

Planning Committee
18 July 2024

Planning Application
Number: 24/00230/FUL

Bunzl, Epsom Chase, 1 Hook Road, Epsom, KT19 8TY

| | |
|---|--|
| Application Number | 24/00230/FUL |
| Application Type | Full Planning Permission (Major) |
| Address | Bunzl, Epsom Chase, 1 Hook Road, Epsom KT19 8TY |
| Ward | Town Ward |
| Proposal | The erection of a roof extension to provide 11 residential units (3 x 1-bed, 4 x 2-bed and 4 x 3-bed) and associated works |
| Expiry Date | 19 July 2024 |
| Recommendation | Approval, subject to conditions, informatives and s106 legal agreement |
| Number of Submissions | None |
| Reason for Committee | Major development |
| Case Officer | Gemma Paterson |
| Contact Officer | Simon Taylor, Interim Manager |
| Plans, Documents and Submissions | Available at Bunzl Epsom Chase |
| 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 the Planning Committee in accordance with Epsom and Ewell Borough Council's Scheme of Delegations.
- 1.2. This application seeks permission for a roof extension to provide 11 residential units (3 x 1-bed, 4 x 2-bed and 4 x 3-bed) and associated works.
- 1.3. This application follows a prior approval granted in January 2024 (23/01440/PDCOU) to change the use of the ground and first floor from 1,33m² of Class E1 Office use to 24 residential units under Class MA of the Town and County Planning (General Permitted Development Order) 20156 (as amended). However, this permission is not implementable, as it was allowed at a time when Hazardous Substance Consent had not been revoked.
- 1.4. A further application for the alterations to the façade and fenestration incorporating new rooflights and dormer windows and the conversion of the basement to Class E1 office use was granted in April 2024 (24/00130/FUL).
- 1.5. 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.
- 1.6. The proposal would further develop suitable brownfield land that can be used more efficiently to meet an identified housing need.
- 1.7. 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.
- 1.8. The proposed development would contribute 11 new units towards delivering the Council's housing target and would therefore be consistent with the NPPF and Council policy in so far as it seeks to significantly boost the supply of homes.
- 1.9. The proposed development would provide policy compliant affordable housing (2 units) in a mix and tenure that would contribute towards one of the Borough's greatest affordable housing needs.

- 1.10. The proposal would meet the requirements of the National and local requirements for internal floor area and the provision of private communal amenity space within this scheme is regarded to be sufficient to meet the recreation needs of future occupiers.
- 1.11. 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.
- 1.12. Subject to a condition to prevent in implementation of concurrent planning permission on the site, the proposal would meet the Council's Parking Standards.
- 1.13. 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.
- 1.14. Overall, whilst there are adverse effects in respect of this application, (the shortfall in on site car parking), these would not significantly and demonstrably outweigh the benefits, (these primarily being delivery of additional housing and policy compliant affordable housing) when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.
- 1.15. **The application is therefore recommended for approval, subject to the completion of a Section 106 application to secure the affordable housing and biodiversity net gain.**

PROPOSAL

2. Description of Proposal

- 2.1. The proposal involves the following works:
 - Removal of the existing pitched roof
 - Installation of a third and fourth floor extension to provide 11 residential units (3 x 1-bed, 4 x 2-bed and 4 x 3-bed) and associated works
 - Use of the existing car parking court
 - The provision of 18 cycle spaces and refuse storage

3. Key Information

| | Existing | Proposed |
|------------|--------------------|--------------------|
| Site Area | 0.20ha | |
| Floor Area | 2176m ² | 3177m ² |

| | Existing | Proposed |
|----------------------|--|---------------------------------------|
| Number of Storeys | 2 (plus partial basement and roof space) | 3-4 (plus partial basement) |
| Units | 0 | 11 |
| Affordable Units | 0 | 2 |
| Car Parking Spaces | 56 | 56 (21 allocated for residential use) |
| Cycle Parking Spaces | 0 | 18 |

SITE

4. Description

- 4.1. The site comprises an L-shaped, detached three storey office building with the basement level used for vehicular parking.
- 4.2. The main entrance to the site is situated along the eastern boundary of the site along Woodstock Court. The front boundary of the site is bordered by the pavement and main road along Hook Road which follows the site along the eastern boundary. The rear of the site also comprises hardstanding through the use of the existing car park.
- 4.3. Vehicular access to the site is via Woodstock Court to the east of the site which provides access to the rear car parking. The primary pedestrian access is via a staircase along Woodstock Close. There is also a ramped access for wheelchair users along Hook Road connecting to the primary pedestrian access point.
- 4.4. The local context of the site comprises a mix of uses amongst residential, commercial, education and multi-storey parking. Immediately north of the site comprises a few residential dwellings, and the St John Ambulance First Aid Training building.
- 4.5. To the east of the site is a public multi storey car park and a commercial car hire operation. To the south west of the site comprises predominantly residential properties along Adelphi Road. To the west is a car park associated with a Nursery and to the west are flatted developments on Woodstock Court

5. Constraints

- Built Up Area
- Town Centre
- Setting of Adelphi Road Conservation Area
- Site of Special Scientific Interest Risk Area
- Great Crested Newt Impact Zone (highly suitable habitat)
- HSE Major Hazard Zone

- Critical Drainage Area
- Source Protection Area (Inner)
- Contaminated Land
- Classified Road (Hook Road)
- Flood Zone 1

6. History

| App No. | Description | Status |
|----------------|---|--|
| 24/00130/FUL | Alterations to the façade and fenestration incorporating new rooflights and dormer windows and ground floor office floorspace | Granted 17.04.2024 |
| 23/01473/PDEAB | Prior approval Schedule 2, Part 20, Class AA: Two storey roof extension above commercial or mixed use detached building to accommodate 17 new dwellings | Prior Notification Refused 07.02.2024 |
| 23/01440/PDCOU | Prior Approval Schedule 2, Part 3, Class MA: Change of Use from Commercial, Business and Service (E) to Residential (C3) to create 24 dwelling(s). | Prior Notification Approval 30.01.2024 (not Permitted Development) |

