

6 The Grove, Epsom, Surrey, KT17 4DQ

Demolition of existing dwelling and redevelopment to provide a single three storey block comprising 11x 2 bed flats and 2 x 3 bed flats including landscaping and basement parking area

Ward:	Town
Contact Officer:	John Mumford

1 Plans

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to the originally permitted application via the Council's website, which is provided by way of background information to the report.

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OW4410GYHTP00>

2 Summary

- 2.1 This application is for the demolition of the existing detached dwelling and redevelopment to provide a single three storey block comprising 11x 2 bed flats and 2 x 3 bed flats including a basement car park to provide 15 car parking spaces and 10 secure cycle spaces.
- 2.2 The application site is located within the Church Street Conservation Area.
- 2.3 The application is referred to Committee for determination because it comprises a major development .
- 2.4 **The application is recommended for REFUSAL** because of the harm to the Church Street Conservation Area, the adverse impact upon neighbouring residential amenity and protected trees and the failure to provide a signed legal undertaking for an affordable housing contribution, absence of a preliminary ecological survey and not complying with the requirements on housing mix.

3 Site description

- 3.1 The application site is situated at the head of The Grove, a short cul-de-sac located off Grove Road, Epsom. The majority of The Grove is situated within a northern extension to the Church Street Conservation Area that was agreed in 2011 whilst more modern properties immediately to the north and north-west of the application site are outside the conservation area.
- 3.2 The site comprises a large two storey inter-war family house traditionally built with brick facings and clay tiled roof set back from the frontage and within a generous plot of approximately 0.2 ha.

- 3.3 Key features on the site are a magnificent category A Turkey Oak tree (58/T20 TPO) near to the southern boundary of the site, a Sycamore (58/T26) situated in the south-eastern corner of the site and a category B Norway Maple at the north-eastern corner of the site that is protected by reason of its location within the Church Street Conservation Area. In addition to these specimens there are a number of other mature trees adjacent to the rear and flank boundaries.
- 3.4 The site is bounded to the south by 7 The Grove, a 2 storey detached dwelling that is built up to the common boundary and sited approximately 14m closer to the highway frontage than the applicant property. This neighbouring property together with the similarly large inter-war detached properties on the opposite side at Nos 1,2 and 3 The Grove were, with the application property, all included in the extended Church Street Conservation Area confirmed in 2011. These dwellings were described in the Church Street Conservation Area – Character Appraisal and Management Proposals document 2010 as being of merit and comprising ‘well detailed and carefully scaled two storey family houses which appear to date to the 1920s or 1930s and which sit in spacious plots with mature planting.’ Grove House a Grade 2 listed former grand house situated to the south-east of 7 The Grove which is converted into flats including an attic level was also included in the extended conservation area because it ‘retains a pleasant setting to the front and a rear garden’.
- 3.5 To the north-west of the application site are the 3 storey retirement flats at Badgers Court and Badgers Lodge that lie outside the Church Street Conservation Area. Immediately to the north-east of the site is a garage court serving flats within the 3 storey Treemount Court that also lies outside the conservation area.
- 3.6 The application property along with other properties in The Grove were purposely included in the extended Church Street Conservation Area for the very reason that they shared the domestic scale and special architectural and historic interest of other properties in the conservation area. Notwithstanding the larger and more modern development that adjoins the application site to the north-east and north-west of the site it is clear therefore that the character and scale of development appropriate for the site is set by development within the conservation area not by that outside the conservation area.

4 Proposal

- 4.1 The application seeks permission for demolition of 6 The Grove and redevelopment to provide a single three storey block comprising 11x 2 bed flats and 2 x 3 bed flats including a basement car park to provide 15 car parking spaces and 10 secure cycle spaces.
- 4.2 The proposed block would be broadly rectangular with a 2-3 storey scale frontage facing directly onto The Grove with the development to the rear angled to reflect the alignment of the north-west flank boundary with Badgers Court and Badgers Lodge. The scale of the proposal is such that the block would have an overall depth of 44.5m, a width of 14.5m and a height of 9.5m. This would mean that it would project a further 12m in front and extend a further 23m to the rear of the existing dwelling.

