a mode of transport other than the private car. The site is therefore in a highly suitable location in sustainable transport terms for new residential uses.
- 1.5. Although not meeting the housing mix advised by the Council's Housing and Economic Development Needs Assessment 2023, Officers consider that the provision of a higher percentage of smaller units within a highly sustainable location could be considered appropriate, as it would result in a more efficient use of land.
- 1.6. A Financial Viability Appraisal, prepared by DC Development Consultancy, dated October 2023 has been submitted in support of the application to justify the scheme as an exemption from policy compliance. This has been reviewed by the Council's appointed Independent Viability Consultant and concluded that that the submission understates the scheme viability to some degree and whilst it would not be viable to provide affordable housing either on or off site, there is scope for a financial contribution towards affordable housing at the sum of £73,514. The applicant has accepted this.
- 1.7. The proposed development would not result in a significant increase in traffic generation or result in any issues to highway safety or to the operation of the highway network.
- 1.8. Although the proposal would not meet the Council's parking standards, the site is in a highly sustainable location with access to a number of public transport modes and robust justification has been provided to

demonstrate that the minor shortfall would not cause inconvenience to existing residents and would not cause harm to the overall character and appearance of the surrounding area.

- 1.9. The provision of amenity provided within this scheme is regarded to be sufficient to meet the recreation needs of future occupiers.
- 1.10. It has also been satisfactorily demonstrated that a development of this scale could be provided on the site that does not have a harmful impact on neighbouring residential amenity.
- 1.11. The proposal would result in less than substantial harm to designated heritage assets. This harm leads to a presumption against granting planning permission, for which the public benefits arising from the proposal do not outweigh harm. Footnote 7 to paragraph 11d of the NPPF identifies designated heritage assets as being assets of particular importance. Officers are satisfied that harm caused to designated heritage assets would provide a clear reason for refusing the proposal. As such the titled balance in paragraph 11d(ii) of the NPPF is not applied and the benefits of the scheme must be balanced against any negative aspects of the scheme.
- 1.12. As a result of its overall scale, the proposed development would represent an incongruous addition that would fail to integrate with the prevailing character and appearance of the area.
- 1.13. Overall, the moderate benefits of the scheme, primarily the addition of three further units beyond that already approved and commenced on site, are not significant as to outweigh the material harm set above.

PROPOSAL

2. Description of Proposal

- 2.1. The proposal involves the following works:
 - The provision of 12 residential units on the site comprising 8 no. two bedroom and 4 no. three bedroom units
 - The alteration of the access
 - The provision of 9 no. vehicle parking spaces
 - Associated refuse/recycle and cycle storage
- 2.2. The differences from the previous approval on the site involve three additional units (all 2 bed) but no additional car parking. TBC

3. Key Information

	Existing (since demolished)	Approved (part constructed)	Proposed
Site Area	867 sqm		
Units	1	9	12
Number of Storeys	2	3	4
Density	12dph	103dph	150dph
Affordable Units	Nil	None	Off Site Contribution
Car Parking Spaces	2	9	9
Cycle Parking Spaces	Unknown	Unknown	Unknown

SITE

4. Description

- 4.1. The site lies to the south of the Parade and previously accommodated a two storey detached dwelling. The construction of a residential development previously granted permission on the site has commenced, and work has since ceased on site.
- 4.2. The surrounding area is mixed in character and appearance, comprising of residential, offices and a hotel.

5. Constraints

- Built Up Area
- Town Centre
- Adjacent to Grade II Listed Building (The Old Pines)
- Adjacent to Conservation Area (Church Street)
- Area of High Archaeological Potential
- Site of Special Scientific Interest Risk Area
- Critical Drainage Area
- Flood Zone 1
- Source Protection Area (Inner)

6. History

App No.	Description	Status
21/00701/FUL	Erection of three storey building comprising 9 residential flats (1 x 1 bedroom, 6 x 2 bedroom and 2 x 3 bedroom) together with alterations to vehicular access, landscaping and associated works, following demolition of existing dwelling	Granted 14.02.2022 (Commenced)

App No.	Description	Status
95/00032/REN	Change of use from residential to offices	Granted 13.03.1995
90/00579/FUL	Change of use from residential to offices	Granted 04.01.1991

CONSULTATIONS

Consultee	Comments
External Consultees	
Thames Water	No objection subject to informative
County Highway Authority	No objection subject to conditions
County Lead Local Flood Authority	No objection subject to conditions
County Archaeology	No objection subject to conditions
Internal Consultees	
Conservation Officer	Less than Substantial Harm to Heritage Assets
Transport and Waste Services Manager	No objection
Public Consultation	
Neighbours	<p>The application was advertised by notification to 55 neighbouring properties, concluding on 04 April 2024.</p> <p>79 submissions were received. They raised the following summarised issues:</p> <p><u>Highways</u></p> <ul style="list-style-type: none"> • Increase in traffic causing danger to pedestrians and the disabled • Causing danger as no extra parking is proposed <p><u>Amenity</u></p> <ul style="list-style-type: none"> • Overlooking to properties in The Cressinghams • Loss of light to properties in the Cressinghams • Increase in pollution • Loss of outlook • Noise and disruption during construction works • Where will vans stop, park and turn?

Consultee	Comments
	<ul style="list-style-type: none"> • Additional residential movements being disturbing • Increase in light pollution • Increase in traffic noise <p><u>Character</u></p> <ul style="list-style-type: none"> • The proposal is to exceed the height of buildings on the south side of The Parade • Proposal is too tall and overbearing • Overdevelopment of the site • Four storeys would be out of character. Three is more appropriate <p><u>Other</u></p> <ul style="list-style-type: none"> • Increase in drainage services • All the trees on the site have been removed and not replaced • Land for amenity space not under applicants' control • Sets a precedent • Stretched essential services like GP Surgery <p><u>Officer Comment:</u> The majority of the objections raised above, including traffic and parking implications (and supporting documentation), neighbour amenity and character matters, have been addressed in the above report.</p> <p>The loss of a view is not a material planning consideration for this application.</p> <p>As set out in the supporting Parking and Traffic Generation Review, the traffic generation implications of the proposal are minimal and the additional occupier's generation would also be minimal in the context of a built up urban area.</p> <p>Officers are satisfied that the proposal would not cause issues of either traffic or noise pollution to an extent that would significantly harm the amenities of the surrounding properties.</p> <p>With respect to the proposal setting a precedent, each application is solely judged on their own merits.</p> <p>There is nothing to suggest that the limited number of residents generated from the proposal would not have a detrimental impact upon the local infrastructure.</p>
Epsom Civic Society	<p>Objection in respect of:</p> <ul style="list-style-type: none"> • housing mix • affordable housing provision