CONSULTATIONS

| Consultee | Comments |
|------------------------------------|---|
| Internal Consultees | |
| Ecology Officer | No objection subject to conditions |
| Land Contamination Officer | No objection subject to conditions |
| Transport and Waste Manager | No objection |
| Conservation Officer | No objection |
| External Consultees | |
| Natural England | No objection |
| Environment Agency | No objection subject to informatives |
| Thames Water | No objection |
| Network Rail | No objection |
| County Highway Authority | No objection subject to conditions |
| Lead Local Flood Authority | No objection subject to conditions |
| Nature Space (Great Crested Newts) | No objection as no likely impact on GCN |

| Consultee | Comments |
|----------------------------|---|
| Public Consultation | |
| Neighbours | The application was advertised by means of a site notice displayed on 14 March 2024, a press notice, and notification to 32 neighbouring properties, concluding on 01 April 2024. No submissions were received. |

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

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 CS8: Providing for Housing and Employment Development
- Policy CS7: Housing Provision
- Policy CS9: Affordable Housing and Meeting Housing Needs
- Policy CS11: Employment Provision
- 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 DM5: Trees and Landscape
- 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 DM13: Building Heights
- Policy DM17: Contaminated Land
- Policy DM19: Development and Flood Risk
- Policy DM21: Meeting Local Housing Needs
- Policy DM22: Housing Mix
- Policy DM24: Employment Uses Outside of Existing Employment Policy Areas
- 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 E5: Town Centre Employment Floorspace Provision
- Policy E7: Town Centre Building Height
- Policy E12: Town Centre Parking

8. Supporting Guidance

8.1. Supplementary Planning Documents and Guidance

- 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

- Adelphi Road Character Appraisal
- Housing and Economic Development Needs Assessment 2023
- Epsom and Ewell Environmental Character Study 2008
- Technical Housing Standards – Nationally Described Space Standards 2015
- Community Infrastructure Levy Charging Schedule 2014

PLANNING ASSESSMENT

9. Presumption in Favour of Sustainable Development

- 9.1. Paragraph 11 of the NPPF 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. Currently, the Council does not have an up-to-date development plan on account of not being able to demonstrate a five-year supply of housing.

- 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.
- 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 11(d) identifies designated heritage assets as being assets of particular importance. There are no policies within the NPPF which provide a clear reason for refusal. The proposal therefore falls to be considered within paragraph 11d (ii) of the NPPF and when considering the principle of development, the presumption in favour of sustainable development is fundamental in this case. This is otherwise known as the tilted balance.

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 residential redevelopment of the site was established in January 2024 under prior approval application 23/01440/PDCOU, although a technical matter prevents this permission from being implemented on the site.

10.4. Housing Delivery

- 10.5. Paragraph 60 of the NPPF 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 1.56 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 (Plan E) 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. Loss of Employment Space

10.10. Policy CS11 of the CS resists the loss of employment floorspace and land as well as regeneration and intensification within the strategic employment areas and Epsom Town Centre with a cautious approach adopted elsewhere.

10.11. Policy DM24 of the DMPD allows loss of employment floorspace outside of these areas only where the existing use has a significant adverse effect on residential amenity and the site is no longer suitable, the latter through marketing evidence extending to 18 months. New mixed-use redevelopment in its place provided there are employment generating uses.

10.12. Policy E5 of Plan E resists the loss of existing employment space within the defined town centre boundary.

10.13. The site currently comprises 2165m² floor area of Class E1 Office space at basement, ground and first floor level. Whilst the proposal would result in a mixed use of the site, it is considered that both the office and residential uses could be compatible, subject to a condition to secure details of security for any shared access, in order to ensure that that viability of the existing Class E1 Office floorspace is not reduced.

10.14. Reuse of Brownfield Land

10.15. 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.

10.16. Paragraph 129 (c) of the NPPF sets out that local planning authorities should refuse applications which they fail to make efficient use of land, taking into account the policies of the Framework.

- 10.17. 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.
- 10.18. 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.
- 10.19. The proposal to intensify the residential use this suitable brownfield site in a highly sustainable location 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.

11. Heritage and Conservation

- 11.1. Paragraphs 203-208 of the NPPF 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 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 lies adjacent to five Listed Buildings; 10 and 12 Hook Road (Grade II Listed) beyond the highway to the east of the site and 3 and 5 Adelphi Road and Hook Road School (Grade II Listed) to the far south.
- 11.7. The significance of 10 and 12 Hook Road and lies in their retention as 18th century weatherboarded houses and for 3 and 5 Adelphi Road, as 19th century weatherboarded houses.

- 11.8. Hook Road School has both architectural and historic significance as a former National School consisting of two schoolrooms for 120 boys and 120 girls, completed in 1828. It was rebuilt as a mixed school in 1840.
- 11.9. The Adelphi Road Conservation Area Appraisal highlights that the Conservation Area can be divided into two character area, each of which has a range of distinctive characteristics. The Adelphi Road sub character area is described within the appraisal as a relatively quiet residential street with predominantly two storey dwellings, with a mix of detached, semi-detached and terrace properties.
- 11.10. The Hook Road/ East Street junction sub character area is diverse, where the built development is predominantly 19th century, with the predominate three storey buildings declining abruptly to the domestically scaled two storey weatherboarded houses in Hook Road and East Street and even more dramatically to the single storey former school in Hook Road.
- 11.11. All five Listed Buildings feature in the Adelphi Road Conservation Area Appraisal, with 10 and 12 Hook Road and Hook Road School contributing towards the diverse character of the Hook Road/ East Street junction sub character area, whilst 3 and 5 Adelphi Road contribute towards the relatively quiet residential character of the Adelphi Road sub character area.
- 11.12. The additional height and flat roof design of the proposed development would not be experienced as part of the settings of 3 and 5 Adelphi Road and Hook Road School as a result of intervening built form.
- 11.13. As a result of its location and juxtaposition, the proposed development would impact on the setting of 10 and 12 Hook Road. This setting has already suffered negative impacts from surrounding, long term development, such as the three storey Nursery and Pre School, the three storey built form within the site itself and the five storey Hook Road Car Park and the existing office building on the subject site. 10 and 12 Hook Road is less sensitive to change affecting their setting as a result. Although the proposal would increase the height of the existing building and change the appearance of the roof, this would not compete or distract from 10 and 12 Hook Road beyond the current negative experience, nor would it affect the ability to continue to appreciate their significance.
- 11.14. **Setting of the Church Street Conservation Area**
- 11.15. 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.