- 4.3 The third floor of accommodation would be provided mainly through dormer windows and rooflights within the roofspace but there would also be gables with third floor level open balconies on the south–east flank elevation.
- 4.4 To the front of the proposed building would be a ramp and retaining wall to provide access to the basement car park.
- 4.5 The building is designed with a front facing gable and roof dormers and would in red stock brick, render and slate.
- 4.6 It is proposed that all existing landscaping features of importance including mature trees would be retained and additional hard and soft landscaping is proposed which could be reserved by condition. It is proposed that the gardens would be communal for the use of residents.

5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 92 neighbouring residents in addition to a site notice and press notice. To date (21.11.2017) 180 separate objections have been received raising the following matters of concern:
 - Object to the demolition of an attractive family house in the Church Street Conservation area to be replaced by a block of 13 flats. The 1920s property is intrinsic to the character of the road with the original houses at Nos 1,2,3,6 and 7 The Grove of similar style and character, all set back from the road, with a front garden and attractive period brick front with original features.
 - The application is in clear and direct contravention of Core Strategy Policy CS5 where the Council states it will protect and seek to enhance the Borough's heritage assets including historic buildings and conservation areas.
 - Essential the Council is seen to uphold its own policies by a clear and unqualified statement of its intention to preserve the quality Borough's built environment.
 - The building in the 'Surrey Arts and Crafts' style is, with the exception of Grove House, architecturally the most interesting building in The Grove.
 - The applicant's claim that the existing building's contribution to the Conservation Area is diminished because it is in a "transitional location" on the boundary of the CA and adjacent to "poor quality" properties is also irrelevant. A conservation boundary is established to ensure those on or within that designation are 'protected and enhanced', otherwise boundaries are meaningless.
 - The proposal provides no substantial public benefits that might outweigh the harm to the heritage value of the conservation area and Grove House and as such there is a clear conflict with Policies CS5, DM8 and the NPPF.

- Adverse impact on the streetscene and character of the area by virtue of scale, mass, design and bulk.
- The height, scale and style of Badger Court should not be used as a reference point to justify the proposal within the conservation area because it was built in the early 1990s when The Grove was not within the conservation area.
- From my perspective as local MP. I share the reservations that have been expressed about the proposal, which in my view is quite out of keeping with the local character of this part of Epsom, one of the prettiest areas in the town. I would be very concerned to see a development of this size and scale being given the go-ahead in a conservation area, which the council has of course already deemed worthy of protection.
- The proposed scheme is significantly bigger than the building it would replace. It would be too tall and too large for the road it is located in and would hugely damage the character of the surrounding area.
- The proposed block represents a huge, uninterrupted built form that would utterly dominate any views to the west from the garden or side facing windows of 7 The Grove. It would also have a substantial and materially adverse impact on the amenity of the family house at No 7 by virtue of loss of light and overbearing impact. This is exacerbated by the second floor balconies on the eastern elevation that would afford a direct and uninterrupted view towards the property and garden at No 7. The provision of balconies would also result in significant noise disturbance.
- The proposed remedial works such as additional boundary planting would be inadequate to address the problems to the residential amenity of No 7 and would also result in a significant loss of light and sunlight to the house and garden of No 7.
- The communal building adjacent to the boundary with No 7 and the ramp to the basement car park would be highly likely to generate significant noise disturbance.
- Inadequate parking with 13 underground spaces for a scheme comprising 28 bedrooms resulting in overflow parking in The Grove and other local roads.
- There will be an unreasonable increase in general disturbance from the coming and going of extra traffic.
- Noise and disturbance to nearby residents.
- The new access and inadequate parking will not be safe for the road users and pedestrians. The development relies solely on underground parking and dependent on the road for the parking of any large vehicles such as emergency, delivery, trade, removal and waste removal, thus obstructing the turning circle.