Consultee	Comments
	<ul style="list-style-type: none">• Amenity spaces,• Overlooking• Loss of privacy• Overshadowing• Car parking spaces• Technical points relating to foundation designs, drainage volumes and discharge, fire escapes, firefighting, services risers and community lobby layouts• Case for a section 278 agreement to provide a new footpath <p>Officer Response: The majority of the objections raised above, including housing mix, affordable housing provision, traffic and parking implications (and supporting documentation), neighbour amenity and character matters, have been addressed in the above report.</p> <p>The technical points highlighted are a matter for Building Control Regulations.</p> <p>Surrey County Highway Authority had the opportunity to justify the securing of sustainable travel improvements, such as upgrading of the existing footway, through a Section 278 Agreement as part of this application but did not provide such a request.</p>

PLANNING LEGISLATION, POLICY, AND GUIDANCE

7. Planning Policy

7.1. National Planning Policy Framework 2023 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 4: Decision-Making
- Section 5: Delivering a Sufficient Supply of Homes
- Section 7: Ensuring the Vitality of Town Centres
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport
- Section 11: Making Effective Use of Land
- Section 12: Achieving Well-Designed and Beautiful Places
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Section 15: Conserving and Enhancing the Natural Environment
- Section 16: Conserving and Enhancing the Historic Environment
- Section 17: Facilitating the Sustainable Use of Minerals

7.2. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS7: Housing Provision
- Policy CS8: Broad Location of Housing Development
- Policy CS9: Affordable Housing and Meeting Housing Needs
- Policy CS14: Epsom Town Centre
- Policy CS16: Managing Transport and Travel

7.3. Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM4: Biodiversity and New Development
- Policy DM8: Heritage Assets
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM11: Housing Density
- Policy DM12: Housing Standards
- 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

7.4. Epsom Town Centre Area Action Plan 2011 (Plan E)

- Policy E1: Town Centre Boundary
- Policy E2: Housing Capacity in the Town Centre
- Policy E7: Town Centre Building Height

8. Supporting Guidance

8.1. Supplementary Planning Documents and Guidance

- Single Plot and Other Types of Residential Infill 2003
- Parking Standards for Residential Development Supplementary Planning Document 2015
- Surrey County Council Vehicular and Cycle Parking Guidance 2023
- Surrey Transport Plan 2022–2032
- Sustainable Design Supplementary Planning Document 2016

8.2. Other Documentation

- Church Street Character Appraisal
- Solar Panel Guidance Note for Domestic Installation 2011
- Technical Housing Standards – Nationally Described Space Standards 2015
- Community Infrastructure Levy Charging Schedule 2014
- Council's Housing and Economic Development Needs Assessment 2023

PLANNING ASSESSMENT

9. Presumption in Favour of Sustainable Development

- 9.1. Paragraph 11 of the NPPF 2023 stipulates that development proposals which 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.
- 9.2. Paragraph 11(d) of the NPPF 2023 is engaged where the Council's policies which are most important for determining the application are out-of-date. In this particular case, policies CS7 (Housing Provision) of the CS and Policy CS9 (Affordable Housing) of the CS are out of date. The former is on the basis that the Council is unable to demonstrate sufficient supply of housing.
- 9.3. The practical application and consequence of this is that unless the site is 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 impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 9.4. Footnote 7 to paragraph 11d (i) identifies designated heritage assets as being assets of particular importance. Officers are satisfied that harm caused to designated heritage assets would provide a clear reason for refusing the proposal. In this circumstance, the tilted paragraph in paragraph 11d (ii) does not apply and the benefits of the scheme must be balanced against any negative aspects of the scheme

10. Principle of Development

10.1. Location of Development

- 10.2. The site is located within the built-up area of Epsom and the principle of development is acceptable in terms of the principles, objectives, and policies in the CS, the DMPD and supporting guidance and documents.
- 10.3. Also of material consideration is that the principle of a higher density residential redevelopment of the site was established under planning application 21/00701/FUL.

10.4. Housing Delivery

- 10.5. Paragraph 60 of the NPPF 2023 aims to significantly boost the supply of homes in areas where it is needed and addressing specific needs. Policy CS7 of the CS seeks to meet housing requirements in accordance with Policy H1 of the South East Plan which is at least 2,715 homes within the period 2007-2022 or 181 new dwellings per annum.
- 10.6. The Council has calculated its five-year housing land supply position as being 1.59 years (as of 01 April 2023). The Council is presently falling significantly short of this requirement and cannot presently demonstrate five years housing land supply.
- 10.7. Policy CS8 of the CS emphasises that the re-use of suitable previously developed land and higher density development will be directed to central locations including Epsom Town Centre.
- 10.8. Policy E1 of Plan E, Epsom Town Centre Area Action Plan 2011 sets out that in principle, Town Centre uses will be permitted within the Town Centre boundary, subject to other relevant policies. These uses include higher density housing.
- 10.9. Policy E2 of Plan E, Epsom Town Centre Area Action Plan 2011 sets out that key opportunities sites and other opportunities sites, will deliver at least 635 new residential units within the Town Centre between the periods 2010 to 2026.

10.10. Reuse of Brownfield Land

- 10.11. The NPPF makes it clear that development must make the best use of land and optimise the capacity of site, with paragraph 124 (c) of the NPPF indicating that substantial weight should be given to the value of using suitable brownfield land within settlements for identified needs and 124 (d) requiring decision to promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 10.12. Paragraph 129 (c) of the NPPF sets out that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies of the Framework.
- 10.13. Meeting any increase in the annual housing building target for the Council is challenging, as the Borough is mostly comprised of existing built up areas, strategic open spaces, or Green Belt, resulting in the supply of available development sites being extremely limited.

- 10.14. Given the Borough's high need for new homes, it is essential that development proposals make the most efficient use of land and that any new homes proposed meet the identified need.
- 10.15. The proposal to intensify the residential use of the brownfield site would be acceptable in principle, as it would meet both National and Local policies to make efficient use of the land in order to meet the Borough's need for new houses. However, this would be subject to the principles, objectives, and policies in the CS, the DMPD and supporting guidance and documents.
- 10.16. Also of material consideration is that the principle of a higher density residential redevelopment of the site was established under planning application 21/00701/FUL.