- 11.16. 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.
- 11.17. 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.
- 11.18. The site bounds the Adelphi Road Conservation Area to the south and south east, over the adjacent highway. The Adelphi Road Conservation Area encompasses a group of 19th century artisan houses, mainly arranged as semi-detached pairs (in Adelphi Road), and, around the junction of Hook Road and East Street, a more varied group of historic buildings in a variety of uses – the former National School, an early 20th century public house, and three pairs of Surrey vernacular weatherboarded cottages, all of which are listed Grade II.
- 11.19. Glimpses of the site and its built form can be gained through the Adelphi Road residents permit car park and through existing gaps between 29 and 30 Adelphi Road, although these are somewhat screened by intervening trees.
- 11.20. Whilst the additional height of the proposed development would be experienced from these viewpoints within the Adelphi Road sub character area, the distance and intervening trees would provide screening from the majority of the built form. Furthermore, the main viewpoint from within the Adelphi Road sub character area would be from the residents permit car park, which in itself is a negative feature within the Conservation Area. The experience of the additional height would therefore be seen in context with an existing negative feature, rather than having an effect on a positive key characteristic.
- 11.21. From the Hook Road/ East Street sub character area, the additional height would be apparent. However, given the context of surrounding larger flat roof development within the setting of the Adelphi Road Conservation Area, including the five storey Hook Road Car Park, the Council's Conservation Officer has raised no objection to the proposal in respect of its impact on the significance of the Adelphi Road Conservation Area.

11.22. In light of the above and in the absence of any concerns regard harm to the significance of the identified heritage assets by the Council's Conservation Officer, Officers are satisfied that the proposal would not cause harm to their significance.

11.23. As no harm has been identified, there is no requirement to carry out the public benefit assessment as set out in paragraph 208 of the NPPF.

12. Trees and Landscaping

12.1. Paragraph 136 of the NPPF 2023, Policy CS3 of the CS, Policy DM5 of the DMPD and the Householder SPG seek the retention, protection and enhancement of existing and new trees, hedgerows, and other landscape features, with removal of trees supported by sound justification and appropriate replacement planting of native species.

12.2. The application was accompanied by an Arboricultural Report, prepared by Crown Tree Consultancy, dated 29 February 2024 (AR) which demonstrates the trees would be adequately protected and tree protection is secured by condition.

12.3. The AR highlights the removal of a single young Ash tree (T5) with a significant cavity from a previously failed stem, with extensive decay present. This tree is also suffering from Ash dieback. It has been noted by Officers that this tree is not being removed to facilitate the proposed development.

12.4. The AR also highlights includes cable bracing works to an existing Monterey Cypress (T4), to strengthen stresses within stems of this tree and prevent the tree from failing.

12.5. As the proposal represents a vertical floor extension, it would not have the RPA or canopies of the existing surrounding trees. Apart from the removal of the Ash tree and the bracing works to the Monterey Cypress, no pruning or cutting back of the canopies of the existing trees is proposed.

12.6. Subject to conditions to secure an Arboricultural Impact Assessment and Arboricultural Impact Assessment, which would include a Tree Protection Plan, Officers are satisfied that the proposal would not cause harm to the future health and wellbeing of trees to be retained on site, in accordance with 136 of the NPPF 2023 and Policy DM5 of the Development Management Policies Document 2015.

13. Density

13.1. The 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 (dph) or alternatively, where it is allocated at a higher density, there is good site sustainability, and it conforms to the surrounding townscape.

- 13.2. Given the Borough's objectively assessed housing need, the Planning and Licencing Committee in May 2018 agreed to improve the optimisation of housing delivery for development sites in the Borough and in order to do this, reduced the weight given to Policy DM11 of the Development Management Policies Document 2015 during decision making.
- 13.3. Whilst the housing density of the proposal would amount to 55 dph, Officers acknowledge that the site is in a highly sustainable town centre location with excellent access to facilities and transport and that the Council's density policy currently has reduced weight in decision making.
- 13.4. However, the failure to provide a policy compliant density is an adverse impact of the scheme to be weighed in the planning balance.

14. Affordable Housing

- 14.1. Paragraph 64 of the NPPF states that affordable housing should be met on site unless a contribution is robustly justified and that it contributes to the objective of creating mixed and balanced communities.
- 14.2. Paragraph 66 requires major development to expect at least 10% of the total number of homes to be available as 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.
- 14.3. Notwithstanding the expectations of paragraph 66 of the NPPF, Policy CS9 of the CS specifies that residential developments of between five and fourteen gross (or on sites between 0.15ha and 0.49ha) should include at least 20% of the houses as affordable.
- 14.4. There is high demand for affordable housing throughout the Epsom and Ewell Borough for all types of housing. As of May 2024, there are 1340 households in housing need on the Council's housing register.
- 14.5. The high demand for and the very low supply of social rented housing is a major contributing factor of homelessness in the Borough, with less than 90 social housing properties becoming available each year. This is especially the case for family sized accommodation, where the average waiting time for applicants with a high housing need in Band B is 18 months for those requiring a one bedroom property; 4-5 years for a two bedroom property and over 10 years for a 3 or larger bedroom property'.
- 14.6. The proposal would provide 20% of the units proposed as one 1 bed and one 3 bed flat as affordable rent. These would be secured in perpetuity through a Section 106 Agreement.

- 14.7. The proposal would therefore meet the requirements of Policy CS9 of the CS by securing affordable housing at a tenure and form that would meet one of the Council's greatest housing needs. This would be a significant benefit of the scheme to be weighed in the planning balance.

15. Housing Mix

- 15.1. Paragraph 63 of the NPPF 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.
- 15.2. Policy DM22 of the DMPD requires all residential development proposals for four or more units to comprise a minimum of 25% 3+ bedroom units, unless it can be demonstrated that the mix would be inappropriate for the location or endanger the viability of the proposal.
- 15.3. Furthermore, the Housing and Economic Development Needs Assessment (HEDNA) 2023 Update recommends the breakdown of dwellings by size, as follows:

| Beds | Provided | HEDNA Required |
|------|----------|----------------|
| 1 | 28% | 10% |
| 2 | 36% | 35% |
| 3 | 36% | 35% |
| 4 + | 0% | 20% |

- 15.4. Whilst the proposal involves a much higher proportion of smaller units than encouraged with the HEDNA, Officers consider that the provision of a higher percentage of smaller units within a highly sustainable location would be appropriate, as it would result in a more efficient use of land.
- 15.5. Furthermore, the proposed mix would meet Policy DM22 of the DMDP, as it would provide a minimum of 25% 3+ bedroom units.
- 15.6. The proposal would therefore adequately support Borough's objective to provide a mix of housing to meet housing needs and support balanced and sustainable communities.