- Badgers Court and Badgers Lodge require unobstructed access as nurses and ambulances are regularly called.
 - Unlike other properties on The Grove, given its proposed gated underground car park, residents of the application site could not realistically provide any off-street parking to visitors driving larger vehicles and inevitably the pressure on limited roadside parking would increase disproportionately. In this regard, importantly, it must be borne in mind that The Grove has no pavements; therefore pedestrians (many of whom are elderly) are generally obliged to walk down the middle of the road, given vehicles parked on both sides.
 - The mass of built form immediately adjacent to the southern and western boundaries of the site would be an incongruous design feature within The Grove, worsened further by the entrance ramp to the basement level car parking which a commercial type of concrete structure entirely out of keeping with the cul-de-sac, which is characterised by generous driveways and above ground parking
 - There is a badgers set at the rear of the property and damage to the sites biodiversity value with no detailed mitigation measures proposed to compensate for this loss and removal of trees (*Planning Officer comment: an ecological survey report has been requested from the applicant and this is awaited*)
- 5.2 Epsom Civic Society has objected on the grounds that the existing application 2 storey family house property sitting in a spacious plot with mature planting contributes to the setting of the nearby Grade 2 listed Grove House. It should also be rejected on the grounds that it would whittle away the extent and quality of the Church Street Conservation Area.
- 5.3 In addition to the individual objections there has been a 122 signature petition and a 40 signature petition submitted on the grounds that the proposal fails to protect and enhance the Borough's heritage assets, namely the setting of the Grade 2 listed Grove House; would have an adverse visual impact on the Church Street Conservation Area; set a precedent for other excessively scaled development in the Borough's other conservation areas.
- 5.4 In addition one representation in support of the application has to date (21.11.2017) been received on the grounds that the building would fit nicely into the area, which is already architecturally diverse and supporting the focus on energy conservation, which is put into practical use - electric car-chargers, facility for the use of bikes.

6 Consultations

- 6.1 Surrey County Council – No objections as The Grove is a private road and therefore not within the jurisdiction of the Highway Authority. It is, however, pointed out that the gradient of the access is very steep and likely to lead to grounding of vehicles at the access point. Also sight lines at the access are compromised by the steepness of the gradient.
- 6.2 Borough Conservation Officer – The proposal is contrary to Para. 132 of the NPPF, which requires great weight to be given to the conservation of designated heritage assets and notes that significance can be harmed or lost through unsympathetic development. In order to avoid harm to the significance of the Church Street conservation area, a form of development compatible with key local qualities is essential and refusal of the present proposal is strongly recommended in terms of Policies DM8 and DM9.
- 6.3 Borough Countryside Officer (Ecologist) - the site needs a preliminary ecological assessment (including bats, badgers and common reptiles) carried out in order to determine the application with regard to complying with policy DM4 where the presence or absence of protected species is a material consideration.
- 6.4 Borough Tree Officer - A much less intensive scheme is required on this site. This should allow a design that has better spatial integration and harmony with the existing notable trees and landscape of the site. There are four areas of objection to this proposal on tree grounds and these are elaborated upon in the report

7 Relevant planning history

Application number	Decision date	Application detail	Decision
16/00331/FLH	27.05.2016	Conversion of garage into a habitable room. Part two-storey/part single-storey rear extension.	Granted
16/00977/PREAPP	23.01.2017	Demolition of existing dwelling and erection of 3 storey block(s) of residential flats or single family dwelling house	Completed

8 Planning Policy

National Policy Planning Framework (NPPF) 2012

Core Strategy 2007

Policy CS3

Biodiversity

Policy CS5	The Built Environment
Policy CS6	Sustainability in New Developments
Policy CS7	Housing Provision
Policy CS8	Broad Location of Housing Development
Policy CS9	Affordable Housing
Policy CS12	Developer Contributions to Community Infrastructure
Policy CS16	Managing Transport and Travel