11. Heritage and Conservation

- 11.1. Paragraphs 203-208 of the NPPF 2023 requires consideration of the harm to the significance of a designated heritage asset. Paragraph 206 requires clear and convincing justification where there is harm to or the loss of a designated heritage asset. Paragraph 202 states that where there is less than substantial harm, the harm must be weighed against the public benefits.
- 11.2. Policy CS5 of the CS and Policy DM8 of the DMPD seek to protect and enhance heritage assets and their setting.
- ### **11.3. Setting of Listed Building**
- 11.4. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that development must ensure the preservation of any nearby listed building, including its setting.
- 11.5. The application of the statutory duties within Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 combined with the guidance contained in the NPPF 2023 means that when harm is identified, whether that be less than substantial or substantial harm, it must be given considerable importance and great weight.
- 11.6. The site bounds The Old Pines, a Grade II Georgian Listed building with Victorian alterations, the significance of which is found in retained original historic features, such as the parapet with recessed panels, the five ranges of sashes with glazing bars with recessed panels below, and the original doorcase with fluted Tuscan columns.
- 11.7. It is noted that the supporting Design and Access Statement, prepared by PRA, Revision 03 and dated 11.03.2024 (DAS) considers the architectural style of the Listed Building to have been lost through previous 19th and 20th century developments, most notably two large side and rear extensions, along with the application of rendering to the building, which has resulted in the loss of original stone and classical detailing.

- 11.8. Although the DAS considered the architectural style of the Listed Building to be lost through previous development, the DAS advises that the main concept of the proposed development comprises a high-quality design creating an authentic Georgian appearance in scale, form and detailing when viewed in conjunction with The Pines.
- 11.9. Officers disagree with the conclusion of the DAS that the architectural style of the Listed Building has been lost through development. Officers, in consultation with the Council's Conservation Officer, can clearly appreciate original features of the building, such as the Georgian House central portion, the five ranges of sash windows and original door with the fluted Tuscan columns. Whilst the experience of these original features are somewhat eroded by later extensions, they are clearly legible within the wider public realm.
- 11.10. The DAS states that from within the site, none of the original Listed Building can be perceived due to it being entirely subsumed by later extensions entirely subsuming the Listed Building. Whilst Officers agree with this conclusion, less weight is attached to the private views of the Listed Building.
- 11.11. The DAS concludes that the framing and setting of the listed building would be significantly enhanced by having a four storey building on each side.
- 11.12. Officers again disagree with this conclusion, as the setting of the Listed Building previously benefited from a two storey development on the site, which provided clear intervisibility between the two built forms. Although the granting of planning permission 21/00701/FUL allowed a three storey development on site, this remained at reasonable scale and still retained degree of equality between the new build and the setting of the Listed Building due to the similar heights, therefore preventing any over-dominance.
- 11.13. In contrast, the proposed four storey building would, in combination with the four storey development of The Old Court House located to the west of the site, would create a dominating presence, significantly eroding the setting and experience of the Listed Building, particularly when viewed from The Parade street scene.
- 11.14. The Council's Conservation Officer attributes less than substantial harm to the setting of the Old Pines as a result of the overall height of the proposed development.
- 11.15. Setting of the Church Street Conservation Area**

- 11.16. Significance can be harmed through development within a heritage asset's setting. Whilst there is no statutory protection for the setting of a Conservation Area, paragraph 206 of the NPPF requires that consideration be given to any harm to or loss of significance of a designated asset, which includes Conservation Areas, from development within its setting.
- 11.17. This is further supported by paragraph 212 of the NPPF which states that local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 11.18. Appendix 2 Glossary of the NPPF defines setting of a heritage assets as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 11.19. The Church Street Conservation Area lies 55 metres to the east of the site. The Church Street Conservation Area is one of the Borough's most important conservation areas and is notable for its prestigious houses, some of them listed grade II*, which were built when Epsom developed as a spa town in the late 17th century. It also contains Epsom's oldest building, the parish church of St Martin of Tours, which retains a remodelled mid-15th century tower.
- 11.20. Although 55 metres from the Church Street Conservation Area boundary, the scale of the existing built form along the south of The Parade from the junction adjoining Ashley Road gradually decreases from four storeys, down to three storeys and then two storeys, as you traverse away from the junction. This is an important setting transition from the high rise and active built form of the Town Centre to the quieter suburban, low rise nature of the Church Street Conservation Area.
- 11.21. The height of the proposed development would interrupt and erode this gradual decrease in built form along the south of The Parade, which is fundamental to the appreciation of the character of Church Street Conservation Area and would adversely affect the setting in which the Church Street Conservation Area is experienced.
- 11.22. In light of this, the Council's Conservation Officer attributes the proposal to having less than substantial harm on the setting of the Church Street Conservation Area.

11.23. Public Benefits

- 11.24. The Council's Conservation Officer has considered that the harm to the setting of The Old Pines and the Church Street Conservation Area would affect their significance and has attributed this harm to be less than substantial. In accordance with paragraph 208 of the NPPF, this harm must be weighed against any public benefits of the proposal. Great weight should be given to the asset's conservation irrespective of the scale of harm identified.
- 11.25. The NPPF identifies that public benefits could be anything that delivers economic, social or environmental progress, as described in paragraph 8. The NPPG further states that public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit.
- 11.26. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits (020 Reference ID: 18a-020-2019072). The public benefits of the proposed development are considered to be:
- The contribution of net gain residential development to the Borough housing figures.
 - The contribution of affordable housing to the Borough.
 - The increased efficient use of redeveloped brownfield land to meet an identified housing need.
 - The generation of economic benefits from the employment during the construction phase.
 - The direct economic and social benefits from investment into the nearby town centre from future residents, adding to the vitality and viability of the town centre.
- 11.27. The proposal would contribute 11 new residential units towards the Borough housing figures at a time that the Council cannot identify a five year housing land supply. However, there is an extant permission on the site for a net gain of 8 new residential units for which construction is considerably underway. The proposal would therefore result in a contribution of 3 net additional residential units on the site.
- 11.28. Although a small contribution, these 3 net additional residential units would be within an urban area with good access to facilities and public transport. Additionally, the proposal would logically reduce the pressure for development in the Green Belt. Therefore, moderate weight is attached to this public benefit.
- 11.29. Paragraph 124 (c) of the NPPF indicates that substantial weight should be given to the value of using suitable brownfield land within settlements for identified needs. The HEDNA (talk about housing mix) social benefits from

an increase in choice and types of homes for different members of the community.