16. Quality of Accommodation

- 16.1. Paragraphs 135 and 162 of the NPPF, Policy CS6 of the CS and Policies DM10 and DM12 of the DMPD aim for a functional, adaptable, and sustainable design, with a high standard of amenity, including with respect to layout, orientation, and massing.

16.2. The layout of the floors allows for 10 of the 11 flats to be dual aspect, which represents good design. Two flats (18%) would be north facing, meaning that the significant majority of the units would be provided with direct sunlight. The single aspect and north facing flats would still have a very open outlook across the intersection. Overall, the layout accords with the principles of being sustainability designed and allowing for a high standard of amenity.

16.3. Policy DM12 of the DMPD states that all new housing developments including conversions, are required to comply with external and internal space standards and must provide appropriate external private and/or communal amenity space to meet the needs generated by the development.

16.4. Internal Space

16.5. 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.

16.6. The following table provides and analysis of the internal floor area against technical standards:

| Unit | Bed | Person | Floor area | Storage | Required | Complies |
|------|-----|--------|------------------|-------------------|------------------|----------|
| 201 | 2 | 4 | 79m ² | 2.6m ² | 70m ² | Yes |
| 202 | 3 | 4 | 77m ² | 4m ² | 74m ² | Yes |
| 203 | 2 | 3 | 67m ² | 3.1m ² | 61m ² | Yes |
| 204 | 2 | 3 | 62m ² | 2.5m ² | 61m ² | Yes |
| 205 | 3 | 4 | 75m ² | 2.5m ² | 74m ² | Yes |
| 206 | 3 | 4 | 79m ² | 2.5m ² | 74m ² | Yes |
| 207 | 1 | 2 | 56m ² | 1.5m ² | 50m ² | Yes |
| 301 | 2 | 4 | 72m ² | 2.0m ² | 70m ² | Yes |
| 302 | 3 | 4 | 85m ² | 2.8m ² | 74m ² | Yes |
| 303 | 1 | 2 | 50m ² | 3.0m ² | 50m ² | Yes |
| 304 | 1 | 2 | 50m ² | 1.5m ² | 50m ² | Yes |

16.7. 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.

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

16.9. Outdoor Space

16.10. Policy DM12 of the DMPD requires appropriate external private amenity and/or communal amenity space to meet the needs generated by the proposed development.

16.11. Paragraph 3.36 of the supporting text for Policy DM12 of the DMPD states that to provide adequate private amenity space for development of flats, a minimum of 5m² of private amenity space for 1-2 person dwellings should be provided and an extra 1m² should be provided for each additional occupant. A 3 person flat should have 6m² provision of private amenity space and a 4 person flat should have 7m².

16.12. The proposed scheme seeks to provide private amenity space in the form of balconies, as follows:

| Unit | Beds | Area | Requirement | Complies |
|------|------|--------------------|-------------------|----------|
| 201 | 2 | 7.4m ² | 7.0m ² | Yes |
| 202 | 3 | 12.0m ² | 7.0m ² | Yes |
| 203 | 2 | 7.6m ² | 6.0m ² | Yes |
| 204 | 2 | 6.0m ² | 6.0m ² | Yes |
| 205 | 3 | 13.0m ² | 7.0m ² | Yes |
| 206 | 3 | 7.0m ² | 7.0m ² | Yes |
| 207 | 1 | 5.2m ² | 5.0m ² | Yes |
| 301 | 2 | 31.0m ² | 7.0m ² | Yes |
| 302 | 3 | 9.3m ² | 7.0m ² | Yes |
| 303 | 1 | 9.3m ² | 5.0m ² | Yes |
| 304 | 1 | 13.3m ² | 5.0m ² | Yes |

16.13. The table above demonstrates that all units either meet or exceed the minimum requirements for private amenity space set out in Policy DM12 of the DMPD.

16.14. The proposed units and would therefore be provided with sufficiently good, private amenity space to future occupiers of the development, in compliance with policy.

17. Design and Visual Impact

- 17.1. 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.
- 17.2. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area.
- 17.3. 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.
- 17.4. 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. The buildings within the existing street scape are diverse, ranging from five to two storeys.
- 17.5. To the south of the site lies the Nursery and Pre-School, a three storey building with an overall height of 10 metres (not to plant room). To the north are the residential buildings of Woodstock Close, three storey buildings to a height of 12 metres.
- 17.6. To the north east of the site is Hook Road Car Park, a four storey building measuring between 8 and 13 metres.
- 17.7. The proposal would increase the overall height of the building from 12 metres to 15 metres. Within the immediate context, the resulting height of the proposed development would be notably taller than the existing commercial and residential buildings it surrounds and is likely to have a greater presence than the existing situation from some surrounding viewpoints, in particular from the approach from Hook Road to the north, beyond the railway bridge, as it would be viewed in isolation, due to the juxtaposition of the lower buildings immediately east of the site.
- 17.8. However, from other viewpoints, the resulting height of the building would be read in context with higher built form. Furthermore, the fourth floor set back would mitigate the height of the proposed development from dominating the street scene, particularly when relative to the existing pitched roof.

- 17.9. Whilst the loss of the existing hipped roof is disappointing, the overall design of the proposed vertical extension is acceptable. The fourth floor would be set back from the main mass of the host building and a façade of panels and columns and contrasting materials would add some visual interest to the existing building.
- 17.10. In light of the above, Officers are satisfied that the overall form and design of the proposed development is acceptable as it would be sympathetic to the overall character and appearance of Hook Road and would contribute to the existing townscape.
- 17.11. Should permission be granted, it is strongly recommended that a condition to secure details of materials to be approved by the Local Planning Authority prior to development taking place on site. This is to ensure that the materials and finishes used in the construction of the development are of a high quality and are suitable for a building that marks the transition into the Town Centre.

18. Neighbour Amenity

- 18.1. 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 Woodstock Court

- 18.2. 1-6 Woodstock Court is a flatted development that lies to the north of the site, beyond the intervening highway. A distance of 12 metres minimum would be retained between the two built forms. Although the additional height of the proposed development would have a greater presence upon the occupiers of this neighbouring development, this retained distance would prevent any issues of loss of outlook or overbearing impacts.
- 18.3. In terms of assessing any impacts of loss of light to internal accommodation from any overshadowing or loss of sunlight caused by the proposed development upon the south facing windows of this neighbouring development, the application is supported by a Daylight and Sunlight Assessment, prepared by T16 Design, reference 5507 Issue 1 and dated February 2024 (DSA)
- 18.4. This DSA demonstrates that the south facing windows of this neighbouring development would not suffer from any loss of daylight or sunlight as a result of the proposal and would remain compliant with BRE recommendations.
- 18.5. With regards to overlooking, the proposal would introduce a residential use of the site which would create a more intense use in comparison to the existing office use of the site.