Development Management Policies 2015

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 DM 16	Backland Development
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

Church Street Conservation Area – Character Appraisal and Management Proposals 2010

9 Planning considerations

Principle of demolishing a building in a Conservation Area

- 9.1 The existing building with its original red brickwork and decorative timbers clay roof tiles and leaded light windows is described in the Church Street Conservation Area – Character Appraisal and Management Proposals 2010 document as a building of merit and is one of a small group of similar dwellings all built around the same time in the late 1920s or early 1930s next to Grove House, a Grade 2 listed building. It is considered that the application property, individually and as part of a group of similarly designed dwellings, makes an important contribution to the Church Street Conservation Area and should be viewed as a positive building.

- 9.2 It is considered that the applicant has failed within the submitted Heritage Statement to adequately assess the significance of the heritage asset and the impact of its demolition upon the Church Street Conservation Area. The Heritage Statement moreover incorrectly states that 'only about a third of the site's perimeter falls within the conservation area and therefore land outside the CA has a significant bearing on the setting of the application site and it would therefore be wrong to assess it purely in the context of the CA'. In fact the only part of the site which is not within the conservation area is a smaller section of land comprising mature trees (amounting to 12.7% of the site area) to the rear of Badgers Lodge which is only included because it is in the applicants ownership and which plays no part in the development proposal.
- 9.3 Accordingly the applicant has not fully complied with the requirements of Para 128 of the NPPF and has not justified the demolition of an existing building within a conservation area.

Impact on the Conservation Area

- 9.4 The development site is within the Church Street Conservation Area and it is roughly triangular in shape, with a narrow south-western frontage edging The Grove and an extensive 'backland' area.
- 9.5 A Grade II listed building exists to the south-east of the site. However it is located at some distance and due to the presence of intervening built form and trees, the heritage asset is little affected by the proposal. The new development is thus reviewed in terms of its impact on the significance of the Church Street Conservation Area.
- 9.6 A general sense of unity typifies the conservation area streetscenes in the immediate vicinity of the site. Dwellings gently enclosing The Grove and Grove Road are typically two storeys and set behind small front gardens, with each building accessed via a single, short driveway. Although eclectic in terms of age and style, the built form is modestly scaled and well permeated with small gaps which allow glimpsed views of soft landscaping to the side and rear. A consistent pattern of loosely-knit frontage development respects a well-defined building line and dwellings maintain an active sense of engagement with the street.
- 9.7 Local distinctiveness in levels and patterns of development, site layouts and scales of built form create a strong sense of place and the qualities described above are fundamental to the significance of the Church Street Conservation Area.
- 9.8 The proposed three storey development clearly references the monolithic forms of buildings outside the designated area and in consequence, it sits uncomfortably in the conservation area context and is objected to on the basis that:
- (i) It is contrary to locally typical levels and patterns of development, the proposed level is intensive and much of the new build is in effect 'backland' development, which has no sense of engagement with the street.

- (ii) The bulky, impermeable form of the new building bears no relation to locally typical models within the conservation area.
- (iii) The proposed monolithic structure - with its extended footprint and continuous frontages - is entirely alien to the finely grained and permeable conservation area context.
- (iv) The ramp and associated harsh blank walls providing access to the basement level are overtly urban features completely foreign to the quietly domestic streetscene of The Grove.

9.9 While it is acknowledged that some degree of change within a designated area is inevitable, it must be managed in ways that maintain and reinforce the special qualities for which the area was designated. A fundamentally incompatible form of development is proposed and its alien presence will harm the significance of the conservation area.

9.10 Para 58 of the NPPF requires new development to 'establish a strong sense of place' and para. 60 notes 'that it is proper to seek to promote local distinctiveness'. The proposed impermeable, bulky built form - with its continuous frontages and extended footprint - sits uncomfortably in the local context and the 'anywhere' architectural treatment entirely lacks locally distinctive qualities.