- 11.30. In considering what weight to apply to this public benefit, Officers are mindful of a recent High Court dismissal for a statutory review in relation to weight attributed to paragraph 81 of the NPPF 2021 (Bewley Homes PLC V Secretary of State 2024)
- 11.31. Paragraph 81 of the NPPF 2021 states that 'significant weight should be placed on the need to support economic growth and productivity'. The Claimant considered the policy to be a 'blanket assignment' of that degree of weight to economic benefits in any case of a 'uniform prescription' of 'significant weight' for economic benefits in any proposed development.
- 11.32. The High Court dismissal found that paragraph 81 of the NPPF 2021 was a high level policy statement focused on business/commercial growth and does not mandate uniform or significant weight to incidental economic benefits. In this dismissal, the High Court found (paragraph 59) that, when it comes to deciding how much weight to give those benefits in the application of development plans policies and the overall planning balance, the decision maker is not required to assign a uniform level of weight i.e., significant weight. He is able to assign such weight as he considered appropriate having regard to the nature of those benefits, in light of any other planning considerations relevant to those benefits'.
- 11.33. Similarly, paragraph 124 (c) of the NPPF indicates that substantial weight should be given to the value of using suitable brownfield land within settlements for identified needs. In considering the High Court dismissal, Officers have considered that there is an extant planning permission on the site which is under substantial construction that would meet identified housing needs. As a result of this genuine fallback position, Officers consider that moderate weight is attached to this public benefit.
- 11.34. Whilst the financial contribution of affordable housing to the Borough is welcomed, the Council's Strategic Housing Manager has advised that the minor amount of the financial contribution would make a limited contribution towards the Council's affordable housing needs. Officers consider that limited weight is attached to this public benefit, particularly as it is less than policy compliant.
- 11.35. There is no evidence to suggest that the local economy is suffering without the additional expenditure arising from the proposal at both the construction and operations stage. This benefit is therefore attributed limited weight as a public benefit.
- 11.36. In combination, these public benefits garner moderate weight as public benefits. It is concluded that the public benefits do not overcome the considerable importance and weight that has been given to the desirability of preserving the setting of The Old Pines and the Church Street Conservation Area.

11.37. The proposal is therefore considered to be contrary to Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, paragraphs 203 and 208 of the NPPF 2023 and Policy DM8 of the DMPD.

11.38. Whilst Officers acknowledge that the public benefits of planning application 21/00701/FUL outweighed the harm to the heritage assets, the benefits of the proposal are limited to those that arise over and above the approved scheme. Given the material differences between the current application and that granted permission under 21/00701/FUL, Officers are satisfied that they are not being inconsistent when weighing the public benefits of the scheme.

11.39. Archaeology

11.40. The site is within an Area of High Archaeological Potential.

11.41. The application is supported by an Archaeological Desk Based Assessment, prepared by RPS, reference JAC26570 and dated July 2020

11.42. The County Archaeologist has reviewed this document and is satisfied that the document contains an acceptable Written Scheme of Investigation, which is designed to secure archaeological mitigation works should permission be granted. Such matters have already progressed under the extant permission. Subject to a condition to secure the development being carried out in accordance with the Archaeological Desk Based Assessment in the event permission is granted, the County Archaeologist has raised no objection to the scheme on heritage grounds.

12. Density

12.1. Policy DM11 of the DMPD aims for the most efficient use of development sites with a demonstration of how density would contribute towards maintaining and enhancing the visual character and appearance of the wider townscape and lead to no net loss of biodiversity. Density is limited to 40 dwellings per hectare or alternatively, where it is allocated at a higher density, there is good site sustainability, and it conforms to the surrounding townscape.

12.2. In order to fully optimise development sites to contribute towards the Boroughs significant need for new homes, Policy DM11 of the DMPD has been given reduced weight, which may result in higher densities than previously permitted.

12.3. Policy E1 of Plan E permits higher density housing and Policy E2 seeks to deliver at least 635 new residential units within the Town Centre by 2026.

12.4. The proposal would result in a density of 150 dwellings per hectare, which would significantly exceed the 40 dwellings per hectare set out in DM11 of the DMPD. However, Officers are mindful that the site is in a sustainable

location with excellent access to facilities and transport and that the Council's density policy has significantly reduced weight in decision making.

13. Housing Mix

- 13.1. Paragraph 63 of the NPPF 2023 states that the size, type, and tenure of housing needed for different groups in the community including families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.
- 13.2. In identifying a suitable housing mix for new homes in the Borough, Chapter 15 of the Council's Housing and Economic Development Needs Assessment 2023 (HEDNA) recommends the breakdown of market dwellings by size, as follows:

Beds	HEDNA	Proposed
1	10%	0%
2	35%	67%
3	35%	33%
4	20%	0%

- 13.3. The Council's greatest housing need is for 2 and 3 bedroom units. Although the proposed development would deliver a greater proportion of 2 bedroom units than recommended by the HEDNA, Officers consider that the provision of a higher percentage of smaller units within a highly sustainable location is appropriate, as it would result in a more efficient use of land.
- 13.4. Notwithstanding the above, the failure of the proposal to adequately support Borough's objective to provide a mix of housing to meet housing needs and support balanced and sustainable communities is an adverse impact of the scheme to be weighed in the planning balance.

14. Affordable Housing

- 14.1. Paragraph 64 of the NPPF 2023 states that affordable housing should be on site unless a contribution is robustly justified and that it contributes to the objective of creating mixed and balanced communities. Paragraph 65 requires at least 10% affordable homes, 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. Policy CS9 of the CS specifies a target of 20% affordable.
- 14.2. Paragraph 58 of the NPPF 2023 states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage. The weight to be given

to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

- 14.3. Paragraph 3.12.11 of the CS 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.
- 14.4. Section 4.3 of the Developer Contributions SPD also states that the Council should be satisfied that developers are not bringing sites forward in phases in order to avoid the thresholds. This is relevant insofar as the total scheme for affordable purposes should be for 12 dwellings and not for the dwellings in this application that are in excess of those already approved.
- 14.5. The application is supported by a Financial Viability Appraisal, prepared by DC Development Consultancy, dated October 2023. This Financial Viability Appraisal concludes that the scheme is at the limit of viability and cannot make an affordable on site housing contribution, off site housing contribution or financial contribution.
- 14.6. The Council appointed Independent Viability Consultant to fully review the Financial Viability Appraisal and to provide professional recommendations on its soundness and conclusions.
- 14.7. The Council's Viability Consultant has concluded that the approach to assessing the viability of the proposed development appears to be appropriate and that the majority of the submitted assumptions to be suitably placed. Whilst the scheme could not support on-site provision of affordable housing in the form proposed, the Council's Viability Consultants consider that the submission understates the scheme viability to some degree and that there is scope for a financial contribution towards affordable housing at the sum of £73,514.
- 14.8. Following the conclusion of the Council's Viability Consultant, the applicant has agreed to the provision of a £73,514 financial contribution to affordable housing, which would be secured via a Section 106 Agreement in the event that permission was granted. The provision of a financial contribution towards affordable housing would be a benefit of the scheme to be weighed in the planning balance.
- 14.9. As planning permission has been recommended for refusal, no Section 106 Agreement has been drafted, Therefore, in the absence of a completed Section 106 Agreement, there is no mechanism in place for the Council to secure this benefit and therefore no certainty that the affordable housing final contribution could be delivered should planning permission be granted. This is an adverse impact of the scheme to be weighed in the planning balance.