- 18.6. Units 201, 207 and 305 would face 1-6 Woodstock Court and would feature windows serving primary accommodation and external balcony areas. However, as a result of the juxtaposition between this neighbouring development and these windows and balconies would prevent any opportunities for clear and direct overlooking into the windows of this neighbouring development.

7-15 Woodstock Court

- 18.7. 7-15 Woodstock Court is a flatted development that lies to the north west of the site, beyond the intervening highway. A distance of 11 metres minimum would be retained between the two built forms. Although the additional height of the proposed development would have a greater presence upon the occupiers of this neighbouring development, this retained distance would prevent any issues of loss of outlook or overbearing impacts.
- 18.8. The DSA demonstrates that the south west and north east facing windows of this neighbouring development would not suffer from any loss of daylight or sunlight as a result of the proposal and would remain compliant with BRE recommendations.
- 18.9. Units 202 and 301 would face 7-16 Woodstock Court and would feature windows serving primary accommodation and external balcony areas. However, the juxtaposition between the windows associated with Unit 202 and the front facing windows serving the neighbouring development would prevent any opportunities for clear and direct overlooking.
- 18.10. The balcony associated with Unit 202 would be 15 metres from the front elevation of 7-16 Woodstock Court and could allow for direct views into these windows. To prevent this, in the event planning permission is granted, it is reasonable to recommend a condition to secure details of privacy screening on its northern side, to be installed prior to occupation and retained and maintained in perpetuity.
- 18.11. The juxtaposition and height difference between the windows and balcony associated with Unit 301 would prevent any opportunities for clear and direct overlooking into the windows associated with 7-16 Woodstock Court.

5-9 Adelphi Road (odds)

- 18.12. 5-9 Adelphi Road are semi-detached properties, whose rear curtilages bound the south west of the site. A distance of 33 metres minimum would be retained between the built forms. Although the additional height of the proposed development would have a greater presence upon the occupiers of these neighbouring properties, this retained distance would prevent any issues of loss of outlook, clear and direct issues of overlooking either internal or external amenity areas or overbearing impacts.

18.13. The DSA demonstrates that the south west and north east facing windows of this neighbouring development would not suffer from any loss of daylight or sunlight as a result of the proposal and would remain compliant with BRE recommendations, particularly when being to the south of the development.

18.14. The distances retained between the windows associated with the proposed development and the rear curtilage and windows associated with these neighbouring properties would prevent any opportunities for clear and direct overlooking.

15 & 17 Adelphi Road

18.15. 5 and 7 Adelphi Road are a pair of semi-detached properties, whose rear curtilages bound the south west of the site. A distance of 24 metres minimum would be retained between the built forms. Although the additional height of the proposed development would have a greater presence upon the occupiers of these neighbouring properties, this retained distance would prevent any issues of loss of outlook, clear and direct issues of overlooking either internal or external amenity areas or overbearing impacts.

18.16. The DSA demonstrates that the south west and north east facing windows of this neighbouring development would not suffer from any loss of daylight or sunlight as a result of the proposal and would remain compliant with BRE recommendations.

18.17. The distances retained between the windows associated with the proposed development and the rear curtilage and windows associated with these neighbouring properties would prevent any opportunities for clear and direct overlooking.

10-16 Hook Road (even)

18.18. 10-16 Hook Road are semi-detached properties, that lie to the south east of the site. A distance of 15 metres minimum would be retained between the built forms. Although the additional height of the proposed development would have a greater presence upon the occupiers of these neighbouring properties, this retained distance would prevent any issues of loss of outlook or overbearing impacts.

18.19. The DSA demonstrates that the south west and north east facing windows of this neighbouring development would not suffer from any loss of daylight or sunlight as a result of the proposal and would remain compliant with BRE recommendations.

18.20. With regards to overlooking, Units 206, 302 and 303 would feature balconies and windows that would face towards the front elevations of 10-16 Hook Road, with a retained distance of 16 metres. However, these units would be located significantly above the windows associated with

these neighbouring properties and any overlooking achieved from the proposed windows would not be clear or direct.

18.21. Furthermore, the balcony associated with Unit 206 would be set off to the corner of 16 Hook Road, which would also prevent clear and direct overlooking into windows associated with this neighbouring property, and the balconies associated with units 302 and 303 would be set back from the roof slope and at a height that would prevent any direct overlooking into the private amenity spaces associated with these neighbouring properties.

18.22. Unit 205 features a balcony that could allow for direct views into these windows. To prevent this, in the event planning permission is granted, it is reasonable to recommend a condition to secure details of privacy screening to its north eastern side, to be installed prior to occupation and retained and maintained in perpetuity.

General

18.23. 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.

18.24. 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.

19. Parking and Access

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

19.2. 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.

19.3. The application is supported by a Transport Statement (TS), prepared by RGP, reference 2024/7773/TS01 and dated March 2024. The TS gives an account of the existing local highway network and local accidental data, as well as highlighting the accessibility benefits of the site. The County Highway Authority are satisfied that this highways account gives a fair representation of the site and the surrounding local network.

19.4. Trip Generation

- 19.5. In respect of establishing the existing vehicular trip generation for the Class E1 Office use, given that the current operation on site has ceased and therefore an existing traffic survey is not feasible, the TS sets out that the TRICS (Trip Rate Information Computer System) database has been used, considering comparable sites of similar floor area within town centre locations.
- 19.6. This has calculated an existing traffic generation of 149 two-way vehicle movements over a typical weekday, with 24 two way movements during peak AM and 24 two-way movements during peak PM.
- 19.7. In considering the proposed trip generation associated with the proposal development, the TRICS database has again been consulted using data associated with similar development scenarios within a town centre location.
- 19.8. This has calculated traffic generation associated with 11 new residential units to be of 35 two-way vehicle movements over a typical weekday, with 3 two way movements during peak AM and 4 two way movements during peak PM. This would be a significant reduction in traffic generation in comparison to the existing commercial use.
- 19.9. The TS has considered the traffic generation potential associated with the proposal development in combination with the existing office space at the site and concludes that the proposals would not have any material impact and that the small increase in traffic would be suitably accommodated along the local network.
- 19.10. The County Highway Authority is 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.