9.11 Para 137 of the NPPF states that new development within a conservation area should 'enhance or better reveal' the significance of the designated heritage asset and the present proposal does neither. The overwhelming bulk of the new building clearly references buildings outside the conservation area and the encroachment of alien forms and patterns of development harm key qualities for which the area was designated.

9.12 The proposal is thus contrary to Para. 132 of the NPPF, which requires great weight to be given to the conservation of designated heritage assets and notes that significance can be harmed or lost through unsympathetic development. In order to avoid harm to the significance of the Church Street conservation area, a form of development compatible with key local qualities is essential and the present proposal fails to comply with the requirements of Policies DM8 and DM9 or the guidance set out in the Church Street Conservation Area – Character Appraisal and Management Proposals document.

Layout, Design and Scale

9.13 The layout, scale and massing of the proposed development is considered to be wholly inappropriate for the site and its setting within the Church Street Conservation Area and the presence of mature protected trees within the site that contribute significantly to the visual amenities of the area.

- 9.14 It should be emphasised that the development was subject to extensive pre-application discussions relating to a number of layout options. The applicant was advised that all of the options presented were considered to be contrary to the prevailing character of this part of the Church Road Conservation Area. Their siting, scale and design would not reflect the surrounding historic and natural environment and would fail to preserve and enhance the conservation area. The applicant was advised that a building of a similar scale and design to that now submitted for planning permission would not be in character and its siting close to the site frontage with a ramp down into a basement car park with minimal frontage landscaping would cause serious harm to the visual amenities of the area. It was also concluded that a scheme of this nature would result in loss of privacy and overlooking to the occupiers of 7 The Grove. The applicant was advised that any new development must be two storey scale of traditional design but the applicant has failed to follow this advice.

Residential Amenity

- 9.15 Policy DM10 requires development to have regard to the amenities of occupants and neighbours, in terms of privacy, outlook, sunlight/daylight, noise and disturbance. It is considered that the south-east facing orientation and balconies at first and second floor level would in particular all have an unacceptable impact on the privacy, outlook and amenity of the adjacent occupiers at No 7. There would also likely be additional noise and disturbance to the neighbouring occupiers from the use of the communal grounds and especially the proposed conversion of the existing garage adjacent to the rear garden boundary with No 7 to use as a communal building and seating area.
- 9.16 The form and layout of the development at the front with the utilitarian basement car parking ramp and the requirement for servicing vehicles to park outside the site would also contribute to a loss of amenity to neighbouring residents in terms of noise and disturbance and obstruction of the highway.

Parking and Access

- 9.17 The proposal is policy compliant insofar as the number of car parking spaces are concerned but a scheme of this scale should include a minimum of 15 cycle parking spaces and only 10 are shown on the basement layout plan. The applicant's Sustainability Statement refers separately to three secure and easily accessible bicycle storage spaces per dwelling and if necessary the scheme could easily be amended to meet this requirement.
- 9.18 Neighbouring residents' concerns have been expressed regarding the fact that the scheme only provides for the parking needs of its residents and all servicing would have to be carried out from the highway, potentially creating difficulties for both pedestrian and vehicular access to Badgers Lodge and Badgers Court and the use of the turning head. Surrey County Council has not objected to this aspect of the development as it affects a private road and whilst this may indeed give rise to occasional problems for access it is not considered that this would in itself warrant a reason for refusal.

Housing Mix

- 9.19 The proposed housing mix comprises 11 x two bedroom flats, 2 x three bedroom flats representing 15% against the policy requirement of 25% set out in Policy DM22. The housing mix therefore fails to meet Policy DM22 and to meet identified local housing needs for larger family sized units.

