

DELEGATED REPORT

Application Number: 21/00041/FUL

Application Site: Fennies Nursery, The Old School House, 1A Hook Road, Epsom, Surrey, KT19 8TH



Proposal: Relocation of external bin store, erection of new timber fencing and new concrete slab to replace existing block paving at the entrance to the nursery school car park

Target Date: 10/03/2021

PLANNING POLICY

National Planning Policy Framework (NPPF) (February 2019)

Local Development Framework Core Strategy (July 2007)

Policy CS5 – The Built Environment

Development Management Policies Document (September 2015)

Policy DM5 – Trees and Landscape

Policy DM8 – Heritage Assets

Policy DM9 – Townscape Character and Local Distinctiveness

Policy DM10 – Design Requirements for New Developments (including House Extensions)

Adelphi Road Conservation Area Character Appraisal & Management Proposals (March 2010)

PREVIOUS RELEVANT HISTORY

20/01862/FUL	Replacement and alteration of existing window on south west elevation with new access door to improve emergency escape	Application Permitted 11/02/2021
20/01850/LBA	Replacement and alteration of existing window on south west elevation with new access door to improve emergency escape	Listed Building Consent Granted 11/02/2021

CONSULTATIONS

8 neighbouring properties have been consulted and no representations have been received to date.

A planning site notice was displayed on 01/02/2021.

Statutory, Non-Statutory and Internal Consultations

Epsom & Ewell Borough Council Design & Conservation Officer: Objection. There is no justification for the proposed changes and it is hard to see any public benefits. If the

relocation of the bin store is to provide additional parking spaces it cannot be justified in a location with such good public transport links. A timber building so close to the boundary and which is taller than the railing will be excessively dominant on the footway. The application would cause less than substantial harm with no public benefits, contrary to Paragraph 196 of the NPPF (2019).

Epsom & Ewell Borough Council Arboricultural Officer: Objection. The Lime tree will be damaged from changes to the hardstanding within the RPA and there will be future threat to the viability of the tree from this hardstanding enclosure. It is inappropriate to enclose this tree into a bin compound as it will be damaging to landscape amenity. The tree should be retained in a health promoting landscape space that is compatible within its nutritional and growth requirements.

SITE AND SURROUNDINGS

1. The site comprises a part two, part three storey building located on the west side of Hook Road, adjacent to the junction with East Street.
2. The surrounding area is mixed in character and appearance.
3. The site contains a Grade II Listed Building and is located within the Adelphi Road Conservation Area.
4. Historic England List Entry Number 1232223. The list description includes the following details:

“2. C1837-40. (Appears on 1843 Tithe map, and on 1847 Report on Epsom Water and Sewerage is described as about ten years old). An early National School Society School. Yellow brick. Ashlar dressings. Pitched slate roof. Coped gable ends on kneelers. One storey. L-shaped plan. South wing has triple lancet with glazing bars with plain chamfered surrounds. East wing has single lancet with oblong flanking lights, surmounted by coped gable on kneelers. One storey extension to east with hipped roof and oblong window. Buttress and porch on west side”.

PROPOSAL

5. The application proposes relocation of the external bin store, erection of new timber fencing and new concrete slab to replace existing block paving at the entrance to the nursery school car park.

ASSESSMENT

6. The main issues for consideration in relation to this application are as follows:

Impact upon Character and Appearance and the Adelphi Road Conservation Area

7. The National Planning Policy Framework (NPPF) (2019) attaches great importance to the design of the built environment. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

8. Paragraph 3.7.5 of the Council's LDF Core Strategy (2007) sets out that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 states that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.
9. Policy DM8 (Heritage Assets) of the Council's LDF Development Management Policies Document (2015) states [inter alia] that development proposals that involve, or have an effect upon Heritage Assets must establish the individual significance of the Asset as part of the application or consent process. As part of the assessment process the significance of the Asset will be taken into account when determining whether the impact of any proposed development is acceptable.
10. Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the Council's LDF Development Management Policies Document (2015) states that development proposals will be required to incorporate good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced include, but are not limited, to the following:
 - Prevailing development typology, including house type, sizes, and occupancy;
 - Prevailing density of the surrounding area;
 - Scale, layout, height, form, massing;
 - Plot width and format which includes spaces between buildings;
 - Building line build up, set back, and front boundary; and
 - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc.
11. The existing site boundary comprises a low level wall with metal railings above. The surrounding area comprises of low boundary fencing, some with shrubbery and other vegetation behind. There are examples of high close boarded boundary fencing in the immediate vicinity, however these are an exception, and these highlight the harm to the surrounding streetscene.
12. The proposed external bin store and new timber fencing would have a height of approximately 2.325 metres and would be located directly behind the existing permeable metal railings. It is considered that this height is excessive and would be a discordant and dominant feature, highly visible within the Adelphi Road Conservation Area.
13. Paragraph 196 of the NPPF (2019) states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
14. It is not considered that the public benefits would outweigh the harm identified above. The applicant does not appear to make any specific reference to the public benefits associated with the proposal.