19.11. Pedestrian and Vehicle Access and Manoeuvrability

- 19.12. 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.
- 19.13. The proposal would not involve any changes or modifications to the existing vehicular and pedestrian accesses to the site.

19.14. Tracking diagrams supporting this application demonstrates that a refuse/recycling and fire vehicle can enter and exit Woodstock Close onto Hook Road in a forward gear, although this would involve reversing a short distance from the site in order to take advantage of reversing into a small spur road to manoeuvre into forward gear.

19.15. Given the short distance that the vehicle would need to reverse, and in considering that the County Highway Officer has not raised any issues to this manoeuvring causing any impact on highway safety or operation, this situation is considered acceptable.

19.16. Car Parking

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

19.18. There are currently 56 parking spaces on the site to serve the existing Class E1 use of the site, 35 located in the basement and 21 in the rear surface. The Council's Parking Standards SPD defers to the Surrey County Council Vehicular, Electric Vehicle and Cycle Parking Guidance 2023 recommended parking provision for non-residential development. To accommodate a Class E1 office use, the Surrey Guidance advises that there should be a maximum range of 1 car space per 30m² of office floor area.

19.19. However, the guidance does state that this range can be reduced to 1 car space per 100m² depending on location. Given that the site lies in a highly sustainable town centre location, it is reasonable to use this range to calculate the level of parking required to serve the existing Class E1 office use.

19.20. For an office use comprising 1,334m² at ground floor and first floor level, 14 vehicle parking space are required to meet the Surrey guidance. For clarity, although in an ancillary Class E1 office use, as the basement floor area is used for the parking of vehicles only, this floor area has not included in the Surrey Guidance calculation.

19.21. The proposed residential use would be expected to accommodate 10 vehicle parking spaces within the site. The existing parking on the site would be able to accommodate both the existing Class E1 use and the proposed residential use, retaining an excess of 32 vehicle parking spaces.

19.22. Officers are aware that extant planning application 24/00130/FUL results in the loss of the basement vehicle parking area, reducing the parking on the site to 21 spaces. Furthermore, the change of use of the basement to provide 831m² of Class E1 office floor space would result in an additional requirement for the site to provide 9.0 vehicle parking spaces.

- 19.23. The combination of this permission, if granted planning permission, and the extant permission under 24/00130/FUL, would result in a shortfall of 12 parking spaces, to serve the existing Class E1 use at ground and first floor level, the proposed residential use at second and third floor and the new Class E use in the basement.
- 19.24. In the absence of any robust demonstration that the resulting level of parking would not cause harm to the surrounding area in terms of street scene or availability of on street parking, it is reasonable to recommend a condition to prevent planning application 24/00130/FUL from being implemented on site (and vice versa) should this permission be granted and be implemented on site.
- 19.25. This would ensure that both schemes would meet the vehicle parking requirements at both County and Local level and prevent a harmful impact on the surrounding area, in terms of street scene or availability of on street parking.
- 19.26. It is noted that the existing basement plan submitted as part of this application (drawing number BU N _SB_EX_AL _090 P2) is marked up to suggest that this floor falls outside of the scope of this application yet drawing number BU N _SB_PR _AL _090 P5 shows new development at basement level, which includes the loss of the vehicle access to this level.
- 19.27. To clarify, the application before Members today relates to the erection of a roof extension to provide 11 residential units only and for that reason, drawing BU N _SB_PR _AL _090 P5 is superseded and does not form part of this current application. Officers have considered this application in light of the existing situation on site, which has a vehicle entrance and parking area in the basement vehicle.
- 19.28. As prior approval application 23/01440/PDCOU for the change of use of the ground and first floor to residential cannot be implemented on site due to a technicality, it is not necessary to condition this to prevent any combination scheme that would otherwise fail to meet the Council parking standard on site.
- 19.29. Subject to this condition in the event that planning permission is granted, the proposal would accord with Policy DM37 of the DMPD and the Council's Parking Standards SPD. In the event that the evidence demonstrates that the two applications can co-exist, the condition could be removed via a section 73 variation application.
- 19.30. The Highways Authority have recommended that 100% of the parking spaces be provided with fast charge EV charging points and that details be submitted prior to approval. However, this is considered to be an oversupply and with respect to the requirements of the building regulations, would not be reasonable when considering the six tests for applying a condition. If minded to approve, a condition would secure 50% of the spaces as EV charging spaces.

19.31. Cycle Parking

19.32. 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.

19.33. The Council's Parking Standards requires cycle parking provision to be in line with the minimum levels identified in the Surrey County Council Vehicle, Cycle and Electric Vehicle Parking Guidance for New Development 2023.

19.34. To meet the County Cycle Standards, the development would be expected to provide secure, undercover cycle storage that would accommodate 15 cycles. Although details supporting this application advise that storage for 18 cycles can be accommodated on the site, this would be within the building at third and fourth floor level. This is secure, accessible and convenient. But it would need to be demonstrated that the lift within the building can accommodate a resident and a cycle to see how successful this cycle storage would be and in the event permission is granted, further details relating to the storage of cycles on site would be secured by way of a condition.

20. Refuse and Recycling Facilities

20.1. Policy CS6 of the CS stipulates that development should minimise waste and encourage recycling. Annex 2 of the Sustainable Design SPD sets out the requirements for refuse/recycling storage in new developments.

20.2. 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. The Council's Transport and Waste Services Manager has not raised any concerns regarding the necessity of reverse manoeuvring a refuse/recycling vehicle along a small section of Woodstock Court, in order to reverse into a small spur road to manoeuvre into forward gear.

20.3. In the absence of any detailed elevations of the proposed recycling/refuse storage, in the event permission is granted, it is recommended that a condition to secure these details are submitted to the Local Planning Authority for approval prior to first occupation of the proposed development.

21. Ecology and Biodiversity

21.1. Ecological Impact

21.2. 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.