Housing Standards

- 9.20 The proposed residential accommodation would be provided on three levels and would be accessed via three entrance cores located on the north-western flank elevation. The flats would all be dual aspect and ground floor flats would have private outdoor space immediately next to the living rooms whilst upper floor flats would have balconies.
- 9.21 Each of the dwellings would comply with the DCLG Technical housing standards – nationally prescribed space standard as referred to under Policy DM12.
- 9.22 It is considered that the proposed residential flats incorporate appropriate layout and access arrangements, external and internal amenity that would meet the needs of future residents and accordingly comply with the design requirements of Policy DM10.

Affordable Housing

- 9.23 The applicant in the submitted Design, Access and Planning Statement states that proposed single block flatted development with communal grounds and areas, would be owned and run by a management company and each flat would be subject to a service charge, which given the quality of communal areas proposed may be significant. In these circumstances it is not considered possible to include on-site affordable housing, and indications are that affordable housing providers would not be interested in managing a small number of individual flats in this situation. The applicant therefore proposes to make provision for affordable housing via a commuted sum.
- 9.24 Given the significant outstanding objections to other aspects of the development as set out elsewhere in this report it would not have been sensible to progress a S106 Agreement to cover the need for a commuted sum for 2.6 affordable housing units off site. In the absence of a signed S106 Agreement, however, it is appropriate to include this as an additional reason for refusal.

Landscaping

- 9.25 The applicant has submitted an Arboricultural Impact Assessment and Method Statement which confirms that 13 individual trees and 3 groups of trees would need to be removed to allow for the development but the applicant asserts in the Design, Access and Planning Statement that the site offers significant opportunities for additional hard and soft landscaping which can readily be secured via the imposition of planning conditions.
- 9.26 The Borough Tree Officer has particular concerns relating to the impact of the proposal upon two protected trees including the outstanding Turkey Oak which is of high amenity value and in total has 4 separate objections:
- (i) There is insufficient reassurance that it will be possible to construct this development without incursion into the root protection area (RPA). I note that the basement itself has sufficient clearance between the RPA and the retaining structure. However, the width of excavation to accommodate the communal areas, extends right to the edge of the RPA. There is a drop in level of at least 600mm, perhaps more to allow construction of the paving sub-base. There appears to be no detail in the methodology of this ground retaining system. It is assumed that the retained soil will either be battered back or over-excavated and shored up to enable construction of a retaining wall. This excavation will involve incursion into the RPA of Tree 4 (Turkey Oak) and T10 (Norway Maple) and could cause damage to roots.

It is noted that ground protection boards are proposed between the eastern limit of excavation and the protective fencing for the Turkey Oak. This constrained area will be very difficult to manage and again there will be a risk of damage to roots this time from compaction during construction activity. There is little reassurance from the method statement that tree roots will be protected from damage during service installation.

- (ii) A second objection concerns the encroachment of built form on the trees environs and how this is incongruous with the verdant setting of the back land. This back land still retains a certain landscape appeal associated with the former pleasure grounds of the grade II listed Grove House, which still survives two houses away. The mass of the building will visually crowd the trees and the character of the setting. The Turkey oak is a particularly fine specimen tree that requires a spacious setting for its full splendour to be admired.
- (iii) The third objection concerns the over bearing nature the boundary trees (most notably T4 the Turkey oak and T5 sycamore) will have on the development. The Arboricultural Method Statement produced by Arbtech does not include an arboricultural implications assessment that properly considers above ground constraints. These two trees being on a higher level and having attained a height of 22.5m will cast a significant shade on the building. When considering the tree shadow segment as advised under BS5837 2012 it is clear there will be

significant obstruction of sunlight. This will create an adverse quality of life for occupants that look directly into the crown and shadow of the trees. The Oak is such a large tree that a spatial separation of 18m + is preferable.

- (iv) The dominance of the trees (most notably T4 and T5) and the boundary level changes mean that a very large area of the rear garden will be under the heavy shade of the trees, with all the associated biological nuisance of leaf/twig/seed litter and bird droppings etc.

9.27 It is therefore concluded that the scheme as proposed would fail to ensure that there would not be route damage to protected trees on the site and the siting of the flats in such close proximity to large trees would be likely to have an adverse impact on the living conditions of prospective residents.