15. As such, it is considered, that the proposed external bin store and timber fencing, by reason of its design, height and siting, would be a discordant and dominant feature that would be harmful to the visual amenities of the surrounding Adelphi Road Conservation Area, in conflict with the NPPF (2019), Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM8 (Heritage Assets), DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015). The public benefits do not outweigh the less than substantial harm, in conflict with Paragraph 196 of the NPPF (2019).

Impact upon Trees and Landscaping

16. Policy DM5 (Trees and Landscape) of the Council's LDF Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by [inter alia]:

- continuing to maintain trees in streets and public open spaces and selectively removing, where absolutely necessary, and replacing and replanting trees;
- requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature trees and other planting.

17. The proposed external bin store would be located around the Common Lime tree; a Category B tree. The proposed store would not have a roof. This tree is considered to make an important contribution to the visual quality of the landscape and character of the immediate area.

18. It is considered that the design rationale for this proposal has been on the sites utility rather than the trees requirements. It is imperative that key landscape features, such as mature trees, are retained and not unduly harmed. The Council's Arboricultural Officer has objected to the proposal, on the following grounds:

"1) Tree damage from changes to hard surfacing within the root protection area - the new concrete hard surfacing within the trees root protection zone will cause an adverse impact on the health of the tree, reducing both the amount of moisture available to the tree and the gaseous exchange required for vital function.

2) Future threat to the viability of the tree from the hard surface enclosure - I foresee that the roots will eventually cause damage to the concrete surround as this is within the 2.5m radius advised in the British Standard as necessary clearance to avoid direct root growth to a concrete hard surface. Further enclosure of the tree in hard surfacing up to its stem will also become prone to root eruption damage. This proposal is unsustainable because it does not factor in the potential growth of the tree. The Lime is only young and has significant capacity for growth. What is eventually envisaged under this design is a cracked and heaved up concrete floor by incremental root growth which will prevent the movement of the bins. This future damage would then result in pressure to fell the tree".

19. As such, it is considered that the proposal would conflict with Policy DM5 of the LDF Development Management Policies Document (2015).

RECOMMENDATION:

Refuse for the following reason(s):

1. The proposed external bin store and timber fencing, by reason of its design, height and siting, would be a discordant and dominant feature that would be harmful to the visual amenities of the surrounding Adelphi Road Conservation Area, in conflict with the NPPF (2019), Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM8 (Heritage Assets), DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015). The public benefits do not outweigh the less than substantial harm, in conflict with Paragraph 196 of the NPPF (2019).
2. The proposed external bin store and associated hard landscaping, by reason of its siting surrounding the Common Lime tree, has not respected the trees requirement for growth and would compromise the rooting environment. This would be harmful to the future health and vigour of this mature tree, which makes an important contribution to the visual quality of the landscape and character of the immediate area and could lead to demand to remove the tree at a future date, in conflict with Policy DM5 (Trees and Landscape) of the LDF Development Management Policies Document (2015).

INFORMATIVES:

1. In dealing with the application, the Council has implemented the requirement of the National Planning Policy Framework (NPPF) to work with the applicant in a positive and proactive way. We have assessed the proposal against all material considerations, including planning policies and any representations that may have been received and whilst planning permission has been refused regard has been had to the presumption to approve sustainable development where possible, as set out within the NPPF.
2. The following submitted drawings and documentation were considered as part of the assessment of this application:

(01)000 P1 Location Plan (Received 13/01/2021)
(01)002 P1 Proposed Site Plan (Received 13/01/2021)
(01)003 P2 Existing and Proposed Entrance Area Plans (Received 13/01/2021)
(24)002 P2 Proposed Elevations (Bin Store) (Received 13/01/2021)
Tree Protection Plan (Received 13/01/2021)
Design & Access Statement (Received 13/01/2021)

Signature of Case Officer:	EC
Date:	08/03/2021