- 21.3. A Preliminary Ecological Appraisal and Roost Assessment, prepared by Arbtech and dated March 2024 (PEARA) and subsequent Bat Emergence and Re-Entry Survey, prepared by Arbtech and dated May 2024 (BERS) demonstrates that that roosting bats are not present at the site.
- 21.4. Furthermore, the PEARA demonstrates that the proposal would not affect any other protected species, subject to mitigation measures. The Council's Ecology Officer raises no objections on ecological grounds.
- 21.5. The Council's Ecologist is satisfied that the methodology and conclusions set out in the Ecological Survey are sound and advises that, in the event permission is granted, a condition to secure the biodiversity enhancements as set out in the PRARA and the BERAS.
- 21.6. In light of the above, the proposal would not prejudice the existing ecological value of the site and the Local Planning Authority are satisfied that they have carried out their duty of care under Section 41 of the Natural Environment and Rural Communities Act 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.
- 21.7. Biodiversity Net Gain**
- 21.8. 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.
- 21.9. The application is accompanied by a BNG Assessment prepared by Arbtech and dated 05 March 2024 and the DEFRA Metric 3.1 Tool. The metric advises that the baseline site provides 0.29 habit units and 0.00 hedgerow units. Post development and taking into account the habitat creation created by a green sedum roof, the wider site would provide 0.37 habitat units equating to a net gain of 23.23%. There would be no increase in hedgerow units as part of the proposed development.
- 21.10. This gain is compliant with the Environment Act 2021 and the NPPF as a minimum of 10% biodiversity net gain is achieved. In the event permission is granted, the biodiversity net gain will be secured on site by way of a Section 106 agreement.

22. Flooding and Drainage

22.1. Flood Risk and Vulnerability

22.2. Paragraphs 165 and 173 of the NPPF 2023, 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.

22.3. The application is supported by a Flood Risk Assessment and SuDS Report prepared by EAS and dated February 2024. (FRA)

22.4. 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 in Flood Zone 1. As such the development has low risk of fluvial flooding.

22.5. 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.

22.6. As the proposed development would lie within Flood Zone 1 and the critical drainage area, 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.

22.7. Sustainable Drainage

22.8. 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).

22.9. As a vertical roof extension and refuse storage in existing hardstanding, the proposed development would not contribute to an increase in surface water runoff from the site, with the impermeable area remaining the same.

22.10. However, to provide a reduction in surface water flows from the currently existing situation with the existing hipped roof, a sedum green roof is proposed on the upper roof, measuring 326m². The surface water flows caught by the green roof would be collected via rainwater downpipes and continue to discharge via the existing surface water drainage network.

22.11. The FRA advises that surface water flows caught by the green roof would create a 50% reduction in surface water run-off compared to the current strategy, creating a betterment in surface water drainage on site.

22.12. 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, details of the design of the surface water drainage scheme and to secure a verification report, to ensure that the surface water drainage scheme has been constructed as per the agreed scheme.

22.13. 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.

23. Contamination and Remediation

23.1. Paragraph 189 of the NPPF 2023 and Policy DM17 of the DMPD requires consideration of ground conditions and risks to end users.

23.2. The Council's Land Contamination Officer has advised that the site is listed as potentially contaminated because of being surrounded by sites on the Councils Land Contamination Database. If permission was granted, the Council's Land Contamination Officer recommends a condition to secure a site investigation scheme and any subsequent remediation.

23.3. Whilst the recommended condition from the Council's Land Contamination Officer is acknowledged, the proposal involves works within existing hardstanding to accommodate the refuse storage and extension above the existing footprint of the host building and would not involve any breaking into the ground. A condition to secure a site investigation is considered unnecessary in this instance.

24. Environmental Sustainability

24.1. On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.

24.2. 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.

24.3. The application is supported by an Energy Statement prepared by T16, reference 5507 Issue 1 and dated February 2024 which demonstrates that the proposal would result in an overall reduction of 59.10% of regulated CO2 emission, a 6.50% reduction in fabric energy efficiency and a 19.21% reduction in primary energy rates.

- 24.4. This is achieved by providing the development with fabric improvements, good air tightness, improved thermal bridging, providing community air source heat pumps and the use of low energy lighting used throughout the development.
- 24.5. In light of the above, it is considered that the proposal would be able to secure a sustainable development outcome and would there accord with Policies CS1 and CS6 of the Core Strategy.

25. Accessibility and Equality

- 25.1. 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. The building provides ramped access and a lift to all floors, including the proposed fourth floor.
- 25.2. 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. There would be no adverse impacts because of the development.

26. Planning Obligations and Community Infrastructure Levy

- 26.1. 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.
- 26.2. 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.
- 26.3. 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

27. Planning Balance

- 27.1. As the Council cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11(d) of the NPPF is engaged as the policies which are most important for determining the application are out-of-date. There are no footnote 7 policies which would provide a clear reason for refusing permission and which would prevent the tilted balance from being applied.

- 27.2. The presumption is therefore to grant permission for sustainable development unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.
- 27.3. 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.

27.4. Social Considerations

- 27.5. The proposed development would make a meaningful 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. This benefit is given significant weight in the planning balance.
- 27.6. The proposal would provide policy compliant affordable housing (2 units) in a mix and tenure that would contribute towards one of the Borough's greatest affordable housing needs. This benefit is given substantial weight in the planning balance.
- 27.7. The proposal would make efficient use of an existing brownfield site for an identified housing need. Given the significant need for housing in the Borough and how long the deficit is likely to persist, this benefit is given significant weight in the planning balance.

27.8. Economic Considerations

- 27.9. The proposal would provide economic benefits through employment during the construction phase and the additional expenditure in the local economy at both construction and following occupation. The construction phase is temporary and therefore this benefit is given minor weight in the planning balance.
- 27.10. Whilst there is no evidence to suggest that the local economy would be disadvantaged without the expenditure generated from the proposed development, it is not unreasonable to conclude that future occupiers of the development would create additional expenditure to the Borough because of the highly sustainable location close to Epsom Town Centre and therefore, this benefit is given minor weight in the planning balance.

27.11. Environmental Considerations

27.12. The scheme proposes to incorporate a sedum green roof, increasing biodiversity net gain on site by 23%, which represents additional gain above the mandatory requirement. This benefit is given significant weight in the planning balance.

27.13. Conclusion

27.14. Overall, whilst there are adverse effects in respect of this application, these would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted. The application is therefore recommended for approval.

RECOMMENDATION

To grant planning permission subject to a S106 Legal Agreement with the following Heads of Terms:

- a) **The delivery of 2 affordable rented units in a mix of 1 no. one bed and 1 no. three bedroom units.**
- b) **Securing a 23% biodiversity net gain**

And the following conditions and informatives

If the Section 106 Agreement referred to in Part A is not completed by 18 January 2025, the Head of Place Development is authorised to refuse the application for the following reason:

“In the absence of a completed legal obligation under Section 106 of the Town and Country Planning Act 1990 to secure policy compliant affordable housing, the applicant has failed to comply with Policy SC9 of the Core Strategy 2007.”