15. Quality of Accommodation

15.1. Internal Space

15.2. The Nationally Described Space Standards 2015 sets out internal space standards for new dwellings at a defined level of occupancy. It further states that to provide two bed spaces, a double/twin bedroom must have a floor area of at least 11.5m² and a single bedroom is required to have a floor area of at least 7.5 m².

Unit	Beds	Persons	Floorspace	Required	Complies
1	2	3	75 m ²	61 m ²	Yes
2	2	3	65 m ²	61 m ²	Yes
3	2	3	73 m ²	61 m ²	Yes
4	2	3	75 m ²	61 m ²	Yes
5	3	4	85 m ²	74 m ²	Yes
6	3	4	85 m ²	74 m ²	Yes
7	2	3	75 m ²	61 m ²	Yes
8	3	4	85 m ²	74 m ²	Yes
9	3	4	85 m ²	74 m ²	Yes
10	2	3	61 m ²	61 m ²	Yes
11	2	3	64 m ²	61 m ²	Yes
12	2	3	65 m ²	61 m ²	Yes

15.3. The above table demonstrates that all the proposed units would either meet or exceed the technical housing standards. Furthermore, all internal primary accommodation would be served by unrestricted windows, allowing for light and air to enter and circulate the rooms they serve.

15.4. Officers are satisfied that the proposed units would have an acceptable level of internal amenity, complying with Policy DM12 of the DMDP and the Nationally Described Space Standards 2015.

15.5. Outdoor Space

15.6. Policy DM12 of the DMPD and the Householder SPG requires private outdoor space that is usable, functional, safe, and accessible with good access to sunlight and a minimum.

Unit	Persons	Provided	Required	Complies
		Area	Area	
1	3	5	39.2	Yes
2	3	5	16.4	Yes
3	3	5	13.5	Yes
4	3	6	6	Yes
5	4	5	7	No
6	4	5	7	No
7	3	6	6	Yes
8	4	5	7	No
9	4	5	7	No
10	3	7	6	Yes
11	3	5	6	No
12	3	5	6	No

- 15.7. It is noted that the provision of private amenity space for a number of the units would not meet the requirements of Policy DM12 of the DMPD and would therefore not provide good private amenity space for future occupiers of the proposed development.
- 15.8. Whilst it is disappointing that this current application did not take the opportunity to provide further private external amenity area to meet the policy requirements and provide a better standard of private amenity for future occupiers, reliance has instead been placed on the granting of the previous application under 21/00701/FUL which allowed a shortfall of minimum external floor area requirements, due to the provision of the communal amenity space and the town centre location of the site, which would offset the shortfall in private amenity space.
- 15.9. Paragraph 3.36 of the supporting text for Policy DM12 of the DMPD advises that where appropriate in terms of visual character and appearance, flats at upper levels may have a private useable balcony area, in addition to having access to communal open space. The application provides both private and communal open space.
- 15.10. It should be noted that the wording of this policy does not negate the need for future occupiers to be provided with good quality, private amenity space. Communal amenity space is to supplement private amenity space and should not be considered as an alternative to providing future occupiers of residential units with well-designed and adequate private amenity space within the site

- 15.11. Whilst the provision of front (13.5m²) and rear (32.2 m²) communal amenity areas are noted, neither of these, particularly the front communal amenity area, provide any privacy for future occupants, as they would be highly overlooked by the future occupiers, surrounding residential properties and in the case of the front communal area, passing vehicles and pedestrians. It is not readily usable. In some cases, the communal open space would be overlooked by balconies, which would provide opportunities for prolonged overlooking, making the area less attractive for the purposes of informal recreation.
- 15.12. However, given that the principle for the level of the provision of external private amenity area was established under 21/00701/FUL, it would be unreasonable for the Officers to recommend the shortfall to policy compliance being a reason for the refusal of this application.

16. Design and Character

- 16.1. Paragraphs 129, 135 and 139 of the NPPF 2023 refer to the need for functional and visually attractive development that is sympathetic to local character and history. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area.
- 16.2. Policy DM9 of the DMPD requires a positive contribution to and compatibility with the local character and the historic and natural environment and Policy DM10 requires good design that respects, maintains or enhances the prevailing house types and sizes, density, scale, layout, height, form and massing, plot width and building separation, building lines and key features.
- 16.3. The Parade benefits from two distinctive character areas. To the east of The Parade, from the junction with Ashley Road, the scale of the built form along both the north and the south of The Parade ranges from four to two storeys and architectural style is diverse. The larger scaled buildings in the street scene are located closer to the Ashley Road junction which serves as one of the main routes out of the Town Centre. As you travel west along The Parade, the height of the built form to the south of The Parade start to decline gradually, but consistently from four storeys, down to three storeys and then two storey as you enter the Church Street Conservation Area.
- 16.4. The proposal would replace the three storey development with a part three storey development granted under 21/00701/FUL with a four storey building with a slightly recessed fourth floor mansard roof. The proposed built form would be arranged on site so as to respect the building line to the south of The Parade and would continue to provide an active frontage facing onto the highway. The layout of the site and the footprint of the building was accepted under planning application 21/00701/FUL.

- 16.5. With respect to scale and height of the proposed development, whilst there is no dispute that there is prominent four storey built form within the existing street scene of the south of The Parade, this falls within a distinctly clear character area that signals the approach towards Epsom Town Centre, a considerably different context that is not comparable to the suburban transition context of the site.
- 16.6. The overall height of the proposed development would blur the legibility between the termination of the town centre character to the east of The Parade and the suburban neighbourhood character by being an abrupt interruption in the existing transition of the decreasing scale of the built form between these two distinct character areas and eroding this notable characteristic along The Parade to the detriment of the character and appearance of the area.
- 16.7. Whilst both local and national policy seeks to encourage effective use of brownfield sites in sustainable locations such as this, it also requires respect towards local character. The proposed development, as a result of its scale and height would appear as an incongruous addition in its location, that would fail to integrate successfully with the prevailing character and appearance of the area.

17. Neighbour Amenity

- 17.1. Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise whilst Paragraph 191 of the NPPF 2023 and Policy CS6 of the CS seek to mitigate and reduce noise impacts.

1-6 The Cressinghams

- 17.2. The eastern boundary of the site lies within 8-11 metres of the western boundaries (front curtilage) of 1-6 The Cressinghams, beyond the main access to The Cressinghams. The distance between the western elevation of the proposed development and the facades of 1-6 The Cressinghams would range between 21 – 28 metres.
- 17.3. Whilst the proposal is likely to have a greater presence upon the occupiers of this neighbouring property as a result of the additional height and massing of the scheme in comparison to the previous two storey dwelling on site, these retained distances would prevent any significant loss of outlook or overbearing impacts.
- 17.4. The application is supported by a Daylight and Sunlight Report, prepared by Right of Light Consulting, dated March 20204 (DSR) which successfully demonstrates that the proposal would not cause any significant issues of loss of light or overshadowing to both internal and external private amenity areas.