Biodiversity

9.28 The applicant has submitted a preliminary ecological assessment (including bats, badgers and common reptiles) for the site given the likelihood of European Protected Species being found. The survey report recommends that a bat emergence survey should be undertaken in the period mid- May to August inclusive. Until that survey is undertaken and in the absence of a detailed report specifying any mitigation measures the Local Planning Authority cannot be satisfied that there would not be an adverse impact on a European Protected Species arising from the development of this site. Consequently the proposal is contrary to Policy DM4 of the Development Management Policies (2015) and paragraphs 117 and 118 of the National Planning Policy Framework.

Sustainability

9.29 Policy CS6 requires development to reduce or have a neutral impact on pollution and climate change. It also requires proposals to demonstrate how sustainable design and construction can be incorporated to improve energy efficiency. Policy DM12 requires new developments to comply with Part G of Building Regulations for water efficiency. The applicant's Sustainability Statement confirms a willingness to provide sustainable construction and design to improve the energy efficiency of the development and this could be covered by planning condition.

Community Infrastructure Levy

9.30 The scheme is CIL liable.

10 Conclusion

10.1 For the reasons set out above in the report the application is recommended for refusal.

11 Recommendation

Planning permission is refused for the following reasons:

- (1) The proposal would result in the loss of a heritage asset which makes a positive contribution to character and distinctiveness of the Church Street Conservation Area. In the absence of substantial public benefits outweighing the loss of the existing building the proposal is contrary to Policy DM8 and Paragraphs 128-134 of the NPPF**
- (2) The proposed scheme due to its design scale and massing would significantly harm the character, appearance and setting of this part of The Church Street Conservation Area contrary to policy CS5 of the Epsom and Ewell Core Strategy (2007), and policies DM8, DM9 and DM10 of the Development Management Policies Document (2015), and paragraphs 129-138 of the National Planning Policy Framework 2012.**
- (3) By reason of its location, height, scale, massing, layout and design, the development would be unduly overbearing and cause an unacceptable loss of outlook and privacy to No.7 The Grove. The application therefore fails to comply with the requirements of Policy CS5 of the Epsom and Ewell Core Strategy (2007) and Policy DM10 of the Development Management Policies (2015).**
- (4) The proposed layout with rear communal garden area would introduce noise disturbance into an area which is currently quiet and secluded and as such would significantly affect the quiet enjoyment of the residential amenity to the detriment of the occupiers of No.7 The Grove. The application therefore fails to comply with the requirements of Policy CS5 of the Epsom and Ewell Core Strategy (2007) and Policies DM10 and DM16 of the Development Management Policies (2015).**
- (5) The close proximity of the proposed building to the protected Turkey Oak, Sycamore and Norway Maple trees will have an adverse impact on the living conditions of the occupants of the proposed flats due to excessive tree shade and nuisance and is therefore likely to result in future pressure to heavily prune trees to the detriment of the visual amenity of the locality. The development would also result in potential root damage to trees during the construction of the proposed dwellings. The application is therefore contrary to the requirements of Policies CS1 and CS5 of the Epsom and Ewell Core Strategy (2007) and Policies DM5, DM10 and DM12 of the Development Management Policies (2015).**
- (6) In the absence of a bat emergence survey covering the existing dwelling on site the Local Planning Authority cannot be satisfied that the development would not have an adverse impact on a European Protected Species. The proposal is therefore contrary to Policy DM4 of the Development Management Policies (2015) and paragraphs 117 and 118 of the National Planning Policy Framework.**
- (7) Without an appropriate agreement to secure a commuted sum in lieu of the on-site provision of 2.6 affordable housing units, the proposal is contrary to the provisions of Policy CS9, and CS12 of the Epsom and Ewell Core Strategy (2007)**

- (8) The proposed scheme would not provide 25 % of the overall units as three bedroom flat units, contrary to Policy DM22 of the Development Management Policies (2015)**