Conditions

1. Time Limit

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. Approved Details

The development hereby permitted shall be carried out in accordance with the following approved plans and reports:

Drawing Number BUN_SB_EX_AL_010 P1
Drawing Number BUN_SB_PR_AL_050 P4
Drawing Number BUN_SB_PR_AL_100 P5
Drawing Number BUN_SB_PR_AL_110 P5
Drawing Number BUN_SB_PR_AL_120 P8
Drawing Number BUN_SB_PR_AL_130 P8
Drawing Number BUN_SB_PR_AL_140 P5
Drawing Number BUN_SB_PR_AL_300 P4
Drawing Number BUN_SB_PR_AL_310 P4

Reason: For the avoidance of doubt and in the interests of proper planning as required by Policy CS5 of the Core Strategy (2007).

3. In Combination Permission

The development hereby permitted shall not be implemented in the event that planning application 24/00130/FUL has commenced on site and planning application 24/00130/FUL shall not be implemented in the event that the development hereby permitted has commenced on site.

Reason: In order for the development not to prejudice highway safety nor cause inconvenience to other highway users in accordance with the objectives of the NPPF 2023, and to satisfy policies DM35 and DM36 of the Development Management Policies 2015 and Policy CS16 of the Core Strategy 2007.

Pre Commencement Conditions

4. Materials

Prior to the commencement of development, details and samples of all external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM8, DM9 and DM10 of the Development Management Policies 2015.

5. SuDS Details

No development shall commence unless and until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy

and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- (a) Evidence that the existing on-site drainage is fit for purpose; and
- (b) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.

The approved details shall be implemented during the construction of the development and prior to first occupation.

Reason: To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015

6. Arboricultural Impact Assessment and Method Statement

No development shall take place until an Arboricultural Impact Assessment and Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the agreed details and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

7. Biodiversity Net Gain

Prior to commencement of development, a Biodiversity Gain Plan must be submitted and approved by the planning authority. This shall demonstrate how the measures set out in the March 2023 Biodiversity Net Gain Report submitted with the application have been met.

Reasons: To enhance biodiversity and habitats in accordance with Policy CS3 of the Core Strategy 2007 and Policy DM4 of the Development Management Policies Document 2015.

Pre Occupation Conditions

8. Electric Vehicle Charging Points

The development hereby approved shall not be first occupied unless and until 11 of the available parking spaces are provided 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 in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority

Reason: In recognition of Section 9 of the NPPF 2023 and in meeting its objectives, as well as and to satisfy policies DM35 and DM36 of the Development Management Policies 2015.

9. Drainage Verification Report

The development hereby approved shall not be first occupied unless and until a verification report carried out by a qualified drainage engineer has been submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

Reason: To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015.

10. Shared Access Details

The development hereby permitted shall not be first occupied unless and until details demonstrating security provisions for shared commercial and residential accesses have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed in accordance with the approved plans and maintained in such a condition before the residential operation is first occupied.

Reason: To ensure that the viability of the remaining Class E1 Office floorspace is not reduced in accordance with Policy DM24 of the Development Management Policies Document October 2015 and Policy E5 of Plan E Area Action Plan 2011.

11. Refuse and Recycling Details

The development hereby approved shall not be first occupied unless and until details of the facilities for the secure and covered refuse/recycle stores within the development site have been provided in accordance a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy 2007 and Policy DM10 of the Development Management Policies 2015.

12. Privacy Screening Details

The development hereby approved shall not be first occupied unless and until details of privacy screening for the balconies to Units 202 and 205 are be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be installed in accordance with the approved plans and maintained in such a condition before the balconies are first brought into use.

Reason: To protect the amenities and privacy of the adjoining residential properties in accordance with Policy DM10 of the Development Management Policies Document October 2015.

During Development

13. Compliance with Ecological Survey

The development hereby approved shall be carried out in strict accordance with the conclusions and recommendations of the A Preliminary Ecological Appraisal and Roost Assessment, prepared by Arbtech and dated March 2024 and Bat Emergence and Re-Entry Survey, prepared by Arbtech and dated May 2024, prior to the occupation of the development and thereafter maintained.

Reason: To preserve and enhance biodiversity and habitats in accordance with Policy CS3 of the Core Strategy 2007 and Policy DM4 of the Development Management Policies 2015.

14. Compliance with Sustainable Design Measures

The development shall be carried out in strict accordance with the sustainable design measures contained in the Energy Statement prepared by T16, reference 5507 Issue 1 and dated February 2024 prior to first occupation and shall be maintained as such thereafter and no change shall take place without the prior written consent of the Local Planning Authority.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development in accordance with Policy CS6 of the Core Strategy 2007.

15. Hours of Work

Works related to the construction of the development hereby permitted, including works of demolition or preparation prior to building operations shall not take place other than between the hours of 07:30 to 18.00 hours Mondays to Fridays; 08.00 to 13.00 hours Saturdays; with no work on Saturday afternoons (after 13.00 hours), Sundays, Bank Holidays or Public Holidays

Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies Document 2015.

Informatives:

1. Section 106 Agreement

This permission should be read in conjunction with the legal agreement under Section 106 of the Town and Country Planning Act dated (TBC), the obligations in which relate to this development.

2. Details To Be Approved

This consent contains conditions that require subsequent approval of detailed matters before the development commences. There is a fee for submission of details to comply with conditions, which is payable for each separate submission rather than for each condition. Decisions may take up to eight weeks, or longer if consultation with third parties is required.

3. 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.

4. Building Regulations

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire

safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

5. Party Wall Act

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

- carry out work to an existing party wall;
- build on the boundary with a neighbouring property;
- in some circumstances, carry out groundwork's within 6 metres of an adjoining building.

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

6. Wheel Washing

The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders (Highways Act 1980 Sections 131, 148, 149).

7. Damage to the Highway

Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant or organisation responsible for the damage.

8. Highway Obstructions

The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their

contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, (www.ccscheme.org.uk) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.

9. Electricity Supply

It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.

10. Watercourses

If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent.

11. Source Protection Zone

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

12. Sub Ground Structures

Sub ground structures should be designed so they do not have an adverse effect on groundwater.