- 17.5. In terms of overlooking, the window to window distance between the east facing windows of the development and the windows on the western elevation of 1-6 The Cressinghams would exceed 21 metres, which would prevent any issues of clear and direct overlooking into the private living accommodation associated with these neighbouring properties.

7-9 The Cressinghams

- 17.6. The southern boundary of the site adjoins the south east boundaries (front curtilage) of 7-9 The Cressinghams and would maintain a distance of between 14 -28 metres between the south elevation of the proposed development and the south eastern elevations of these neighbouring properties.
- 17.7. It is acknowledged that the proposal is likely to have a greater presence upon the occupiers of these neighbouring properties as a result of the additional height and massing of the scheme in comparison to the previous two storey dwelling on site, however, the retained distances between the built forms would prevent occupiers from otherwise experiencing any significant impacts in respect of loss of outlook or overbearing impacts.
- 17.8. The application is supported by a Daylight and Sunlight Report, prepared by Right of Light Consulting, dated March 20204 (DSR) which successfully demonstrates that the proposal would not cause any significant issues of loss of light or overshadowing to both internal and external private amenity areas associated with 7-9 The Cressinghams.
- 17.9. In terms of overlooking, the juxtaposition of the flush windows in relation to the built form and rear curtilage of 7-9 The Cressinghams would prevent any opportunities for direct overlooking. However, the proposed balconies to the south may provide opportunities for prolonged overlooking and to prevent this, it would have been reasonable to recommend a condition to secure privacy screening to the western edge of the proposed southern balconies, in the event permission was granted.

10 The Cressinghams

- 17.10. The southern boundary of the site lies within 6.4 metres of the northern boundary of 7 The Cressinghams, beyond the main access to The Cressinghams. The distance between the south elevation of the proposed development and the side elevation of 7 The Cressinghams would be 15 metres.
- 17.11. Whilst the proposal is likely to have a greater presence upon the occupiers of this neighbouring property as a result of the additional height and massing of the scheme in comparison to the previous two storey dwelling on site, this retained distance would prevent any significant loss of outlook or overbearing impacts otherwise experienced by the occupiers of this neighbouring property.

17.12. The application is supported by a Daylight and Sunlight Report, prepared by Right of Light Consulting, dated March 2024 (DSR) which successfully demonstrates that the proposal would not cause any significant issues of loss of light or overshadowing to both internal and external private amenity areas.

17.13. In terms of overlooking, although the distance between the windows to the south of the proposed development and the north elevation of 7 The Cressinghams would be less than the recommended 21 metres, this north elevation of this neighbouring property does not feature any windows.

17.14. As the rear curtilage of 7 The Cressinghams is located to the far south of the main dwelling, the proposal development would achieve any opportunities for clear or direct overlooking into this private amenities space as a result of the distance and the intervening built form on the main dwelling.

The Old Pines

17.15. The site adjoins the eastern boundary of The Old Pines to the north west. As The Old Pines is a commercial property with a rear car park, Officers are satisfied that the proposed development would not have an impact on any amenity associated with this non domestic building.

General

17.16. Whilst the proposed development is likely to generate a greater level of domestic noise through pedestrians arriving and leaving the site than the current situation, this level would not be to an extent that would be incongruous within the surrounding residential context.

17.17. The construction phase of the development has the potential to cause disruption and inconvenience to nearby occupiers and users of the local highway network. However, these issues are transient and could be minimised through the requirements of planning conditions if permission were to be granted.

18. Parking and Access

18.1. Policy CS16 of the CS encourages an improved and integrated transport network and facilitates a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should provide safe, convenient, and attractive accesses for all, be appropriate for the highways network, provide appropriate and effective parking provision, both on and off-site and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.

18.2. The application is supported by a Parking and Traffic Generation Review, prepared by Connect Consultants, dated 06 March 2024 (PTGR). The PTGR gives an account of the existing local highway network, as well as highlighting the accessibility benefits of the site. The County Highway Authority are satisfied that this highways account is a fair representation of the site.

18.3. Traffic Generation

18.4. Policy DM35 of the DMPD requires consideration of the impact upon the transport network via a Transport Assessment or Statement.

18.5. The PTGR has predicted the additional traffic generation and traffic flow associated with the proposed development and advises that to achieve this, the TRICS (Trip Rate Information Computer System) database has been used. The methodology used to predict the traffic generation has considered the low level of parking proposed and has predicted the person trip generation by mode.

18.6. This has calculated that the proposed development would generate 7 private vehicle movements per day, 2 of which would be during peak AM and PM times. Further main daily trip movements are attributed to public transport users, with a prediction of 2 daily movements, with pedestrian movements predicted as 4 movements. Based on these predictions, the vehicle and non-traffic generation effect on the existing highway would be negligible.

18.7. The County Highway Authority are satisfied that the TRICS assessment provides a robust and realistic assessment of the likely impact of the proposed development on the highway network and that the residual cumulative impacts of the development would not have a material impact on the capacity of the surrounding network.

18.8. Car Parking

18.9. Policy DM37 of the DMPD and the Parking Standards for Residential Development SPD specify a minimum requirement for new development.

18.10. The site lies within the Epsom Town Centre Boundary (as defined in Plan E: Epsom Town Centre Action Plan). Within this boundary, the Council's Parking Standards for Residential Development SPD 2015 expects the minimum parking standards for 1&2 bedroom flats to be 0.75 spaces per unit and for 3+ bedrooms, 1.0 space per unit.

18.11. In order to provide a policy requirement development, the proposal would be expected to provide 10.0 off street vehicle parking spaces. The proposed development would provide 9.0 off street vehicle parking spaces, which would result in a shortfall of 1.0 vehicle parking space.

- 18.12. When assessing new development that does not accord with the Council's Parking Standards, the Council needs to consider whether the displacement of vehicle(s) from new development would exacerbate parking stress on surrounding areas that are currently already close to parking stress tolerance, as a result of the number of residential developments or parking restrictions within the surrounding area.
- 18.13. The PTGR sets out the sustainable nature of the site, along with an evaluation of 2021 Census data to establish local car ownership rates for existing residents.
- 18.14. In considering existing car ownership rates, the PTGR identifies existing car ownership for flats in geographical area as 0.63 cars per household, which is lower than the Council's Parking Standards per household within the area. Based on the Census figure, the development would be expected to provide 8.0 vehicle parking spaces (0.63 x 12).
- 18.15. The PTGR also identifies a review undertaken based on the 2021 census data of the modal trips types of the method use to travel to work. This has identified that in 2021, 49% of residents work from home, which is skewed by the Covid pandemic. Out of those working outside of the home, 23% of residents travelling to work by car and with 24% using sustainable modes of transport.
- 18.16. Based on the census data, the modal trip review and the sustainable location of the site, the PTGR concludes that the proposed 9.0 vehicle parking spaces proposed would provide an acceptable level of parking for the proposed development without adding to local on-street parking demand.
- 18.17. Officers agree that the case put forward by the PTGR in respect of a lower demand of ownership based upon 2021 census is reasonable to establish existing vehicle ownership for the geographical area of the site and would be robust justification to apply the lower statistics.
- 18.18. Furthermore, there are a high number of varying parking restriction in place within the surrounding highway network, ranging from double yellow lines to permit parking. These restriction limit the opportunities for future residents to park on street, resulting in a high demand for unrestricted kerbside in the area.
- 18.19. Officers are satisfied that it has been robustly demonstrated that the shortfall of 1.0 vehicle space would not have a harmful impact on the surrounding area in terms of street scene or the availability of on street parking, in accordance with Policy DM37 of the DMPD.
- 18.20. EV Charging**
- 18.21. In the event planning permission is granted, it would be subject to a condition to provide each of the vehicle parking spaces with a fast-charge

Electric Vehicle charging point (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, prior to the occupation of the development.

18.22. Cycle Parking

18.23. Policy DM36 of the DMPD requires the provision of cycle networks and facilities and Policy DM37 requires minimum provision of cycle storage as set out in Annexe 2 - Parking Standards for new development.

18.24. Although indicated on the supporting Site Layout Plan, the documentation supporting this application does not make clear how much cycle storage is proposed on site. Planning application 21/00701/FUL was approved with cycle storage for 9 cycles.

18.25. The proposal development would be required provide covered and secure cycle facilities for the parking of 14 cycles, in order to accord with the policy requirements.

18.26. In the event that planning permission is granted, a condition would be recommended to secure and agree details of cycle storage facilities that meet the policy requirements, prior to the occupation of the development.

18.27. The County Highway Authority have also recommended a condition to secure an ebike charging point within the cycle storage facilities.

18.28. Vehicle Access and Manoeuvrability

18.29. Paragraph 114 of the NPPF 2023 requires safe and suitable access, paragraph 115 allows for refusal where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe and paragraph 116 seeks to minimise conflicts between pedestrians, cyclists, and vehicles. This is reinforced in Policy CS16 of the CS and DM10(x) of the DMPD.

18.30. Access to the site would continue from the existing location via an enlarged vehicle cross over, to allow vehicles to pass simultaneously at the entrance to the site, as granted under planning application 21/00701/FUL.

18.31. The application is supported by A Delivery Swept Path plan, which demonstrates that vehicles, including delivery vehicles, can manoeuvre within; and leave the site in a forward gear when the proposed parking spaces are all occupied.

18.32. In the event permission is granted it would be subject to conditions to ensure that the modified access and vehicle parking is laid out on the site in accordance with approved plans, prior to occupation.

18.33. Construction Management

18.34. Should planning permission be granted, this would be subject to a condition to secure a Construction Management Transport Plan, which would include details of contractors parking, loading and storage of plant and materials.

19. Refuse and Recycling Facilities

19.1. Policy CS6 of the CS stipulates that development should minimise waste and encourage recycling. Annex 2 of the Sustainable Design SPD sets out that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers within 6 metres of the public highway.

19.2. Having reviewed the refuse/recycling arrangements proposed, the Council's Transport and Waste Services Manager considers them to be acceptable in terms of capacity, storage and access.

20. Ecology and Biodiversity

20.1. Ecological Impact

20.2. Paragraphs 180 and 186 of the NPPF 2023, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

20.3. The site is within a SSSI Impact Risk Zone Area. Whilst an Ecological Assessment has been submitted in support of the application, it is out of date and would therefore not provide an accurate representation of the ecology of the site.

20.4. However, due to the site being under construction and as the site is in built-up area with low ecological status, there is no foreseeable harm to protected species and no objection raised. An informative is included to cease works if protected species are encountered during the construction phase.

20.5. Biodiversity Net Gain

20.6. Schedule 7A of the Town and Country Planning Act 1990 and Section 180 of the NPPF require delivery of biodiversity net gain (BNG) of 10%, including by establishing coherent ecological networks that are more resilient to current and future pressures with the overall intention to deliver a more or better quality natural habitat than there was before development.

- 20.7. The application was received prior to BNG becoming mandatory for major developments. Therefore, there is no mandatory requirement for the proposed scheme to demonstrate that there would be at least a 10% increase in the biodiversity value of the habitat on the site as a result of the proposed development.

21. Flooding and Drainage

21.1. Flood Risk and Vulnerability

- 21.2. Paragraphs 159 and 167 of the NPPF, Policy CS6 of the CS and Policy DM19 of the DMPD state that development at medium or high risk from flooding must ensure that there is no increase in flood risk, whether on or off site, and implementation of flood resilience and mitigation to reduce it to acceptable levels.
- 21.3. The application is supported by a Drainage Strategy, prepared by Aval and dated February 2024.
- 21.4. In terms of fluvial flooding, the site is located in an area of low flood risk, outside of Flood Zone 2 and 3 as identified on the Environment Agency Flood Risk Maps and therefore the proposed development would be wholly located in Flood Zone 1. As such the development has low risk of fluvial flooding.
- 21.5. Furthermore, the access to the site is also located within Flood Zone 1 and would continue unimpeded to provide safe access to and from the residential developments in the event of a flood.
- 21.6. As the proposed development would lie within Flood Zone 1, neither the sequential test nor the exceptions test, as set out in the Governments guidance 'Flood risk assessment: the sequential test for applicants' 2017 needs to be carried out.

21.7. Sustainable Drainage

- 21.8. Paragraph 173 of the NPPF 2023, Policy CS6 of the CS 2007 and Policy DM19 of the DMPD seek the implementation of sustainable urban drainage systems (SUDS).
- 21.9. With respect to pluvial flooding, the Drainage Strategy identifies that the site has poor infiltration rates that make infiltration methods unviable for the site. Therefore, an attenuation strategy is required.
- 21.10. Therefore, the Drainage Strategy identifies the most appropriate SuDS disposal method to support the proposed development to be attenuation tanks that would discharge into an existing Thames Water sewer network, located on The Parade.

- 21.11. In order to achieve the maximum discharge rates into the sewer network from the attenuation tanks, a Hydrobrake or equivalent, is proposed.
- 21.12. Permeable paving is also proposed to temporarily store surface water prior to discharging into the sewer. The proposed system includes a sub-base which allows for surface water from the proposed carpark to be stored within the sub-base. An Orifice Plate would be added to restrict the discharge rate from the permeable paving sub-base into the rest of the proposed drainage system.
- 21.13. The Lead Local Flood Authority have confirmed that the drainage proposal satisfies the requirements of the NPPF and has recommended that should permission be granted, suitable conditions are required to secure the further infiltration testing, details of the design of the surface water drainage scheme and to ensure that it is properly implemented and maintained throughout the lifetime of the development.
- 21.14. As such, it is considered that the flood risk and surface water flooding have been addressed in accordance with Policy CS6 of the CS and Policy DM19 of the DMDP and the requirements of the NPPF.

22. Environmental Sustainability

- 22.1. On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.
- 22.2. Policy CS6 of the CS stipulates that development should incorporate sustainable development and reduce, or have a neutral impact upon, pollution and climate change. This includes incorporation of renewable energy, use of sustainable construction methods and sustainable building design, flood management, reduction in water use and improvement of water quality and minimisation of noise, water, and light pollution.

23. Accessibility and Equality

- 23.1. Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient, and attractive access to be incorporated within the design of the development. This includes surface level access and access to a lift.
- 23.2. The Council is required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, or belief.
- 23.3. The proposed development would be served by level access and would have an internal lift serving all floors. As such, there would be no adverse impacts because of the development.

24. Planning Obligations and Community Infrastructure Levy

- 24.1. Paragraphs 55 and 57 of the NPPF 2023 requires consideration of whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, but only where they are necessary, related to the development, fair and reasonable.
- 24.2. Policy CS12 of the CS and the Developer Contributions SPD require that development must be able to demonstrate that the service and community infrastructure necessary to serve the development is available, either through on-site provision or a financial contribution via a planning obligation.
- 24.3. The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is chargeable for CIL payments because it involves a net increase in dwellings. It is payable at £125/m² index linked.

CONCLUSION

25. Planning Balance

- 25.1. The Council cannot demonstrate a five year supply of deliverable housing sites. Paragraph 11 of the framework states that in these circumstances, policies which are the most important in for determining the application should not be considered up to date. The presumption in favour of sustainable development should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development, or (ii) that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
- 25.2. Footnote 7 to paragraph 11d (i) indicate that policies relating to designated heritage assets are relevant to its application. In undertaking the balanced exercise set out in paragraph 202 of the Framework, the proposal would result in harm to the significance of the heritage asset. This provides a clear reason for refusing the proposal. In these circumstances the tilted balance in paragraph 11d (ii) does not apply.
- 25.3. Section 2 of the NPPF has an underlying presumption in favour of sustainable development which is carried through to the Development Plan. Policy CS1 of the CS expects development to contribute positively to the social, economic, and environmental improvements in achieving sustainable development whilst protecting and enhancing the natural and built environment.

25.4. Social Benefits

- 25.5. The proposed development contribution towards delivering the Council's housing target and would therefore be consistent with the Framework and Council policy in so far as it seeks to significantly boost the supply of homes, but the scale of the contribution would amount to a moderate social benefit of the scheme.
- 25.6. Whilst paragraph 124 (c) of the NPPF indicates that substantial weight should be given to the value of using suitable brownfield land within settlements for identified needs, Officers have taken into consideration the extant planning permission on the site which is under substantial construction that would meet identified housing needs as a genuine fallback position, which would amount to the proposal providing a moderate social benefit of the scheme.

25.7. Economic Benefits

- 25.8. Whilst the financial contribution of affordable housing to the Borough is welcomed, the Council's Strategic Housing Manager has advised that the minor amount of the financial contribution would make a limited contribution towards the Council's affordable housing needs. It is also below policy compliant. Officers consider that this to be a limited economic benefit of the scheme.
- 25.9. There is no evidence to suggest that the local economy is suffering without the additional expenditure arising from the proposal at both the construction and operations stage. This is a limited economic benefit of the scheme.

25.10. Environmental Adverse Impacts

- 25.11. The proposal would cause less than substantial harm to the setting of The old Pines (Grade II Listed Building) and the Church Street Conservation Area as a result of its overall scale, diminishing the appreciation and experience of these heritage assets through adversely altering the character of their settings. This is a significant harm of the scheme.
- 25.12. As a result of its overall scale, the proposed development would represent an incongruous addition that would fail to integrate with the prevailing character and appearance of the area. This is a significant harm of the scheme.
- 25.13. In the absence of a completed Section 106 Agreement to secure the Affordable Housing Financial Contribution, the proposed development fails to help meet the Boroughs identified local housing need. This is a significant harm of the scheme

25.14. Conclusion

25.15. To conclude on the planning balance, the limited to moderate benefits of the scheme are not significant as to outweigh the material harm set out. The application is therefore recommended for refusal.

RECOMMENDATION

To refuse planning permission for the following reasons:

1 Harm to The Old Pines

As a result of its overall scale, the proposed development would cause less than substantial harm to the setting of The Old Pines (Grade II Listed Building) and its significance by failing to preserve the low level built form character of their surroundings and introducing overly domineering built form that would diminish the appreciation and experience of these through adversely altering the character of their setting. The benefits of the development would not sufficiently outweigh the less than substantial harm, and as such the proposal is contrary to Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, paragraphs 203 and 208 of the NPPF 2023 and Policy DM8 of the Development Management Policy Document 2015.

2 Harm to The Church Street Conservation Area

The proposed development would harm the setting of the Church Street Conservation Area by adversely altering the character of the fundamental transition between the Town Centre and the Church Street Conservation Area that would adversely affect the surroundings in which the Church Street Conservation Area is experienced, harming its significance. The benefits of the development would not sufficiently outweigh the less than substantial harm, and as such the proposal is contrary to Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, paragraphs 203 and 208 of the NPPF 2023 and Policy DM8 of the Development Management Policy Document 2015.

3 Harm to The Character of the Area

As a result of its overall scale and height, the proposed development would represent an incongruous addition that would fail to integrate with the prevailing character and appearance of the area, contrary to paragraph 135 of the NPPF 2023 and Policies DM9 and DM10 of the Development Management Policy Document 2015.

4 Failure to Deliver Affordable Housing

In the absence of a legal agreement securing off site contribution towards affordable housing, the proposal does not contribute towards a mixed and balanced community, contrary to Section 6 of the National Planning Policy Framework 2023 and Policy CS9 of the Core Strategy 2007.

Informatives

1) Positive and Proactive Discussion

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) Refused Plans

This decision is in relation to the following plans:

Drawing Number 0157-P-005 Rev D
Drawing Number 0157-P-006 Rev D
Drawing Number 0157-P-007 Rev D
Drawing Number 0157-P-009 Rev B